

TRAFFORD COUNCIL

Report to: Licensing Sub-Committee
Date: 16 June 2020
Report for: Decision: Determination of Application
Report of: Head of Regulatory Services

Report Title

APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE UNDER S17 LICENSING ACT 2003 AT SYMPOSIUM, 161 ASHLEY ROAD, HALE, WA15 9SD

Summary

Under S18(4) of the Licensing Act 2003, Members are requested to determine an application for a new premises licence in respect of Symposium, 161 Ashley Road, Hale, WA15 9SD having regard to representations received and the requirement to promote the four licensing objectives.

Recommendation(s)

The following options are open to the Licensing Sub-Committee;

- (i) To grant the application in full and on the terms and conditions contained within the application to include any applicable mandatory conditions.
- (ii) To grant the application as above, modified to such an extent as considered appropriate to satisfy any relevant representations and promote the licensing objectives; or
- (iii) To reject the application.

Contact person for access to background papers and further information:

Name: Jade Pickup, Licensing Officer.
Extension: 4047

Background Papers: None.

Appendices:

- A) 1 - Application for a New Premises Licence
- 2 - Designated Premises Supervisor Consent
- 3 - Proposed conditions
- 4 - Plan
- B) 1 - Photograph of Blue Notice
- 2 - Copy of Newspaper Advert
- C) Current Premises Licence
- D) Representations from other persons

1.0 APPLICATION

1.1 A premises licence is required in respect of any premises where it is intended to conduct one or more of the four licensable activities, these being:

- The sale of alcohol
- The supply of alcohol (in respect of a club)
- Regulated entertainment
- The provision of late night refreshment

This application was submitted by George Hadjiyanis in respect of Symposium, 161 Ashley Road, Hale, WA15 9SD.

1.2 Initially, the applicant applied for the following hours:

Live Music (Indoors)

Wednesday and Thursday 23:00 - 01:45

Friday – Sunday 23:00 – 02:45

Recorded Music (Indoors)

Wednesday and Thursday 23:00 - 01:45

Friday – Sunday 23:00 – 02:45

Supply of Alcohol (Both On and Off sales)

Wednesday & Thursday 12:00 – 01:45

Friday – Sunday 12:00 – 02:45

Opening Hours

Wednesday & Thursday 12:00 – 02:00

Friday – Sunday 12:00 – 03:00

Seasonal Variations:

Live Music (Indoors)

Christmas Eve 23:00 – 02:45

New Year's Eve 23:00 – 03:45

Recorded Music (Indoors)

Christmas Eve 23:00 – 02:45

New Year's Eve 23:00 – 03:45

Supply of Alcohol (Both On and Off sales)

Christmas Eve 12:00 – 02:45

New Year's Eve 12:00 – 03:45

Opening Hours

Christmas Eve 12:00 – 03:00

New Year's Eve 12:00 – 04:00

- 1.3** During the consultation period the applicant amended the licensable activity timings as follows:

Live Music (Indoors):

Ground Floor

Sunday – Wednesday 23:00 – 00:00

Thursday – Saturday 23:00 – 01:00

Basement

Sunday – Wednesday 23:00 – 00:00

Thursday – Saturday 23:00 – 02:45

Recorded Music (Indoors):

Ground Floor

Sunday – Wednesday 23:00 – 00:00

Thursday – Saturday 23:00 – 01:00

Basement

Sunday – Wednesday 23:00 – 00:00

Thursday – Saturday 23:00 – 02:45

Supply of Alcohol (Both On and Off sales):

Ground Floor

Sunday – Wednesday 11:00 – 00:00

Thursday – Saturday 11:00 – 01:00

Basement

Sunday – Wednesday 11:00 – 01:00

Thursday – Saturday 11:00 – 02:45

Opening Hours

Ground Floor

Sunday – Wednesday 11:00 – 00:00

Thursday – Saturday 11:00 – 01:00

Basement

Sunday – Wednesday 11:00 – 01:00

Thursday – Saturday 11:00 – 03:00

- 1.4** The application has been properly made and all procedures correctly followed. The application has been attached as **Appendix A**. Photographs of the blue notice in place and copy of newspaper advert are attached as **Appendix B**.

2.0 BACKGROUND AND HISTORY OF PREMISES

- 2.1** This application is for a new premises licence and not a variation to an existing licence. However, the premises is currently licensed, a copy is attached as **Appendix B**.

2.2 The applicant has described the premises as:

Current Situation of 161 Ashley Road Hale

- The venue has been closed since April 2019.
- The current landlord had approached The Symposium brand Wilmslow as a preferred tenant as he believes their style of operation and customer base is well suited for his venue
- The Symposium as a company agree that with 4 years trading in the current venue in Wilmslow and with members of the team (including security and management) well established we are ready to open a second location.
- The current situation of 161 Ashley Road, is a small 350sqft shop unit at ground level. Inside the shop unit there are double doors with a double staircase leading into the basement which is 2500sqft and a double fire escape leading back up to ground level.
- The premises is fully fitted and approved to operate as a night club by the local fire department.
- We believe the former premises was originally successful as both “One Six One” cocktail bar for multiple years and then “Suburbia” for a further number of years.
- The Suburbia brand then turned in to “Club Arvina” which did not work due to its nightclub approach and attracting a younger market leading to violence problems, low average spend and short trading hours. The venue closed after less than one year.

The Symposium’s proposed operation should licensing variations be approved:

- The Symposium will trade as predominantly a cocktail bar with an average age group of 35-40.
- It will operate with its knowledge gained from its Wilmslow location on maximising support of the Licensing Objectives.
- Operating a strict no drugs policy
- Regular security members that will not tolerate any form of abuse or violence towards staff or members of the public.
- The style of cocktail bar will be a relaxed lounge bar environment with piano to start followed by a more party background old soul/disco music and saxophone.
- As our Wilmslow location does we will welcome local staff from other bars and restaurants that have finished work and want to enjoy post work drinks (15% of our trade)
- We will embrace a member’s scheme that we currently have. This is a membership given to regular guests, guests that have proven to be well disciplined and drink safely. This allows the security team to know who new guests are and influence their decision on allowing entry for the first time.
- We will work well with the Local Authorities and other drinking establishments to support a safe to drink town. (Bringing integrity and enthusiasm to the local pub watch group)
- We will not open the doors to the basement until 8pm. Prior to that the upstairs shop will be a café/wine bar concept.
- We will embrace a dispersals policy as we do in Wilmslow, our security team will encourage guests to get home safely into taxis after the doors are shut at 3am, for a minimum of 30 minutes.

- We would like to work with the local authorities, take their advice and constantly look to improve public safety, prevention of crime and disorder, prevention of public nuisance and protection of children from harm.
- We will do this by constantly referring to our premises licence conditions, previous knowledge and welcoming new ideas.
- We have learnt that to attract a responsible drinking audience music choice is essential and can influence a guest's social behaviour, for guest to be happy and friendly, 'happy and friendly' music contributed to creating this. That doesn't eliminate the possibility of guests who have personal and mental issues that puts them in the 'not safe to drink' bracket. To tackle this there should be always a regular security member present who is well experienced and has the skills to follow the SIA regulations on how to refuse entry and in the worst case scenario eject a guest, and at the right time involve the police should they feel necessary. This is core to the style of security we would potentially be bringing.
- For more detailed information on how we will support the licensing objectives we wish to bring forward our licence conditions from Wilmslow.

Our financial forecast shows us that with the drinking hours we have requested we will be able to operate a profitable and professional business. We believe that our project will add to the social scene and fit in nicely, keeping guests in Hale as opposed to venturing elsewhere for after dinner drinks.

3.0 OPERATING SCHEDULE

- 3.1** The operating schedule is completed by the applicant and contains additional measures to illustrate how they propose to promote the four licensing objectives as required by provision of the Licensing Act 2003.

The measures proposed below include amendments to the original application following consultation responses from Greater Manchester Police, Trafford Council Licensing Authority, Trading Standards and the Pollution Control Authority. They are listed below and will be attached as conditions to any licence as may be granted. Conditions have been highlighted in bold italics for the avoidance of doubt.

3.2 GENERAL

- 3.3 *All bar and front of house staff to wear recognizable premises related clothing (uniform) when licensable activities are conducted***

- 3.4 *Toilet checks, after 8pm, on each day, and will be conducted no less than once every 30 minutes, at irregular intervals, to deter patrons from illegal activity.***

- 3.5 *A register of toilet checks will be kept at the premises throughout the trading period; this register is to be made available for inspection upon request of a Police or Responsible Authority Officer.***

3.6 *No open drinks or containers are permitted to be brought outside the premises. (For off sales, sealed container are still permitted – If you have off sales);*

3.7 **PROTECTION OF CHILDREN FROM HARM**

3.8 *An age verification scheme for use when alcohol sales are involved (Challenge 25) shall be in use at all times licensable activities are undertaken. The only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram*

3.9 *The challenge 25 policy shall be implemented and notices to this effect shall be displayed.*

3.10 *To provide training for all new staff before the commencement of licensable activities at the premises and then to ensure that all existing staff are trained, at least every six months, in respect of licensing legislation, responsible retailing, drugs, drunkenness, refusal of service, on the law relating to underage sales of alcohol and age identification including the challenge 25 policy as befits their particular roles at the premises. To keep written records of all training provided whereby staff sign and date records to confirm that the training has been received and understood.*

3.11 *To inform all staff of changes in the law relating to age- restricted products and as when required and to make a written record.*

3.12 *To notify staff of any reports of alleged underage sales incidents that has been brought to your attention by Trading Standards. To keep a log of such notifications in file, ready for inspection by authorised officers of Trafford Council if required. To record any remedial action following a report from Trading Standards of an alleged underage sale from the premises and to produce a copy of the 'Record of Remedial Action' if requested by an authorised officer of Trafford Council.*

3.13 *To attend training seminars organised by authorised officers of GMP and/or Trafford Council as and when requested to do so.*

3.14 *A refusal log shall be maintained onsite and be produced to the Police and other responsible authorities upon request,*

3.15 *Unaccompanied children will not be permitted onto the premises.*

3.16 **PREVENTION OF PUBLIC NUISANCE**

3.17 *Clear notices to be display asking customers to respect the neighbours/ advising customers on good conduct and behaviour expectations.*

3.18 *Taxi numbers shall be displayed at the entrance to the premises.*

3.19 *The premises smoking policy shall be displayed at the entrance to the premises. Receptacle will be provided for cigarettes.*

- 3.20 All regulated entertainment shall be amplified through the in house PA system and noise levels controlled by the DPS or nominated member of staff.**
- 3.21 Signage at the entrance / exit will be displayed requesting customers to leave quietly and to respect local residents.**
- 3.22 Management and staff will ensure that noise from customers using the external area is kept to a minimum during the operational hours. This will include any person(s) that are smoking there.**
- 3.23 PREVENTION OF CRIME AND DISORDER**
- 3.24 Security**
- 3.25 A Security Policy shall be agreed with Greater Manchester Police and Trafford Council Licensing Authority concerning the minimum requirement of SIA licensed door supervisors. Only the latest agreed version of the Security Policy shall be maintained by the Premises Licence Holder and put into place at the Premises. The Security Policy should include a risk assessment and detail shift times, number of security personnel, search procedures and company information.**
- 3.26 At least one of the licensed door supervisors on duty at any time shall wear body worn cameras which will be maintained in good working order**
- 3.27 SIA registered door staff to be linked via radio (link to also include management);**
- 3.28 All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.**
- 3.29 The Premises Licence Holder shall ensure that a record of all SIA Door Supervisors employed at the premises is kept and which includes the following details:**
- a. Full name and date of birth**
 - b. 16 digit SIA badge number**
 - c. Dates and times employed**
- 3.30 This record, which may be electronic, shall be made available to the Manchester Police Licensing Team or Authorised Officers on request.**
- 3.31 Any person who attempts to gain entry to the Premises who is involved in disorderly conduct or anti-social behaviour will not be permitted into or allowed to remain on the Premises**
- 3.32 An incident book shall be maintained at the premises at all times. The book shall detail in brief the incident of any crime and disorder, ejections, violence, injury, drug or weapon seizures, and visits from any police or responsible authority officer. Each entry made shall carry the day, date and time that each report was made and pages shall carry consequential**

and signed by the author of the logged details, name and contact details (mobile phone) of SIA registered door staff or manager making entries to be included; and shall be produced to the Police and other responsible authority upon request.

3.33 ***On Fridays and Saturdays there shall be no admission or re-admission to the premises from 01:30hrs - Members are permitted to enter until 02:00hrs.***

3.34 **Searches**

3.35 ***The premises will operate a search policy, including the use of search wands when SIA licensed door supervisors are on duty.***

3.36 ***A search policy shall be in place and will include procedures for the confiscation of prohibited articles such as drugs and weapons. Searches will be conducted at the discretion of SIA registered door staff. Search policy to include random searching, weapon detection, drug awareness etc.***

3.37 ***Search and ID checks to be conducted within view of the CCTV camera which will be positioned at the entrance when door supervisors are on duty.***

3.38 ***Suitable notices explaining protocols and procedures (to include the searches throughout etc.)***

3.39 ***Posters no smaller than A4 size clearly and prominently displayed stating that bag searches are undertaken.***

3.40 ***Search Wands shall be available for use and maintained in a working condition.***

3.41 **CCTV**

3.42 ***The premises shall maintain a comprehensive CCTV system on the licensed premises.***

3.43 ***Recorded footage must be provided to a representative of any responsible authority or an officer of the Licensing Authority on request. Such footage must be provided in an immediately viewable format and must include any software etc. which is required to view the software. A member of staff who is trained to operate the system and supply footage must be present at the premises at all times when licensable activities are taking place.***

3.44 ***The designated premises supervisor must ensure that the CCTV system is checked at least once every month by a suitably trained member of staff. This check must include the operation of the cameras, the recording facilities, the facilities for providing the footage and the accuracy of the time and date. A written record of these checks must be kept, including a signature of the person carrying out the check. This written record must***

be kept on the premises at all times and made available to a representative of any responsible authority or an officer from the Licensing Authority on request.

- 3.45 CCTV cameras cover internal and external areas of the premises and all areas where customers have legitimate access (Excluding Toilets).***
- 3.46 One CCTV camera is specifically positioned to capture facial images of any persons entering the premises at the main entrance and all other entrances where searches may be undertaken, the searches of patrons will be captured on the CCTV camera.***
- 3.47 All areas are sufficiently illuminated for the purposes of the recording of CCTV images.***
- 3.48 All CCTV recorded images have sufficient clarity/quality/definition to enable facial recognition to an evidential standard.***
- 3.49 CCTV system is installed and operated at all times and recorded images kept in an unedited format for a period of 31 consecutive days.***
- 3.50 Any person left in charge of the premises is trained in the use of any such CCTV equipment and is able to produce/download/burn CCTV images to an evidential standard.***
- 3.51 CCTV is maintained on a regular basis and kept in good working order at all times and images shall be produced to the Police or Authorised Licensing Officers (Trafford Council Licensing Service) immediately upon request.***
- 3.52 The CCTV system records images at all times that any member of the public is at or on the premises. For the purpose of this condition a "member of the public" is defined as is any person other than the DPS, Premises Licence Holder, Spouse, Partner or Employee thereof.***
- 3.53 Posters, no smaller than A4 size, are clearly and prominently displayed at the entrance and exit of the Premises stating that CCTV is in operation and that images are being captured for the purposes of crime prevention and public safety.***
- 3.54 Drugs***
- 3.55 The premise shall operate a strict "No Drugs Policy" including a Drug Safe scheme. The Drug Safe procedure will involve a dedicated log of illegal substances placed in the safe by staff. It will record details of where the substance was discovered (or from whom it was recovered) date and time as well as details of the person seizing the substance(s). If the person making the entry in the log is different to the person seizing the substance(s) their details shall also be included in the log entry.***
- 3.56 Posters no smaller than A4 size, clearly and prominently displayed stating Premises operate a zero tolerance policy to drugs.***

3.57 Dispersal Policy

3.58 *A dispersal policy shall be in place. Such policy to include evictions and confirmation of no re-entry following ejection, non-congregation outside front of premises which all door supervisors and staff will be trained so that they are aware and undertake the process whenever the premises are open to the public.*

3.59 PUBLIC SAFETY

3.60 *The Premises Licence Holder shall ensure that adequate supplies of First Aid materials are maintained and readily available on the premises.*

3.61 *Fire Safety Equipment shall be maintained and be readily available in locations marked on accompanying plan.*

3.62 *Doors at fire exits are regularly checked to ensure that they function satisfactorily and are clear of any obstruction.*

3.63 CONDITIONS AGREED BY THE ENVIRONMENTAL HEALTH OFFICER

3.64 *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 premises.*

3.65 *All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency.*

3.66 *There shall be placed at exits from the premises where they can be seen and easily read by customers (or members and their guests) notices requiring customers to leave the premises and area quietly.*

3.67 *No deliveries shall take place to the rear of the premises beyond the gates hereby approved before the hours of 8.00am or after 6.00pm on any day.*

3.68 *No refuse shall be disposed of or collected from the premises between the hours of 18.00hours and 08.00hours where such disposal or collection is likely to cause disturbance to local residents.*

3.69 *Use of external area to the front of the premises should not be permitted beyond 2200hours (the external area can be used beyond 2200hours for the purposes of smoking and no food or drink shall be taken into the external area after 2200hours on any day)*

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

3.71 *The applicant shall submit for approval a scheme of sound insulation for the premises so as to control noise breakout from the premises. The approved scheme shall be fully implemented before any regulated entertainment takes place at the premises.*

- 3.72** *There shall be no access by customers to the rear or sides of the premises and the side gate providing access to the rear of the site shall remain closed at all times except for access.*
- 3.73** *No tipping of glass or deliveries shall take place on Sundays or Bank Holidays or outside the hours of 0900 to 2100 Monday to Saturday.*
- 3.74** *The applicant shall submit for approval a noise management plan which outlines the measures to be implemented to mitigate noise associated with the outdoor seating area and customers leaving the premises*

4.0 STATEMENT OF LICENSING POLICY

- 4.1** The following extracts from the Council's statement of licensing policy are brought to the general attention of members:
- 4.2** (1.8) Every application considered by the Council under this policy will be considered on its merits, and regard will be given to the Guidance issued under Section 182 of the Licensing Act 2003 and any supporting regulations..
- 4.3** (1.9) Nothing in the policy will undermine the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act. Appropriate weight will be given to all relevant representations. This will not include those that are frivolous, vexatious or repetitious.
- 4.4** (1.12) The licensing process can only seek to control those measures within the control of the licensee, and 'in the vicinity' of a premises. The conditions attached to various authorisations will, therefore, be consistent with operating schedules and will mainly focus on:
- Matters within the control of individual licensees and others who are granted any relevant authorisations;
 - The premises and places being used for licensable activities and their vicinity; and
 - The direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
- 4.5** (5.6) When considering applications for later closing times in respect of premises licences, where relevant representations have been made, the Council will take the following into consideration in accordance with Government Guidance:
- Whether the premises is located in a predominately commercial area
 - The nature of the proposed activities to be provided at the premises
 - Whether there are any arrangements to ensure adequate availability of taxis and private hire vehicles and appropriate places for picking up and setting down passengers
 - Whether there is an appropriate amount of car parking, readily accessible to the premises, and in places where the parking and use of vehicles will not cause demonstrable adverse impact to local residents
 - Whether operating schedule indicates that the applicant is taking appropriate steps to comply with the licensing objective of preventing public nuisance

- Whether the licensed activity, particularly if located in areas of the highest levels of recorded crime, may result in a reduction or increase in crime and anti-social behaviour
- Whether the licensed activities are likely to cause adverse impact especially on local residents, and whether, if there is a potential to cause adverse impact, appropriate measures will be put in place to prevent it
- Whether there will be any increase in the cumulative adverse impact from these or similar activities, on an adjacent residential area
- Any representations from a responsible authority or interested party that identify the premises as a focus for disorder and disturbance.

4.6 (5.8) As far as premises in residential areas are concerned, these may be subject to stricter controls with regard to opening hours to ensure that disturbance to local residents is minimised. The Council considers that it is self-evident that the risk of disturbance to local residents is greater when licensable activities continue late at night and into the early hours of the morning. For example the risk of residents' sleep being disturbed by patrons leaving licensed premises is obviously greater at 2 a.m. than at 11 p.m. It is, therefore, the policy of the Council to strike a fair balance between the benefits to a community of a licensed venue and the risk of disturbance to local residents. In predominantly residential areas, therefore, it may not be appropriate to allow closing times later than midnight. It may be acceptable to open later on a limited number of occasions, for example up to 15 times a year. This would allow licensees to extend opening beyond midnight for special occasions such as New Year. However, every application will be determined on its merits, and applicants wishing to operate beyond midnight will need to demonstrate to the satisfaction of the Council, in their operating schedule, that there will be no significant disturbance to members of the public living, working or otherwise engaged in normal activity around the premises concerned. This policy is aimed at the fulfilment of the licensing objective of "prevention of public nuisance".

4.7 (6.4) Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained with the intention of preventing crime and disorder. Such measures may include:

- The capability of the person who is in charge of the premises during trading hours or when Regulated Entertainment is provided to effectively and responsibly manage and supervise the premises, including associated open areas
- The steps taken or to be taken to ensure that appropriate instruction, training and supervision is given to those employed or engaged in the premises to prevent incidents of crime and disorder, and where appropriate any relevant qualifications.
- The measures taken or to be taken to raise staff awareness and discourage and prevent the use or supply of illegal drugs on the premises
- The features currently in place or planned for physical security at the premises, such as lighting outside the premises
- Policies adopted to meet appropriate best practice in accordance with existing guidance (e.g. Home Office: Selling Alcohol Responsibly, Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and

other recognised codes of practice, e.g. British Beer and Pub Association Partnerships Initiative.

- Any appropriate additional measures taken or to be taken for the prevention of violence or public disorder.

4.8 (6.7) Where additional measures have been identified as likely to have an impact on the prevention of crime and disorder at any premises, the Council would expect applicants to detail such measures to be taken in their operating schedules. Such measures may include:

- Provision of effective CCTV with recording facilities both within and outside certain premises
- Crime prevention design, including adequate lighting and supervision of car parks
- Metal detection and search facilities
- Procedures for risk assessing promotions and events such as 'happy hours' for the potential to cause crime and disorder, and plans for minimising such risks
- Measures to prevent the use or supply of illegal drugs
- Employment of Security Industry Authority licensed door supervisors and other appropriately trained staff
- Participation in an appropriate Pubwatch Scheme or other similar scheme
- Promotion of safe drinking
- The control of glass and the provision of plastic containers or toughened glass
- Use of radio net system (where available)
- Provisions for dealing with prostitution or indecency
- Provisions for discouraging drinking in public places in the vicinity of the premises
- Policies on dress and music
- Appropriate additional staff training.

4.9 (6.8) All premises applying for licensing beyond 00:00hrs must demonstrate that its customers will be capable of leaving the area without causing a disruption to local residents or impact upon crime and disorder. For example, where appropriate and relevant an assessment of the availability of late night transport, and the likely flow of pedestrian traffic away from the premises, could be included in the operating schedule.

4.10 (6.10) Where either prescribed and/or premises-related conditions have not been adhered to in the past, the Council will expect applicants to have considered and taken action to rectify those issues. Applications are likely to be refused where there are significant outstanding issues.

4.11 (7.5) In considering applications, the Council will expect to see evidence that the applicant has identified matters that impact on the likelihood of public nuisance and that these matters have been addressed in the operating schedule. Such measures may include:

- Measures taken or proposed to be taken to prevent noise and vibration escaping from the premises or in the immediate vicinity of the premises and including any outside areas (including smoking areas) bearing in mind the location of premises and proximity to residential and other

noise sensitive premises (e.g. hospitals, hospices and places of worship); This would include music, ventilation equipment noise and human voices, whether or not amplified;

- Measures taken or proposed for management and supervision of the premises and associated open areas to minimise unreasonable disturbance by customers and staff arriving or departing from the premises and delivery of goods and services.
- Control of opening hours for all or part (e.g. garden areas) of the premises
- Measures taken to control light to ensure that it does not stray outside the boundary of the premises such as to give rise to problems to residents in the vicinity
- Steps taken to lessen the impact of parking in the local vicinity
- Measures taken to prevent someone who has consumed excess alcohol from entering the premises and to manage individuals on the premises who have consumed excess alcohol
- Management arrangements for collection and disposal of litter and refuse, and the control of pests
- Arrangements for ensuring that adequate and suitably maintained sanitary provision and washing facilities are provided for the number of people expected to attend any premises or events
- A 'wind down time' after the last service of alcohol, during which time the venue may offer for sale non-alcohol beverages
- A 'last admission time' policy
- Management arrangements for any proposed use of bonfires, fireworks and other pyrotechnics.

4.12 (11.7) Standardised conditions will be avoided, although 'pools of conditions' will be used from which necessary and proportionate conditions may be drawn in particular circumstances.

4.13 (11.8) Conditions attached to licenses and certificates will be tailored as appropriate to reflect the individual style and characteristics of the premises and events concerned.

4.14 (11.9) Conditions will not be imposed which are beyond the responsibility or control of the licence holder.

4.15 (14.1) "Cumulative impact" means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. For example, the potential impact on crime and disorder or public nuisance on a Town Centre of a large concentration of licensed premises in that part of the local authority licensing area. In certain circumstances the number, type and density of premises selling alcohol for consumption on the premises may be such that there are serious problems of nuisance and disorder arising or beginning to arise outside or some distance from licensed premises. It is possible that the impact on surrounding areas of the behavior of the customers of all premises taken together is greater in these circumstances than the usual impact from customers of individual premises.

4.16 (14.4) When such a special saturation policy is adopted, each application will still be considered properly and on their own individual merit, and licences and certificates that are unlikely to add to the cumulative impact on the licensing

objectives will be granted. Following receipt of representations in respect of a new application for or a variation of a licence or certificate, the Council will consider whether it would be justified in departing from the special policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. It will be for the Council to show that the grant of the application would undermine the promotion of one of the licensing objectives and if it would, that necessary conditions would be ineffective in preventing the problems involved.

4.17 (14.5) In considering such applications the Committee will have particular regard to:

- The occupancy figure for the proposed premises.
- The proximity of the premises to others in the Area licensed for similar activities and the occupancy figures for those other premises.
- Whether the proposed premises will act as a replacement for others in the Area that no longer have a licence.
- The proposed methods of management outlined in the applicant's operational plan.
- The proposed hours of operation.
- Transport provision for the Area.

5.0 CONSULTATION

5.1 The responsible authorities included in consultation are; Greater Manchester Police, Greater Manchester Fire & Rescue, Environmental Health & Pollution Control, Building Control, Health and Safety Team, Home Office Immigration Enforcement, Planning Department, Safeguarding Children Team, Trading Standards and Public Health.

5.2 Of those consultees identified in paragraph 5.1, no representations were received.

5.3 Two representations have been submitted by Other Persons. These representations are concerned with the late hours that have been applied for and public nuisance, attached as **Appendix D**.

5.4 A copy of the report and all representations received have been sent to the applicant.

5.5 Those that have made representations have been informed of the time and date of the Licensing Sub-Committee meeting and have been informed of their right to attend.

6.0 LEGAL CONSIDERATIONS

6.1 Conditions may only be attached to a Premises Licence where they are deemed appropriate for the promotion of the licensing objectives. They must be proportionate and not duplicate any existing provisions contained in other legislation. The justification behind a refusal or the attachment of conditions must be given to the applicant.

- 6.2** The Sub-Committee is advised that any findings on any issues of fact should be on the balance of probabilities and any decision should be based on the individual merits of the application.
- 6.3** The Sub-Committee, in arriving at its decision; must have regard to relevant provisions of national guidance and its own statement of licensing policy and reasons should be given for any departure.
- 6.4** There is a right of appeal to the Magistrates Court within 21 days from the date the Applicant is notified of the decision of the Licensing Sub-Committee.