

## TRAFFORD COUNCIL

**Report to:** Licensing Sub-Committee  
**Date:** 03 November 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 PREMISE LICENCE UNDER S34 LICENSING ACT 2003 AT KARAM, 183 ASHLEY ROAD, HALE, WA15 9SD**

### Summary

Under S35(4) of the Licensing Act 2003, Members are requested to determine an application for a variation to a premises licence in respect of Karam Restaurant, 183 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:** Katie Armstrong, Licensing Officer.  
**Contact:** Licensing@trafford.gov.uk

**Background Papers:** None.

**Appendices:** A) Application for a Full Variation Application  
B) Blue Notice  
C) Current Premise Licence and Plan  
D) 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 Dana Jackson, Office Manager, on behalf of Middle Eastern LTD, 9 Portland Street, Manchester, M1 3BE

1.2 The applicant has applied to amend the opening hours, change the DPS and the name of the premise.

The applicant has proposed the opening hours are changed to the following:

### **Opening Hours**

Monday – Sunday 09:00 – 00:00

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

## **2.0 BACKGROUND AND HISTORY OF PREMISES**

2.1 The premise is currently licenced and was first licenced in 2005. The current licence has been attached as **Appendix C**.

2.2 The current opening hours are as follows.

### **Opening Hours**

Sunday 11:00 – 00:30

Monday – Saturday 11:00 – 00:30

## **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 current conditions on the operating schedule are listed below:

1. CCTV recorded images will be retained for 31 days and will be available to the Police upon request.
2. All emergency exits shall be maintained regularly, all exits shall be unlocked and clear at all times, both inside and out.

3. Children will only be permitted into the premises when accompanied by an adult between the times of 10.00am and 10.00pm.
4. All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency or for ingress and egress to the premises.
5. For premises where entertainment takes place on a regular basis, music and associated sources (including DJs and amplified voices should generally not be audible inside noise sensitive properties at any time. Where entertainment takes place less frequently, such noise should not be audible inside noise sensitive properties between 23.00 and 07.00 hours.
6. The Licensee and representative of local residents will attend a meeting at the request of either party to discuss any issues. Minutes of the meeting to be taken by the Licensee and signed by both parties with a copy sent to the Council.
7. No bottles to be emptied externally nor refuse collected after 23.00 hours or before 07.30 hours Monday to Saturdays or 09.30 hours on Sunday.
8. Any live music played at the premises will be restricted to no more than two musicians and will cease at 22.00 with the exception of New Year's Eve when the terminal hour will be 24.00.
9. No recorded music to be played at the premises. (Note: This condition is not intended to prevent the playing of incidental music in the premises).
10. There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public (or a member and their guests) notices requiring customers to leave the premises and the area quietly. (Note: this may also include a reference to vehicles).
11. After 23.00 hours on weekdays (Sunday - Thursday) and after midnight on Fridays and Saturdays no patrons shall be allowed to exit the building via the main entrance on Westgate Road (exemption for disabled persons and those accompanying them).
12. A sign shall be permanently displayed at the exits requesting that patrons to exit only via the entrance on Ashley Road after the specified times.
13. By nominating a dedicated taxi service the licence holder shall use all reasonable endeavours to operate in the following manner: encourage patrons to use the nominated service drivers shall be instructed not to use their horns staff shall liaise with the taxi company and advise guests when the taxi has arrived to avoid excessive noise from car horns taxis shall be instructed only to pick up patrons from the Ashley Road exit after specified times

**3.2** The below additional conditions have been outlined in section 16 of the application and shall be attached to the licence if granted:

14. All conditions will be known by all members of the team.

15. Toughened glass will be used where possible and customers will not be permitted to take open or close alcohol off the premises.

16. Bottle and glass bin will be stored in a locked part of the premises which the public does not have access to.

17. ID will be required when purchasing alcohol.

18. All fire safety has been completed and signed off, the building is equipped with all necessary emergency lighting and 24/4 monitored alarm system.

19. The fire exits are checked continuously.

20. Adequate arrangements exist to enable the safe movement within the premises of disabled people and their safe evacuation in the event of an emergency.

21. A noise management plan has been devised and is in operation at the premises.

#### **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, one representation was received from Nasreen Ali, Environmental Health, attached as **Appendix D9**.

4.3 A representation from eight local residents and one local councillor have been received in respect of prevention of public nuisance, the prevention of crime and disorder, public safety and protection of children from harm, attached as **Appendix D**.

4.4 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.

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

#### **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.