

TRAFFORD COUNCIL

Report to: Licensing Sub-Committee
Date: 22 June 2021
Report for: Decision: Determination of Application
Report of: Head of Regulatory Services

Report Title

APPLICATION FOR THE GRANT OF A FULL VARIATION TO A PREMISES LICENCE UNDER S17 LICENSING ACT 2003 AT FOX AND HOUNDS HOTEL, 201 WOODSEND ROAD, FLIXTON, M41 8QW

Summary

Under S34(4) of the Licensing Act 2003, Members are requested to determine an application for a full variation in respect of Fox and Hounds Hotel, 201 Woodsend Road, Flixton, M41 8QW 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 Modify the conditions of the licence;
- (ii) To reject the whole or part of the application; and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

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 to Vary a Premises Licence
- B) 1 – New Plan
2 – Old Plan
- C) Photograph of Blue Notice & Copy of Newspaper Advert
- D) Current Premises Licence
- E) Conditions agreed with Greater Manchester Police
- F) Representation from Environmental Health
- G) Representation from Resident

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 Domleo, Flint Bishop on behalf of Star Pubs & Bars Limited in respect of Fox & Hounds Hotel, 201 Woodsend Road, Flixton, M41 8QW

1.2 The applicant has applied for the following variation:

1. Change the name of the premises as shown on the premises licence to "The Fox – Pub & Kitchen"

2. Amend the licensing plan in accordance with drawing No. 2057 – 301 dated 4 March 2021 which accompanies the application and to permit the sale of alcohol from an external bar servery. Please note that the amendments to the plan are not to take effect until the works are complete and the licensing authority are notified

3. Add non-standard timing for all licensable activities and opening hours

Live Music – Indoors

New Year's Eve – From the end of permitted hours until 01:00 hours on New Year's Day

Recorded Music – Indoors

New Year's Eve – From the end of permitted hours until 01:00 hours on New Year's Day

Alcohol – On & Off

New Year's Eve – From the end of permitted hours until 01:00 hours on New Year's Day

Opening Hours

New Year's Eve – From the end of permitted hours until 01:45 hours on New Year's Day

4. Remove existing Annex 3, condition 1:

'No person under the age of 16 will be permitted on the premises or part of the premises after 21:00 hours'.

To be amended to the following condition:

Children under the age of 16 must be accompanied by an adult at all times and must be off the premises by 22:00 hours, unless on New Year's Eve when they will be permitted to remain accompanied on the premises until close

- 1.3 The application has been properly made and all procedures correctly followed. The application including amended operating schedule and plan has been attached as **Appendix A and B**. Photographs of the blue notice in place and copy of newspaper advert are attached as **Appendix C**.

2.0 **BACKGROUND AND HISTORY OF PREMISES**

- 2.1 The premises is currently licensed, a copy of the licence is attached as **Appendix D**.

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

The Protection of Children From Harm

Children under the age of 16 must be accompanied by an adult at all times and must be off the premises by 22:00 hours, unless on New Year's Eve when they will be permitted to remain accompanied on the premises until close

- 3.2 The below conditions were agreed between the applicant and Greater Manchester Police after correspondence between both parties during the consultation period, attached as **Appendix E**. The conditions shall be attached to the licence as may be granted:
1. CCTV cameras are located within the premises to cover all public areas including all entrances and exits
 2. The system records clear images permitting the identification of individuals.
 3. The CCTV system is able to capture a minimum of 24 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
 4. The CCTV system operates at all times while the premises are open for licensable activities
 5. All equipment must have a constant and accurate time and date generation.
 6. The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected.
 7. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a police officer or authorised council officer copies of recent CCTV images or data with the minimum of delay when requested.

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 Peter Belfield, Environmental Health Officer, in relation to the prevention of Public Nuisance associated to noise from Regulated Entertainment and service of alcohol outside, attached as **Appendix F**.
- 4.3** A representation has also been received from a local resident in relation to Public Nuisance associated to noise from Regulated Entertainment outside, attached as **Appendix G**.
- 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.