

LICENSING SUB-COMMITTEE

19 OCTOBER 2022

PRESENT

Councillor S. Thomas (in the Chair).
Councillors B. Brotherton and D. Butt

In attendance

C. Myers	Solicitor,
C. Whittle	Regulatory Services Mgr (Trading Standards & Licensing),
P. Belfield	Environmental Health Officer,
N. Owen	Governance Officer.

15. APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE UNDER S34 LICENSING ACT 2003 AT BEYOND THE TREES, ASHBURTON HOUSE, TRAFFORD PARK ROAD, TRAFFORD PARK, MANCHESTER M17 1BN

The Head of Regulatory Services submitted a report informing Members of an application for the grant of a new premises licence for Beyond the Trees, Ashburton House, Trafford Park Road, Trafford Park, M17 1BN which had attracted representations from local residents. All parties present at the hearing were invited to address the Sub-Committee.

Representations were made in support of the application by Mr. Oliver and Ms Wood and against the application by local residents Ms Kurinna, Ms Melkman and Mr. Dixon.

RESOLVED –

- 1) That the application by Kuit Steinart Levy LLP, on behalf of GVE Ltd in respect of Beyond the Trees for the grant of a new premises licence for Beyond the Trees, Ashburton House, Trafford Park Road, Trafford Park be granted subject to compliance with the conditions outlined in the decision notice.
- 2) That the issue of the Licence be delegated to the Head of Regulatory Services.

LICENSING SUB-COMMITTEE DECISION NOTICE

Sub Committee Members: Councillor S. Thomas (Chairperson)
Councillor B. Brotherton
Councillor D. Butt

Applicant: Kuit Steinart Levy LLP on behalf of GVE Ltd

Type of Licence: Grant of a new Premises Licence: Beyond the Trees, Ashburton House, Trafford Park Road, Trafford Park, M17 1BN

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Representors: Local Residents
Miss K. Barnes
Ms F Leteney
Ms A Dickhoff
Mr R. Collins
Mrs. D Collins
Mr J. McName
Ms S Kurinna
Mr. I Nicklin
Mr. C Dixon
Ms M Melkman
Mr. P Wilkinson

Parties Present: On behalf of Applicant – in attendance
Mr. S Oliver, Applicant
Ms T Wood

Representors – in attendance
Ms F Leteney
Mr. C Dixon
Ms M Melkman
Ms S Kurinna

Officers
Caroline Myers – Solicitor
Natalie Owen – Governance Officer
Clare Whittle - Regulatory Services Manager (Trading
Standards and Licensing)
Mr. P Belfield – Environmental Health Officer

Date of Hearing: 19 October 2022
Time Commence: 6.30 p.m.
Time Terminated: 7.50 p.m.

LICENSING SUB-COMMITTEE DECISION

The Sub-Committee decided that the representations received from Environmental Health and local residents were valid representations as they related to public nuisance.

The Sub-Committee noted that the representations from local residents Mrs. D Collins, Mr. I Nicklin and Mr. P Wilkinson and Mr. P Belfield, Environmental Health Officer had been withdrawn prior to the meeting.

To grant a full variation of the premises licence as follows:-

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Plays (Indoors & Outdoors)

First floor internal space only

Sunday – Thursday 10:00 – 04:00

Friday – Saturday 10:00 – 06:00

External event space

Monday – Sunday 11:00 – 22:30

Films (Indoors & Outdoors)

First floor internal space only

Sunday – Thursday 10:00 – 04:00

Friday – Saturday 10:00 – 06:00

External event space

Monday – Sunday 11:00 – 22:30

Live Music (Indoors & Outdoors)

First floor internal space only

Sunday – Thursday 10:00 – 04:00

Friday – Saturday 10:00 – 06:00

External event space

Monday – Sunday 11:00 – 22:30

Recorded Music (Indoors & Outdoors)

First floor internal space only

Sunday – Thursday 10:00 – 04:00

Friday – Saturday 10:00 – 06:00

External event space

Monday – Sunday 11:00 – 22:30

Dance (Indoors & Outdoors)

First floor internal space only

Sunday – Thursday 10:00 – 04:00

Friday – Saturday 10:00 – 06:00

External event space

Monday – Sunday 11:00 – 22:30

Like Music/Dance (Indoors & Outdoors)

First floor internal space only

Sunday – Thursday 10:00 – 04:00

Friday – Saturday 10:00 – 06:00

External event space

Monday – Sunday 11:00 – 22:30

Alcohol (On & Off Sales)

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First floor internal space only
Sunday – Thursday 10:00 – 04:00
Friday – Saturday 10:00 – 06:00

External event space
Monday – Sunday 11:00 – 22:30

Opening Hours
Sunday – Thursday 10:00 – 04:30
Friday – Saturday 10:00 – 06:30

External event space
Monday – Sunday 11:00 – 23:00

CONDITIONS

Any mandatory conditions which must be included under the Licensing Act 2003

A. General

Use of the external event space

1. On the occasion that the external event space of the licensed premises is being used to host an event, it shall open no earlier than 11:00hrs and close no later than 23:00hrs Monday to Sunday.
2. All licensable activities (the sale of alcohol and regulated activities) taking place in the external event space may start at 11:00hrs and shall terminate 30 minutes before its close, Monday to Sunday.
3. On New Year's Eve, the external event space may also operate licensable activities (the sale of alcohol and regulated activities) from the end of its standard permitted hours until 01:00hrs on the morning of New Year's Day, plus thirty minutes for dispersal.

B. The Prevention of Crime and Disorder

4. Staff will be trained in the requirements of the Licensing Act 2003 with regard to the Licensing Objectives, and the laws relating to underage sales and the sale of alcohol to intoxicated persons, and that training shall be documented and repeated at 6 monthly intervals.
5. A refusals book will be maintained at the premises, and made available to an officer of a responsible authority upon request.
6. The premises shall operate a zero-tolerance policy to drug use and posters shall be prominently displayed to this effect. All staff shall be trained in the implementation of the venue's drugs policy.

CCTV

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7. A CCTV system shall be maintained and operated at the premises with cameras positioned both internally and externally.
8. Recorded CCTV images will be maintained and securely retained for a period of twenty-eight days and shall be produced to the Police or Licensing Authority upon request.
9. CCTV will be in operation at any time the premises is open for licensable activities.
10. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard PC or DVD player.
11. Any person left in charge of the premises during operating hours must be trained in the use of any such CCTV equipment, and be able to produce and provide CCTV images to police or authorised local authority officers as soon as is reasonably practicable in accordance with the Data Protection Act 1998 (or any replacement legislation).

Door supervision

12. Door supervisors shall be employed by the premises based upon a risk assessment to be carried out on an even by event basis, and in relation to the following factors:
 - 12.1. Expected attendance (number and audience type)
 - 12.2. Type of event taking place
 - 12.3. The hours during which the event will take place
 - 12.4. Time of year
 - 12.5. Special occasion (New Year, Halloween, Local events etc.)
 - 12.6. Premises Licence Conditions
13. At least 1 female door supervisor(s) shall be on duty at the premises at such times as door supervisors are required to be provided.
14. Door supervisors must be provided with radios to enable them to contact each other and the duty manager at the premises.
15. Where SIA registered door supervisors are used at the premises, a record must be kept of:
 - 15.1. The number of door staff on duty
 - 15.2. The identity of the door staff on duty (their name and SIA registration number); and
 - 15.3. The dates and times when they are on duty.
16. The Designated Premises Supervisor or on-duty manager must ensure that all door supervisors on duty at the premises are correctly displaying their current SIA

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accreditation and are briefed on their responsibilities and relevant company operating procedures before they commence duty.

C. Public Safety

Admissions management

17. Where queues are likely to form, staff and / or SIA registered door supervisors (when employed) will monitor these to ensure that they are orderly, and that customers queuing do not cause a nuisance.

18. Where an event is ticketed, a last entry time to the event space in use will be implemented, save for persons who temporarily leave the event space for the purposes of smoking. Re-entry to the premises for any other reason is permitted at the discretion of staff members / door supervisors.

19. The premises licence holder shall ensure a suitable method of identifying those persons who are permitted to attend the event spaces within the premises.

20. The premises licence holder shall ensure a suitable method of calculating the number of people present in an events spaces within the premises during an event.

General

21. A first aid box will be available at the premises at all times.

22. The premises licence holder shall ensure that at all times when an event is taking place within the premises, there is at least one competent person able to administer first aid, that an adequate and appropriate supply of first aid equipment and materials is available on the premises, and that adequate records are maintained in relation to the supply of any first aid treatment.

23. Regular safety checks shall be carried out by staff.

24. A personal licence holder must be present at the premises to supervise all sales of alcohol during events.

25. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Trafford Council.

26. Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.

27. An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details:

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- 27.1. All alleged crimes reported to the venue or by the venue to the police
- 27.2. All ejections of patrons
- 27.3. Any complaints received
- 27.4. Any incidents of disorder
- 27.5. Seizures of drugs, offensive weapons, fraudulent ID or other items
- 27.6. Any refusal of the sale of alcohol
- 27.7. Any visit by a responsible authority or emergency service
- 27.8. The times on duty, names and the licence numbers of all licensed door supervisors employed by the premises.

28. The premises shall maintain public liability insurance.

29. Each event will be subject to a risk assessment by the premises licence holder which will be available for inspection upon request by a police officer or an authorised officer of Trafford Council.

30. Where indicated in accordance with the outcome of the event risk assessment, a sufficient number of persons must be employed and on duty at the premises during the event who are specifically tasked to maintain the safety of customers who may be vulnerable, ill or in distress as a result of alcohol and/or drug-related intoxication. Such persons must be trained on drunkenness, vulnerability, and drugs awareness in the night-time economy; and responding to these matters.

31. The premises will have in place an emergency and evacuation plan for the premises. The staff on duty shall be trained in these procedures and will be aware of their individual responsibilities. This includes any door supervisors. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than six monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Trafford Council.

Private events

32. The premises licence holder will provide the licensing authority and the police with a minimum of 72 hours' notice of a private booking that intends to operate past 02:00hrs. The notice will also include the terminal hour of the event.

Promoted events (i.e. not private events)

33. The premises licence holder must submit to the licensing authority a completed risk assessment form as prescribed at least 14 days before any event that is:

- 33.1. Promoted / advertised to the public at any time before the event; and
- 33.2. Features DJ's, MC's or equivalent performing to a record backing track; and
- 33.3. Runs anytime between the hours of 01:00am and 06:00am.

34. Where events are ticketed, details of the admissions policy will be published on the premises website.

35. No promotional social media communication may be carried on by the premises licence holder for the purpose of encouraging the sale or supply of alcohol at the premises, which can reasonably be considered to condone, encourage or glamorise antisocial behaviour, or to refer to the effects of drunkenness in any favourable manner.

D. The Prevention of Public Nuisance

General noise and nuisance

36. All external windows and internal doors must be kept shut at all times when regulated entertainment is being provided. Doors may be opened for normal entrance and egress of people but must be shut immediately thereafter.

37. Noise from amplified music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises.

38. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

39. The exterior of the premises shall be cleared of litter at regular intervals.

40. The emptying of bins into skips and refuse collections will not take place between 11pm and 7am.

The external events space, smoking and dispersal

41. A Dispersal Policy will be implemented and adhered to in relation to the operation of the premises and will be amended as necessary on an event-by-event basis.

42. A Management of the External Area and Smoking Policy will be implemented and adhered to in relation to the operation of the premises.

43. There shall be a delineated designated smoking area/areas available whilst the premises is being used.

44. Patrons permitted to temporarily leave and then re-enter the premises to smoke will be restricted to a delineated designated smoking area.

45. Patrons will not be permitted to remove from the premises any alcoholic drinks supplied by the premises except for consumption in any delineated external smoking area.

LICENSING SUB-COMMITTEE'S REASONS FOR REACHING ITS DECISION

The Sub-Committee considered the Licensing Act 2003 and regulations, the Guidance and the Council's Licensing Policy and the application, together with the information provided by all parties at the hearing.

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The Sub-Committee heard from the Regulatory Services Manager who presented her report. The Sub-Committee heard from the Environmental Health Officer who advised that he had withdrawn his representation following discussions with the applicant. He is satisfied, following the submission of a noise management plan from the applicant, and the agreed change to the opening of the outside areas, that the issue of noise can be properly managed.

The Sub-Committee was satisfied that the statutory requirements regarding notices, advertisements and time limits had been complied with.

The Sub-Committee heard from the applicant regarding his plans for the premises and events with a focus on food and beer festivals, rather than music events as had been held previously. The applicant has been working with the Responsible Authorities and has provided a noise management plan. He explained that he is keen to work with the local residents and had taken their complaints seriously. He had recently held a meeting for residents and those who had attended had subsequently withdrawn their representations.

The Sub-Committee heard from local residents. Ms Kurinna, Ms Melkman and Mr Dixon spoke and explained that whilst they appreciated that the applicant had tried to alleviate the issues, and that there had been changes since problematic events held in May, there has continued to be noise from the premises as recently as the afternoon of 17th September. The residents explained that it's not decibel level but the bass that causes nuisance and annoyance to them, and residents felt that they could not open their windows. The residents wanted peace and quiet at weekends and don't want constant music from 11 am to 11pm. The residents advised that the noise is not absorbed by the buildings and is more apparent at the height of the flats than at ground level. Their objection was to any music outdoors.

The Sub-Committee heard a letter from Ms K Barnes who was not able to attend the meeting.

The Sub-Committee considered the submissions from all parties present and granted the premises licence under the agreed amended operating schedule and hours.

The Sub-Committee noted that the noise management plan's stated aim of 75 decibels and that this should be monitored and adhered to by the premises. The Sub-Committee also found that it was appropriate that the venue are reaching out to local residents and encouraged that ongoing co-operation. However, the residents have recourse to Environmental Health should they have concerns about noise management.

The Sub-Committee acknowledged that a contact number had been made available to residents and that this should be available during all outdoor events.

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Finally, the Sub-Committee noted that the venue were moving away from previous style of events, and advised that the residents do have the right to request a review of the licence if necessary.

The meeting commenced at 6.36 pm and finished at 7.50 pm