

LICENSING SUB-COMMITTEE

14 AUGUST 2023

PRESENT

Councillor D. Jarman (in the Chair).
Councillors J. Holden and J. Lloyd

In attendance

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

3. APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE UNDER S17 LICENSING ACT 2003 AT: 106 AND 108 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 106 and 108 Ashley Road, Hale, Altrincham, WA14 2UN which had attracted representations from local residents and Environmental Health, Trafford Council. All parties present at the hearing were invited to address the Sub-Committee.

Representations were made in support of the application by Mr. Keshavarzi and against the application by local residents Mr. Simpson, Mr. Luton and Ms Lewis.

RESOLVED –

- 1) That the application by La Bandera Hale Ltd for the grant of a new premises licence for 106 and 108 Ashley Road, Hale, WA14 2UN 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 D. Jarman (Chairperson)
Councillor J. Holden
Councillor J. Lloyd

Applicant: La Bandera Hale Ltd

Type of Licence: Grant of a new Premises Licence: La Bandera Hale, 106 and 108 Ashley Road, Hale, WA14 2UN

Representors: Environmental Health

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Nasreen Ali

Local Residents

Jed Bonnsain

R C Norman

Jonathan

Sian Rogers

John Bonnsain

Henry Law

Wendy Law

Laurence Bass

John Hardman

Hayley Aston

Charlotte Butterworth

Margaret and Paul Luton

Thomas Lavin

Ali Mahdmina

Valerie Martin

Allan Williams

Malcolm Gruber

David Boulton

Amy Boulton

Colin Thomasson

Gabrielle and Chris Quirke

Beryl Jones

P E West

Gill Owen

Stephen Hamer

Lizzie Kenney

Graeme Simpson

S Hughes

David Starbuck

Andrew Littlemore

Simon Gayfer

Holly Bates

Seamus Rogers and Dr Sima Baghbanian

Jane Dunning

Karen Heffernan

Simon Dean

Rosemary Howell

Margaret Adams

Gill Galloway

John Hamilton

Parties Present: On behalf of Applicant – in attendance
Yashin Dadashnejad Keshavarzi - Applicant
Miguel Angel de Basita

Representors – in attendance

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Valerie Martin and her representative Paulina Lewis
Gill Owen
Graeme Simpson
Margaret and Paul 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: 14 August 2023
Time Commence: 6.30 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 – 23:00
Friday – Saturday	10:00 – 23:30

Recorded Music - Indoors

Sunday - Thursday	10:00 – 23:00
Friday – Saturday	10:00 – 23:30

Alcohol - On

Sunday – Thursday	10:00 – 23:00
Friday – Saturday	10:00 – 23:30

Opening Hours

Sunday - Thursday	10:00 – 23:00
Friday – Saturday	10:00 – 23:30

CONDITIONS

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

1. No more than 150 customers will be permitted on the premises (including the terrace area) at any one time.

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2. A Personal Licence Holder must be present at the premises to supervise all sales of alcohol.
3. The premises shall display prominent signage that the Challenge 25 scheme is in operation.
4. CCTV to be installed.
5. Trading under Challenge 25 policy.
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.
7. All staff authorised to sell alcohol shall be trained in;
 - (i) Relevant age restrictions in respect of products
 - (ii) Prevent underage sales
 - (iii) Prevent proxy sales
 - (iv) Maintain the refusals log
 - (v) Enter sales correctly on the tills so the prompts show as appropriate
 - (vi) Recognising signs of drunkenness and vulnerability
 - (vii) How over-service of alcohol impacts on the four objectives of the Licensing Act 2003
 - (viii) How to refuse service
 - (ix) The premises' duty of care policy, understanding and dealing with situations involving vulnerable people, and incidents of harassment
 - (x) Action to be taken in the event of an emergency, including the preservation of a crime scene and reporting an incident to the emergency services
 - (xi) The conditions in force under this licence.
8. The premises shall have a documented Duty of Care policy for managing intoxicated and vulnerable customers and dealing with incidents of harassment at the premises. The policy shall also include provision for persons refused entry to the premises who are also considered vulnerable by staff.
9. The premises licence holder shall ensure that at all times when the public is present 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.
10. Dispersal of customers from the premises will be managed in accordance with the following: clear and legible notices must be prominently displayed at all exist requesting customers to respect local residents and leave the area quietly.

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

12. There shall be no noise or odour caused by the kitchen extraction equipment that gives rise to a nuisance.

Conditions agreed with Greater Manchester Police and Trading Standards

13. 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.

14. 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.

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

16. Outside areas will not be used after 21:00 hours (except smoking).

17. A 'Challenge 25' policy shall be operated on the premises at all times. The policy must require all staff to check the identification of all persons who appear to be less than 25 years of age. The check shall be made by examining either a passport, photographic driving licence or PASS approved proof of age card. These checks must be made for every sale of this nature regardless of previous checks.

Conditions agreed with Environmental Health

18. Noise from music and associated sources (including DJ's and amplified voices) must not be audible to such an extent that it constitutes a nuisance at any noise sensitive properties.

19. All external doors and windows shall be kept closed after 2100 hours except in the event of an emergency.

20. There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, (or member and their guests) notices requiring customers to leave the premises and the area quietly.

21. Use of external areas associated with this application should not be permitted beyond 2100hours

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Additional conditions

22. The applicant shall submit for approval, prior to the commencement of use, a noise management plan for the external areas. The noise management plan shall be implemented at all times that these areas are in use.

23. No amplified music/sound/speakers shall be permitted to any external part of the site.

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

The Sub-Committee also noted that this application was limited to the proposed licensed area described within the application.

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

The Sub-Committee noted that the representation from Environmental Health had been withdrawn prior to the hearing. They also noted that the representations from local residents Jed Bonnsain, Sian Rogers, Henry Law, Wendy Law, Laurence Bass, John Hardman, Thomas Lavin, Ali Mahdmina, P E West, Lizzie Kenney, Seamus Rogers and Dr Baghbanian had been withdrawn prior to the hearing.

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The Sub-Committee considered the submissions from all parties present and granted the premises licence with the reduced permitted hours as agreed between the Applicant, Greater Manchester Police and Environmental Health.

The Sub-Committee also imposed the additional conditions recommended by Environmental Health to abate noise nuisance and modified the proposed condition 19 so that it requires all external doors and windows to be kept closed after 2100.

The meeting commenced at 6.30 pm and finished at 8.15 pm