

LICENSING SUB-COMMITTEE

9 AUGUST 2023

PRESENT

Councillor J. Holden (in the Chair).
Councillors G. Carter and A. New

In attendance

J Parry – Locum Litigation Lawyer
J Boyle – Licensing Team Leader
U Crotty – Licensing Officer
S Hilton – Licensing Officer
N Owen – Governance Officer

2. APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE UNDER S17 LICENSING ACT 2003 AT HALE TAVERN, 112-114 ASHLEY ROAD, HALE, ALTRINCHAM WA14 2UN

The Head of Regulatory Services submitted a report informing Members of an application for the grant of a new premises licence for Hale Tavern, 112-114 Ashley Road, Hale, Altrincham, WA14 2UN 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. Dodd, Ms Waterworth and Mr. Szartenberg and against the application by Mr. Lambert, Environmental Health and local residents Mr. Simpson, Mr. Luton and Ms Lewis.

RESOLVED –

- 1) That the application by Hale Tavern Ltd for the grant of a new premises licence for Hale Tavern, 112-114 Ashley Road, Hale 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 J. Holden (Chairperson)
Councillor G Carter
Councillor A New

Applicant: Hale Tavern Ltd

Type of Licence: Grant of a new Premises Licence: Hale Tavern, 112-114 Ashley Road, Hale, WA14 2UN

Representors: Environmental Health

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Jonathan Lambert

Local Residents

Sian Rogers
Henry Law
Wendy Law
Laurence Bass
John Hardman
Hayley Aston
Charlotte Butterworth
Margaret and Paul Luton
Thomas Lavin
Valerie Martin
Malcolm Gruber
David Boulton
Amy Boulton
Colin Thomasson
John Bonnsain
Gabrielle and Chris Quirke
Beryl Jones
Ali Mahdmina
P E West
Gill Owen
Stephen Hamer
Lizzie Kenney
Graeme Simpson
S Hughes
David Starbuck
Paula Hopkins
Andrew Littlemore
Simon Gayfer
Holly Bates
Jane Dunning
Karen Heffernan
Simon Dean
Rosemary Howell
Margaret Adams
Gill Galloway
John Hamilton

Parties Present: On behalf of Applicant – in attendance

John Dodd - Applicant
Nichola Waterworth – Agent
Nigel Szartenberg – Director

Representors – in attendance

Jonathan Lambert – Environmental Health

Local Residents

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Andrew Littlemore
Thomas Lavin
Valerie Martin and her representative Paulina Lewis
Gill Owen
Graeme Simpson
Ali Mahdmina
Paul Luton and Margaret Luton

Officers

James Parry – Locum Litigation Lawyer
Joanne Boyle – Licensing Team Leader
Ursula Crotty – Licensing Officer
Stacey Hilton – Licensing Officer
Natalie Owen – Governance Officer

Date of Hearing: 09 August 2023
Time Commence: 7:00 p.m.
Time Terminated: 8:15 p.m.

LICENSING SUB-COMMITTEE DECISION

The Sub-Committee decided that the representations received from local residents and Environmental Health were valid representations as they related to public nuisance, public safety, the prevention of crime and disorder and the protection of children from harm.

To grant a new premises licence as follows:-

Live Music - Indoors

Sunday - Thursday	10:00 – 23:59
Friday and Saturday	10:00 – 01:00
New Years Eve	10:00 – 01:00

Recorded Music - Indoors

Sunday - Thursday	10:00 – 23:59
Friday and Saturday	10:00 – 01:00
New Years Eve	10:00 – 01:00

Late Night Refreshment - Indoors

Sunday – Thursday	23:00 – 23:59
Friday and Saturday	23:00 – 01:00
New Years Eve	23:00 – 01:00

Alcohol - On

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Sunday – Thursday	10:00 – 23:59
Friday and Saturday	10:00 – 01:00
New Years Eve	10:00 – 01:00

Opening Hours

Sunday - Thursday	10:00 – 23:59
Friday and Saturday	10:00 – 01:00
New Years Eve	10:00 – 01:00

CONDITIONS

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

1. All staff to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instance when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. The documentation shall be available for inspection on request by an authorised officer of the Licensing Authority or a constable.
2. An approved proof of age scheme shall be adopted, implemented, and advertised within the premise such as “Challenge 25” whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.
3. Publicity materials notifying customers of the operation of the Challenge 25 scheme shall be displayed at the premises, including a Challenge 25 sign of at least A5 size at the entrance to the premises and where practicable at each point of sale.
4. The premises licence holder shall require the DPS, or in his/her absence other responsible person, to keep an 'incident/refusals' logbook in a bound book in which full details of all incidents are recorded. This shall include details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and outcome of the situation. This shall be completed as soon as possible and, in any case, no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The logbook is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable when required.
5. The premises license holder, or the person appointed by the premises licence holder to oversee the premises when licensable activities are taking

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place, shall provide or have the unhampered use of a telephone on the licensed premises for use in an emergency. In premises that do not have the benefit of a permanent phone installation then a mobile phone must be available

6. The premises licence holder shall ensure that any bottles or glasses are removed from persons leaving the premises.

7. The premises licence holder shall ensure that all drinking glasses used within the premises are of toughened or safety glass to the appropriate safety standard, in that they shall not produce sharp shards when broken.

8. The licence holder shall determine the occupant capacity of the premises based on documented risk assessment. The risk assessment must consider all relevant factors including space, means of access and egress, toilet provision, load bearing capacity of floors, ventilation, etc. and must be reviewed regularly, and if circumstances change.

9. Where necessary separate occupancy levels must be set for different parts of the premises.

10. The premises licence holder shall ensure that they consult the Health and Safety Department of Trafford Borough Council and any other relevant authority (for example the Fire Rescue Service regarding emergency evacuation limitations) as to the occupancy figure. Confirmation of the consultation and any outcomes shall form an integral part of the risk assessment on which the capacity figure is based.

11. The capacity figure proposed by the premises licence holder shall be notified to the Licensing Authority in writing prior to the commencement of the licence.

12. Measures must be put in place to ensure that the capacity is not exceeded at any time.

13. All documentation pertaining to the proposed figure must be kept on the premises and must be available immediately on request to any authorised officer of the Licensing Authority or a constable.

14. CCTV is a key tool in the management and control of premises, not only providing the Police with evidence of crime but also for the premises licence holder as it can provide an overview of the whole premises and assist in management decision.

15. CCTV shall be in use at the premises.

16. Where a CCTV system is to be installed, extended, or replaced, it shall be to an appropriate standard as agreed with the Licensing Authority in consultation with the Police. Where a CCTV system is to be installed it shall

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be fully operational before the licence is used to authorise licensable activities.

17. The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards.

18. The premises licence holder shall ensure images from the CCTV are 6 retained for a period of 31 days. This image retention period may be reviewed as appropriate by the Licensing Authority

19. The correct time and date will be generated onto both the recording and the real time image screen.

20. If the CCTV equipment (including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the designated premises supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified.

21. The premises license holder shall provide training for all staff to ensure that they are familiar with all means of ingress and egress and the appropriate procedures in case of any emergencies that require an immediate evacuation of the premises.

22. A record of the training shall be maintained and shall be available upon request by officers of the Trafford Borough Council.

23. All staff are to be trained with respect to underage sales, such training to be updated as necessary when legislation changes and should include training in how to refuse sales to difficult customers.

24. A record of all staff training shall be maintained at the premises and made immediately available upon request to an authorised officer of the Licensing Authority or the Police. The documentation relating to training should extend back to a period of three years and should specify the time, date, and details of the persons both providing the training and receiving the training.

25. A proactive approach to the control and management of the use of illegal substances will assist to prevent criminal activity.

26. Where there is reasonable suspicion that drugs, defined as Class A, B or C controlled substances under the Misuse of Drugs Act, or weapons are being carried, the premises licence holder shall ensure that the outer

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clothing, pockets, and bags of those entering the premises are searched by personnel. In any event where controlled substances or weapons are found, the premises licence holder shall ensure that the designated premises supervisor or nominated person shall immediately inform the Police.

27. The premises licence holder shall put up a clearly visible notice advising those attending that the Police will be informed if anyone is found in possession of controlled substances or weapons.

28. The premises licence holder shall ensure participation in any Pub Watch or similar scheme operating in the locality of the licensed premises.

29. All safety signs warning customers about the risks to their health and safety are to comply with British Standards: Safety Signs and signals.

30. Fire extinguishers will be in situ, regularly inspected & maintained

31. Exit doors will be regularly checked to ensure they function satisfactorily

32. Fire safety signs are adequately illuminated

33. Smoke & heat detectors & electronic fire sounder are located on premises and maintained regularly

34. Adequate and appropriate First Aid equipment and materials will be available on the premises.

35. At least one suitable trained First Aider will be on duty when the public are present. First Aiders will be trained to deal with drug and alcohol related problems.

36. A full CCTV system will be maintained & operated at the premises with images maintained & stored for 28 days

37. Noise nuisance arising from the operation of premises is a common factor in complaints from local residents. The following conditions are therefore aimed at controlling the incidents of noise breakout which undermines the prevention of nuisance objective. A NMP (Noise Management Plan) has been separately submitted in support of this objective.

38. Music shall not be played at a level that will cause unreasonable disturbance to the occupants of any properties in the vicinity.

39. Except for access and egress all doors and windows shall be kept closed after 22.00 hours.

40. No speakers for amplification of music shall be placed on the outside of the premises or on the outside of any building forming a part of the premises.

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41. A noise limiting device shall be used in relation to all sound amplification equipment used in conjunction with the Premises Licence. The noise limiting device shall be properly secured so that it cannot be tampered with.

42. The manager, licence holder or other competent person shall carry out observations in the vicinity of the properties at Ashley Road, Hale (at the curtilage of nearest Noise Sensitive Dwellings) whilst the Premises Licence is being exercised in order to establish whether there is a noise breakout from the premises. If the observation reveals noise breakout at a level likely to cause disturbance to the occupants of properties in the vicinity, then the volume of music shall be reduced to a level that does not cause nuisance.

43. Clear notices displayed at all points where customers leave the building must instruct them to respect the needs of local residents and leave the premises and the area quietly

44. Outdoor lighting shall be positioned, so far as is reasonably practicable, so as to limit its intrusion into residential accommodation in the vicinity of the licensed premises whilst maintaining an adequate level of lighting for the safe access and egress of customers and persons employed at the premises.

45. No refuse of any sort will be put out between 22:00 and 07:00hrs nightly.

46. The protection of children from harm is a most important issue. It is hoped that family friendly premises will thrive, but the risk of harm to children remains paramount. The general relaxation in the Licensing Act giving accompanied children greater access to licensed premises is a positive step, aimed at bringing about a social change in family friendly leisure.

Clearly this relaxation places additional responsibilities upon licence holders. However, it is also recognised that parents and others accompanying children also have responsibilities. It will be ensured that the Protection of Children from harm is undertaken in the following ways:

47. The premises operates a proof of age policy.

48. No unaccompanied child under 16 to be permitted onto the premises

49. Children will NOT be permitted at the bar area

50. Signage will be displayed highlighting the law in relationship to children & alcohol

51. Staff will be provided with regular training on the law relating to unaccompanied children on licensed premises and underage sales, and how to verify a customer's age. This should include what are acceptable forms of ID and how to spot fake ID.

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51. Only accepted suitable forms of ID as proof of age, i.e., photographic driving licence, a passport or a proof of age card, such as the PASS card from the national Proof of Age Standards Scheme bearing the PASS hologram will be accepted.

Conditions agreed with Greater Manchester Police

52. The premises licence holder/ DPS shall carry out a risk assessment in respect of the provision of door supervisors. When that risk assessment deems it necessary, an appropriate number of SIA registered door staff shall be employed at the premises. Door supervisors, when employed, shall wear high visibility armbands.

53. CCTV to be installed and maintained in working order covering licensed area, CCTV images to be retained for 28 days and produced to Authorised Officers of Trafford Council and Police upon request. An employee will be trained in relation to use of CCTV equipment on site whenever licensable activities are taking place.

54. Challenge 25 policy will be in place and staff will be supported in checking ID's and refusal where necessary.

Additional condition

55. Use of external areas shall not be permitted beyond 21:00 hours.

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.

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

The Sub-Committee considered the submissions from all parties present and granted the premises licence under the agreed operating schedule and hours and conditions imposed by Greater Manchester Police.

The Sub-Committee recalled that it was not open to them to refuse a licence based on the number of other licensed premises in the locality and discounted arguments as to the sufficiency of other licensed premises in the area. Additionally, the Sub-Committee recalled that it was not sitting as a planning committee and had no jurisdiction to entertain matters relating to planning matters, which were the preserve of others.

The Sub-Committee also reminded itself that it could not assess this application on the basis of alleged failings of other licensed premises in the area. Where there were areas of concern, the appropriate mechanism for bringing such failings

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before the licensing authority was through an application for review of the premises licence.

The Sub-Committee considered that the valid objections to the grant of the licence were concerned with noise generated within and without the premises and the risk of nuisance being caused to nearby residential properties, the risk of crime and disorder as a result of anti-social behaviour and littering from persons leaving the premises.

The Sub-Committee determined that the objections required them to consider the licensing objectives to promote public safety and to prevent public nuisance.

In so far as the objections as to noise were concerned, the Sub-Committee noted that the Applicant has put in place a comprehensive noise abatement policy and indicated during the meeting that it was not in its interests to operate in such a manner as to cause or create a noise nuisance. The Sub-Committee noted that although the premises had previously been operated under a premises licence, noise abatement notices had been served upon the premises. The Sub-Committee was of the opinion that the risk of noise nuisance could be further abated by imposing a condition that required all outside areas to be closed at 21:00 each day and resolved to impose such a condition.

In so far as the issue of anti-social behaviour was concerned, the Sub-Committee noted that no objections had been received from Greater Manchester Police and that there had been no applications for the review of any other premises licence within the area, which did not suggest that the premises were situated within an area prone to crime and disorder. In so far as the potential for littering was concerned, the Sub-Committee noted that the Applicant did not intend to make any off sales of food or alcohol which were capable of generating litter of the type complained of.

For all those reasons, the Sub-Committee resolved to grant a premises licence subject to the conditions set out within this notice.

The meeting commenced at 7.05 pm and finished at 8.15 pm