

## LICENSING SUB-COMMITTEE

11 SEPTEMBER 2023

### PRESENT

Councillor J. Holden (in the Chair).  
Councillors B. Brotherton and E.L. Hirst

#### In attendance

S. Lenahan – Principal Solicitor (Corporate and Commercial)  
P. Coker – Legal Assistant  
J. Boyle – Licensing Team Leader  
U. Crotty – Licensing Officer  
S. Hilton – Licensing Officer  
N. Owen – Governance Officer

#### 6. **APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE UNDER S17 LICENSING ACT 2003 AT A BLOC, 38 STAMFORD PARK ROAD, HALE, WA15 9EW.**

The Head of Regulatory Services submitted a report informing Members of an application for the grant of a new premises licence for A Bloc, 38 Stamford Park Road, Hale, WA15 9EW 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 Ms Tulloch and against the application by local residents Mr. Swiss, Mrs. Malik and Mrs. Hulse.

#### RESOLVED –

- 1) That the application by Kuits Steinart Levy LLP on behalf of A Bloc Ltd for the grant of a new premises licence for A Bloc, 38 Stamford Park Road, Hale, WA15 9EW 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 B. Brotherton  
Councillor E. L. Hirst

**Applicant:** Kuit Steinart Levy LLP on behalf of A Bloc Ltd

**Type of Licence:** Grant of a new Premises Licence: A Bloc, 38 Stamford Park Road, Hale, WA15 9EW

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**Representors:**     Local Residents  
John Vitti  
Adrian Beesley  
Mr. and Mrs. Malik  
Ms Ann McLoughlin  
Claire Swiss  
S Warburton  
Geoffrey and Elizabeth Hulse  
F Warburton  
Gwyn Jones

**Parties Present:**   On behalf of Applicant – in attendance  
Ryan Hayes - Applicant  
Felicity Tulloch – Kuits Steinart Levy LLP

Local Residents – in attendance  
Geoffrey and Elizabeth Hulse  
Mrs Malik  
Andrew Swiss

Officers  
Sajal Lenahan – Principal Solicitor  
(Corporate and Commercial)  
Pelumi Coker – Legal Assistant  
Joanne Boyle – Licensing Team Leader  
Ursula Crotty – Licensing Officer  
Stacey Hilton – Licensing Officer  
Natalie Owen – Governance Officer

**Date of Hearing:**    11 September 2023  
**Time Commence:**   6.40 p.m.  
**Time Terminated:** 7.56 p.m.

**LICENSING SUB-COMMITTEE DECISION**

The Sub-Committee decided that the representations received from local residents were valid representations as they related to the Prevention of Crime and Disorder, Public Safety, Public Nuisance and the Protection of Children from Harm.

To grant a new premises licence as follows:-

Alcohol – On and Off sales  
Monday - Sunday           12:00 – 21:00

Opening Hours  
Monday – Sunday           09:00 – 21:30

**CONDITIONS**

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

1. The premises shall operate a CCTV system that complies with the minimum requirements of the GMP Licensing Team.
2. The premises licence holder must ensure that:
  - (i) Cameras are located within the premises to cover all public areas (not including the toilets) and all entrances and exits;
  - (ii) The system records clear images enabling the identification of individuals;
  - (iii) All recorded footage is securely retained for a minimum period of twenty-eight days;
  - (iv) The CCTV system operates at all times the premises are open for licensable activities;
  - (v) All equipment must have constant and accurate time and date generation;
  - (vi) The CCTV system is fitted with security functions to prevent recordings being tampered with;
  - (vii) There is at least one member of trained staff at the premises during opening hours able to provide viewable copies on request to police or authorised local authority officers as soon as is reasonably practicable in accordance with all relevant data protection legislation.
3. Open containers of alcohol shall not be removed from the premises, save for consumption in any delineated external area.
4. All staff authorised to sell alcohol shall be trained in:
  - a. Relevant age restrictions in respect of products
  - b. Prevention of underage sales
  - c. Prevention of proxy sales
  - d. Maintenance of the refusals log
  - e. How to refuse service
  - f. The conditions in force under this licence.

This training shall be documented and repeated at 6 monthly intervals. Training records shall be made available for inspection upon request by an authorised officer of a responsible authority.

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5. A refusals record must be kept at the premises which details all refusals to sell alcohol. This record must include the date and time of the incident, the name of the staff member who refused the sale, and the reason the sale was refused. All entries must be made within 24 hours of the refusal. The record must be made available for inspection and copying within a reasonable time of a request by an officer of a responsible authority.
6. There shall be no vertical drinking.
7. Waiter and waitress service shall be available throughout the premises.
8. Food shall be available at all times the premises is open.
9. The premises shall always trade as a café/bar.
10. The premises licence holder shall ensure that at all times when the public is present there is an appropriate number of competent person(s) 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.
11. Regular safety checks shall be carried out by staff.
12. Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.
13. Any and all of the following incidents must be noted including pertinent details and, as appropriate, reported promptly so that investigations can be made and action taken:
  - a. alleged crimes reported to the venue or by the venue to the police
  - b. ejections of patrons
  - c. complaints received
  - d. incidents of disorder
  - e. faults in the CCTV system, searching equipment or scanning equipment
  - f. visit by a responsible authority or emergency service
14. Incident logs (which may be kept electronically) shall be kept at the premises for at least 6 months and must be made available on request to the police or an authorised officer of the licensing authority.
15. The premises shall maintain public liability insurance.

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16. Noise from the premises shall not be such as to cause a noise nuisance to occupants of nearby premises.
17. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
18. There shall be no noise or odours caused by the kitchen extraction equipment that gives rise to a nuisance.
19. A contact telephone number shall be made available to those residents in the vicinity so that any issues arising can be communicated to the premises promptly.
20. Quarterly (or more frequent at the request of any resident) meetings shall be held to ensure that any issues arising can be dealt with promptly.
21. The exterior of the building shall be cleared of litter at regular intervals.
22. Notices will be positioned at the exits to the building requesting customers to leave in a quiet manner.
23. A Dispersal and Smoking Policy shall be implemented and adhered to.
24. The emptying of bins into skips and refuse collections shall not take place between 8pm and 9am.
25. All external bins shall be lockable and kept closed when not being used.
26. All bins shall be located so as not to cause any issues to local residents in relation to access or amenity.
27. An agreement shall be entered into with a reputable pest control company to ensure that any infestation issues are tackled promptly.
28. Deliveries to the premises shall only take place between 9am and 6pm.
29. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
30. The external area of the premises shall cease to be used for drinking and dining no later than 8pm daily.
31. The Challenge 25 scheme must be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an EU/EEA national ID card or similar document, an HM Forces warrant card, a card bearing the PASS hologram, or any electronic or biometric age verification technology approved by the licensing authority.

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32. The premises shall display prominent signage indicating that the Challenge 25 scheme is in operation.

33. The premises shall display prominent signage indicating that it is an offence to buy or attempt to buy alcohol for a person who is under 18 and for a person under the age of 18 to buy or attempt to buy alcohol.

34. Staff training shall include the Challenge 25 Policy and its operation. In particular, staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18. The training must be given to a new member of staff before they commence employment and all staff must receive refresher training every 6 months.

**Dispersal Policy**

35. At the end of the evening management and staff will assist with the orderly and gradual dispersal of patrons.

36. Staff Members will advise patrons to leave the premises quickly and quietly out of respect for neighbours.

37. Notices will be displayed requesting our customers to leave quietly and in an orderly manner out of consideration to neighbours and their attention will be drawn to these notices by members of staff.

38. Management and staff will ensure the removal of all bottles and drinking receptacles from any patron before exiting the premises (this does not apply in the case of consumption in any delineated external drinking area, or in the case of alcohol sold in sealed containers for the purpose of consumption off the premises).

39. Management and staff will actively discourage our customers from assembling outside the premises at the end of the evening.

**Smoking and Al Fresco Dining Policy**

40. Any outside area used by customers wishing to dine, drink or smoke shall be clearly delineated and covered by the CCTV system which will be installed at the premises.

41. All customers using the external seating area to eat or drink must be seated. There shall be no vertical drinking allowed in the external space.

42. The outside area shall be monitored by staff regularly when it is in use.

43. The area will be cleaned regularly.

44. Smoking shall not be permitted at the tables.

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45. Those customers who wish to smoke shall be asked to do so in a designated area.
46. There shall be no more than 5 smokers in that area at any one time.
47. Suitable receptacles shall be provided for smokers to dispose of cigarette butts.
48. Signs will be displayed in the area requesting customers keep noise to a minimum.
49. Patrons who disregard signage and verbal instructions regarding noise will be asked to move inside and/or leave the premises.
50. Open containers of alcohol shall not be permitted to be taken beyond the boundary of the outside area.
51. The external area shall cease to be used for drinking/dining at 8pm daily.
52. Anyone wishing to smoke after 8pm will not be permitted to take drinks outside with them.
53. All furniture in the outside area shall be stacked or removed or otherwise rendered unusable at 8pm.

**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 as well as the submissions from all parties, together with the written supporting documents that had been provided ahead of the hearing.

The Sub-Committee heard from the Licensing Officer who presented her report.

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

The Sub-Committee noted the concerns raised by local residents, which were mainly on the grounds of prevention of public nuisance, public safety and crime and disorder. There were also some written representations that related to the protection of children from harm. These encompassed concerns related to noise late at night, waste disposal, parking, road safety and the potential for anti-social behaviour in what was described as a quiet, residential area.

The Sub-Committee noted that the applicant had met with residents recently and had amended the times that they were applying for a premises licence. The applicant had also included a number of additional measures on the operating schedule and accompany policies to illustrate how they proposed to promote the

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four licensing objectives. This included a condition to close the outdoor space at 8pm and to introduce a designated smoking area as well as a number of additional conditions to deal with waste management and noise, amongst others.

The applicant described their plans for the premises, to offer a licensed café which was a neighbourhood eatery. This would open at 9am for breakfast and it would continue to serve lunch and dinner with alcohol. They also intended to have supper clubs and guest chefs.

A Member asked about the applicants plans for music. The applicant advised that this would be background music from two speakers.

A member also asked about parking. The applicant confirmed that the location of the café was on a junction with permit parking allocations which was busy at congestion time. There were different spots of parking close by that did not require a permit.

A local resident asked about the emptying of bins and the applicant confirmed that the conditions had been amended to ensure this did not happen between the hours of 8pm – 9am. The applicant also confirmed that they had located a space to store their bins and those bins would be lockable.

The Sub-Committee carefully considered the concerns raised by residents and balanced those concerns with the interests of the applicant and the licensing objectives.

The Sub-Committee found that the impact on residents who were in close proximity from the associated noise at night and in particularly at closing time would undermine the licensing objective of prevention of public nuisance.

The Sub-Committee therefore decided to grant the licence with the amended hours of:

Alcohol – On and Off sales

Monday - Sunday                      12:00 – 21:00

Opening Hours

Monday – Sunday                      09:00 – 21:30

The Sub-Committee agreed this on the basis on implementing the conditions included within the amended operating schedule, the dispersal and smoking policy and the al fresco dining policy, that had been proposed by the applicant.

The meeting commenced at 6.40 pm and finished at 7.56 pm