

TRAFFORD COUNCIL

Report to: Licensing Sub-Committee
Date: 16 December 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 FOR A VESSEL AT BOURBON STREET BARGE, THE OLD BOAT YARD EDGE LANE, STRETFORD, M32 8HW.

Summary

Under S18(4) of the Licensing Act 2003, Members are requested to determine an application for a new premises licence in respect of a vessel at Bourbon Street Barge, the Old Boat Yard, Edge Lane, Stretford M32 8HW 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: Keiran Hinchliffe, Senior Licensing Officer.
Contact: Licensing@trafford.gov.uk

Background Papers: None.

Appendices:

- A) 1 - Application for a New Premises Licence
2 - Plan
3 - COVID restricted Plan
4 – COVID Risk Assessment
5 – Photographs of the Vessel
- B) 1 - Photograph of Blue Notice
2 - Copy of Newspaper Advert
- C) Conditions Agreed with Environmental Health

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 Timothy Ross in respect of a vessel located at Bourbon Street Basement Barge, The Old Boat Yard, Edge Lane, Stretford, M32 8HW.

1.2 The applicant applied for the following hours:

Supply of Alcohol (Both On and Off sales)

Monday - Sunday 10:00 – 00:00

Live Music

Monday - Sunday 10:00 – 00:00

Recorded Music

Monday - Sunday 10:00 – 00:00

Performance of Dance

Monday - Sunday 10:00 – 00:00

Films

Monday - Sunday 10:00 – 00:00

Late Night Refreshment

Monday - Sunday 23:00 – 00:00

Opening Hours

Monday - Sunday 10:00 – 00:30

Seasonal Variations:

On Bank Holiday Weekends (Friday/Saturday/Sunday/Monday) until 01:00 for all licensable activities with opening hours until 01:30..

From the start time on New Year's Eve to the terminal hour for New Year's Day.

1.3 The application has been properly made and all procedures correctly followed. The application including photographs of the vessel, a COVID restricted plan and COVID Risk Assessment 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 The vessel is not currently licensed.

2.2 The applicant has described the premises as:

“A purpose build to Passenger vessel formally known as the Martin Emperor, with a UK passenger certificate classification of UK Class/Category of Class V, passenger numbers 50, crew min 2 and a maximum people on board of 54.

There is seating for 50 people, public toilet, 2x entrance/exits and 2 x fire exits. Firefighting equipment, rescue and evacuation in line with MCA Schedule
The Vessel has been operating as a licenced passenger vessel for several years within the Pendle council district prior to being purchased.

The vessel's permanent home port is at the above address, however it cannot be permanently moored there.

The long term operating plan (COVID-19 restrictions permitting) will be that the vessel will operate as a floating venue for both ticketed and non-ticketed events as well as private hire. The vessel will travel between different locations to facilitate this unique venue experience. For example it will collect a wedding party from point A and take them to point B facilitating a unique wedding breakfast experience. Tours from locations in the northwest to Old Trafford, historic tours along the Leeds to Liverpool canal.”

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. They are listed below and will be attached as conditions to any licence as may be granted:

GENERAL

1. The bar staff trained in the promotion of the 4 licensing objectives
2. The premises management will liaise with local police as and when necessary
3. The bar staff and management to operate control measures for the supply of alcohol including controls to prevent excessive drinking and to prevent drunkenness. The interior and periphery of the site will be carefully controlled to prevent disorderly and or violent behaviour.
4. A cleansing schedule will be implemented both during and after the operation to ensure the premises is kept to its normal high standard of cleanliness. Staff will be charged with the responsibility of keeping the premises tidy during operation at all times.
5. No activity will be permitted that would negate the provision of a safe friendly environment
6. The public occupancy capacity for the premises will be limited to 62 at any one time.
7. Passengers must not embark or disembark from Bourbon Street Barge's home port.

THE PREVENTION OF CRIME AND DISORDER

1. Any person who

- a) attempts to gain entry to the premises who is involved in disorderly conduct or anti-social behaviour outside the premises, or
 - b) are likely to cause crime and disorder within the premises
- will not be permitted entry to the premises. The premises license holder shall ensure that any person within the premises who is involved in disorderly conduct or anti-social behaviour inside the premises will be removed from the premises immediately.
2. Conditions of entry:
 - a) There will be no fluids to be brought into the premises.
 - b) No illicit drugs or drug related paraphernalia or anything believed to be a legal high will be allowed into the premises.
 - c) There will be no glass containers of any kind allowed into the premises.
 3. At the exit points there will be signs in clear easily readable text providing the following information:
 - a) No alcohol to be allowed out of the premises.
 - b) Please leave quietly and respect our neighbours.
 4. Staff are trained to recognize drunkenness and refuse service to customers who have consumed excessive alcohol and trained to handle potential troublemakers and diffuse difficult situations.

PUBLIC SAFETY

1. Staff training will be made to allow communication of emergency procedures and issues relating to the health, safety and welfare of people within the premises.
2. The method of communicating the above to the public will be done through verbal briefing and signage, emergency instructions will be via PA systems.
3. The contingency arrangement for emergency evacuation is in place and will be implemented should the need arise.
4. Risk assessment, insurance and relevant licenses and permits will be in place
5. Regular safety checks will be carried out
6. All firefighting equipment shall be maintained and tested annually
7. All electrical equipment will be annually inspected
8. The management will seek advice from the local fire service as and when necessary

PREVENTION OF PUBLIC NUISANCE

1. Great consideration will be given to residents and businesses in the surrounding area when boarding and disembarking, particularly regarding noise and the movement of people.
2. No Alcohol will be allowed to be taken from the premises when leaving
3. Amplified sound will be kept to an appropriate level
4. Noise levels from PA/Amplified sound will be reduced to a level which will not constitute as nuisance at noise sensitive properties *agreed with EHO.
5. No external speakers will be fitted to the vessel *agreed with EHO.

PROTECTION OF CHILDREN FROM HARM

1. Persons under the Age of 18 will not be allowed on the premises without a responsible adult.
2. Alcohol not to be sold to any person who is under 18 years of age. Or to persons suspected of possibly passing on alcohol to under aged persons (proxy purchasing)
3. Challenge 25 Policy is to be adopted

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.

5.0 CONSULTATION

5.1 The responsible authorities included in consultation are; Environment Agency, Canal and River Trust, Maritime & Coastguard Agency, 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. On the direction of the Canal and River Trust, Peel Holdings were also consulted because they own this section of canal.

5.2 Of those consultees identified in paragraph 5.1, one representation was received from the Pollution Control Authority and conditions were agreed to satisfy this representation, attached as **Appendix C**; these are included in the operating schedule under prevention of public nuisance. Four representations were received from other persons concerned with public nuisance; these are attached as **Appendix D**.

5.3 A copy of the report and the representation received has been sent to the applicant.

5.4 Those that have made a representation 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.