

SUPPLEMENTARY INFORMATION

TRAFFORD COUNCIL

THE LICENSING SUB-COMMITTEE – 9th MAY 2019 (DEFERRED FROM 17th APRIL 2019)

REPORT OF THE HEAD OF REGULATORY SERVICES

REPORT REF. NO.

APPLICATION FOR THE GRANT OF A PREMISES LICENCE – THE CHESHIRE BARN, SHAY LANE, HALE BARN, WA15 8UD

PURPOSE

The purpose of this additional information is to advise the Sub-Committee of the enforcement history in respect of the premises to be known as Cheshire Barn (formerly operated as Cheshire Hall and Davenport Green Hall).

Nigel Smith
Head of Regulatory Services

Further Information From:

Name: Joanne Boyle
Licensing Team Leader
Extension: 4129

Pollution

1. Environmental Protection Act 1990, Section 80, Notice in Respect of a Statutory Nuisance was served on the owner of Davenport Green Hall on 4th September 2008. The Council was satisfied of the likely recurrence of a statutory noise nuisance under section 79 (1) g of the Act at Davenport Green Hall arising from noise from amplified music and required the owner of the premises to prohibit the recurrence of the same.
2. The owner of Davenport Green Hall was prosecuted on 11th November 2011 at Sale Magistrates for 4 breaches of the noise abatement notice which was served in September 2008. The offences related to incidents of loud amplified music amounting to non-compliance with the abatement notice served.

Mr Mohammed Isaq pleaded guilty and was fined £3,500 for each offence, resulting in a total fine of £14,000. Costs were awarded to the Council.

Environmental Health

1. Prosecution in 2015 relating to offences from December 2014. In total there were 10 food hygiene offences on Davenport Green Hall Ltd which led to Mr Isaq being prohibited from ever running a food business. The Company was fined approximately £40,000 and £23,000 costs; neither of which have been paid.

Planning

1. Unauthorised Marquee – Enforcement Ref:ENF1352: - The Council issued a planning enforcement notice dated 21st July 2010 seeking removal of an unauthorised marquee used for wedding functions. An appeal against the enforcement notice was held at a public Inquiry in April 2011, the appeal was dismissed in May 2011. The applicant challenged this decision at the High Court and Court of Appeal both appeals were dismissed. The Council successfully prosecuted the applicant in December 2013 for breach of the enforcement notice. The Marquee was removed January 2014.
2. Unauthorised Airport Car-Parking – Enforcement Ref:ENF1407 – The Council issued a planning enforcement notice dated 15th September 2015 seeking cessation of the airport related car parking. An appeal against the enforcement notice was held at an informal hearing in June 2017, the appeal was dismissed July 2017. The applicant ignored the requirements of the enforcement notice and continued with the unauthorised airport car parking. The Council applied for an interim injunction through the High Court which was granted on the 17th January 2018, the applicant immediately ceased the unauthorised airport car parking.

Trading Standards

1. Following a large number of complaints about the airport parking business being run at Davenport Green Hall, Trading Standards commenced an investigation in September 2017. As a result Mr Mohamed Isaq and three other members of his family are awaiting trial at Manchester Crown Court in June 2019. Charges include Consumer Protection from Unfair Trading, Fraudulent Trading and Money Laundering.