

TRAFFORD COUNCIL

Report to: Licensing Sub-Committee
Date: 24th May 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 THE UP TOP, 4TH FLOOR, MSCP, STRETFORD MALL, KINGSWAY, STRETFORD, M32 9BD

Summary

Under S18(4) of the Licensing Act 2003, Members are requested to determine an application for a new premises licence in respect of The Up Top, 4th Floor, MSCP Stretford Mall, Kingsway, Stretford, M32 9BD 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.
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) Representation

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, The Up Top Ltd in respect of The Up Top, 4th Floor, MSCP, Stretford Mall, Kingsway, Stretford, M32 9BD.

1.2 The applicant has applied for the following hours:

Films – Outdoors

Friday – Sunday 20:00 – 23:00

Alcohol – On & Off

Sunday – Thursday 12:00 – 21:30

Friday – Saturday 12:00 – 22:00

Opening Hours

Sunday – Thursday 12:00 – 21:30

Friday – Saturday 12:00 – 22:00

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 applicant has described the premises as: “The proposed site is a part of the top floor of a multi-storey car park in Stretford. There is a bar with a covered drinking area beside it, then a large open air space with seating. Once a month there will be films broadcast. The premises has planning permission to operate as a leisure space for six months in the year with no amplified music other than on cinema weekends..”

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. During day-to-day use, no more than 125 customers shall be permitted on the premises, during event use no more than 500 customers shall be permitted on the premises.

2. The premises licence holder shall ensure a suitable method of calculating the number of people present during the licensable activities is in place.
3. Door supervisors shall be provided on event days. Door supervisors shall be on duty from 6pm and must remain on duty until the premises are closed and the all the customers have left.
4. Door supervisors shall be employed by the premises based upon a risk assessment carried out in relation to the expected attendance.
5. Any door supervisors on duty at the premises shall be supplied by an SIA-approved Contractor Scheme company.
6. Door supervisors shall be provided with radios to enable them to contact each other and the duty manager at the premises.
7. No promotional social media communication shall be carried on for the purpose of encouraging the sale or supply of alcohol at the premise, which can reasonably be considered to condone, encourage or glamourise antisocial behaviour or to refer to the effects of drunkenness in a favourable manner.
8. The premises licence holder shall ensure that CCTV cameras are located within the premises to cover all public areas including all entrances and exits. The CCTV system operates at all times where the premises are open for licensable activities. All equipment must have a constant and accurate time and date generation.
9. An incident log shall be kept at the premises for at least six months and made available on request to the police or an authorised officer of the licensing authority which will record the following incidents including pertinent details: all alleged crimes reported to the venue, all ejections of patrons, any complaints received, any incident of disorder, seizures of drugs, offensive weapons, fraudulent ID or other items, any refusal of the sale of alcohol, any visit by a responsible authority or emergency service.
10. All staff authorised to sell alcohol shall be trained in prevent underage sales; maintain refusals log; enter sales correctly in till; recognise signs of drunkenness and vulnerability; how overservice of alcohol impacts on the four licensing objectives; how to refuse service; the premises duty of care policy; action to be taken in the event of an emergency; the conditions in force under this licence. Documented records of training completed shall be kept for each member of staff.
11. The premises licence holder shall comply with the Event Management Plan submitted to and approved by the Licensing Authority and no changes will be made to the Event Management Plan without the prior written consent of the Licensing Authority.
12. The premises licence holder shall ensure that at all times when the public is present there is at least one competent person able to administer first aid, that an adequate and appropriate supply of first aid equipment is available on the premises and that adequate records are maintained in relation to the supply of any first aid treatment.

13. All bar staff and door staff on duty at the premises shall be trained in the emergency and evacuation procedures for the premises and aware of their individual responsibilities. Documented records of training completed shall be kept for each member of staff.

14. Between the hours of 2100 and 0900 no waste/glass bottles shall be moved or deposited outside.

15. The dispersal of customers from the premises must be managed in accordance with public announcements requesting customers to leave quietly and minimise disturbance to nearby residents.

16. Customers will not be permitted to remove from the premises any drinks supplied by the premises in open containers except for consumption in delineated external areas.

17. 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.

18. Proof of age shall only comprise a passport, an EU EEA national ID card or similar document or photo card driving licence.

19. The premises shall display prominent signage at any point of sale that the Challenge 25 scheme is in operation.

20. All staff authorised to sell alcohol shall be trained in prevent underage sales

3.2 The below conditions were proposed by the applicant after correspondence with Responsible Authorities during the consultation period, attached as **Appendix C**. The conditions shall be attached to the licence if granted:

21. The premises shall be operated in accordance with the approved Noise Management Plan submitted in support of 100666/FUL/20.

4.0 CONSULTATION

4.1 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.

4.2 Of those consultees identified in paragraph 4.1, a representation was received from Lee Affleck, an Environmental Health Officer, in relation to public safety attached as **Appendix D**.

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

4.5 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.

5.0 LEGAL CONSIDERATIONS

- 5.1** 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.
- 5.2** 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.
- 5.3** 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.
- 5.4** 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.