

## TRAFFORD COUNCIL

**Report to:** Licensing Sub-Committee  
**Date:** 16 March 2021  
**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 SYD'S CHICKEN AND PIZZA, 680 CHESTER ROAD, STRETFORD, M32 0SF.**

### Summary

Under S18(4) of the Licensing Act 2003, Members are requested to determine an application for a new premises licence in respect of Syd's Chicken and Pizza, 680 Chester Road, Stretford, M32 0SF 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) Application for a New Premises Licence  
B) Photograph of Blue Notice & Copy of Newspaper Advert  
C) Representations

## **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 Sohail Musa on behalf of Mr Muhammad Aslam, in respect of 680 Chester Road, Stretford, M32 0SF

1.2 The applicant initially applied for the following hours:

### **Late Night Refreshment**

Monday - Thursday 23:00 – 02:00

Friday – Sunday 23:00 – 04:00

### **Opening Hours**

Monday - Thursday 11:00 – 02:00

Friday – Sunday 11:00 – 04:00

1.3 The application has been properly made and all procedures correctly followed. The application including amended operating schedule 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 premises is not currently licensed.

2.2 The applicant has described the premises as: “Hot Food Takeaway.”

## **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:

1. The premises will have CCTV at the premises and recordings will be stored for a minimum of 28 days. These will be made available to the police and council upon request.
2. The licence holder will ensure that there are no youths loitering around the shop.

3. The premises will have a documented Duty of Care policy for managing intoxicated and vulnerable customers and dealing with incidents of harassment at the premises.
4. The licence holder will meet Health and Safety Regulations.
5. The premises will be fully compliant with the latest Covid regulations for hot food takeaways.
6. No Music will be played at the premises.
7. A direct telephone number for the duty manager must be prominently displayed where it can conveniently be read from the exterior of the premises by the public. The telephone must be manned at all times the premises is open for licensable activities.
8. No deliveries or collections relating to licensable activities at the premises will take place between the hours of 04:00 - 11:00
9. Delivery drivers will conduct the delivery in a manner that will not cause a noise disturbance to the occupiers of any residential properties surrounding the delivery address. This includes the avoidance of slamming doors, playing loud music, shouting, over-revving engines and sounding horns to signal their arrival. The driver shall turn the engine off immediately upon arrival at the delivery address and will park considerately without causing any obstruction to the highway.
10. Customers will be instructed when placing the order that they will not be able to collect the order from the vehicle. All deliveries will only be made directly to the property address and customers will not be permitted to take orders from the vehicle.
11. The premises will provide sufficient waste bins at or near the exits, to enable the disposal of waste.
12. Children under 16 will not be served after 23:00 ID will be requested.
13. No alcohol will be served on site at anytime
14. Arrangements will be made for appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm.

**3.2** Following consultation with the Council's Environmental Health Officer, see **Appendix C**. The application has been further amended to remove any provision for outdoor Late Night Refreshment, and the following hours have been agreed:

**Late Night Refreshment (indoors only)**

Monday - Sunday 23:00 – 00:00

**Opening Hours**

Monday - Sunday 11:00 – 00:00

## **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, one representation was received from an Other Person, Cllr Laurence Walsh, who is concerned with fly tipping at the site, and the hours that have been applied for. Cllr Walsh outlines his grounds for concern under the licensing objective of prevention of public nuisance, and requests that the sub-committee amend the hours to 23:00-00:00 on Saturday & Sunday only, and seeks the assurance of a robust waste removal policy, attached as **Appendix C**.
- 5.3** A representation from the Pollution Control Authority as a Responsible Authority was also received, attached as **Appendix C**. This representation was satisfied by agreement to amending the hours of opening and Late Night Refreshment (indoors only) to 23:00-00:00 Monday to Sunday.
- 5.4** A copy of the report and the representations received has been sent to the applicant.
- 5.5** 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.