

TRAFFORD COUNCIL

Report to: Licensing Sub-Committee
Date: 20 December 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 S34 LICENSING ACT 2003 AT DUNHAM PRESS CIDER, BOUNDARY FARM, SAWPIT STREET, DUNHAM MASSEY, ALTRINCHAM, WA14 5SJ

Summary

Under S35(3) of the Licensing Act 2003, Members are requested to determine an application for a variation to a premises licence in respect of Dunham Press Cider, Boundary Farm, Sawpit Street, Dunham Massey, Altrincham, WA14 5SJ 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
B) Blue Notice and Newspaper Advert
C) Current Premises Licence
D) 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 Nick Semper, Licensing Consultant and Agent, on behalf of Mr Chris Hewitt in respect of Dunham Press Cider, Boundary Farm, Sawpit Street, Dunham Massey, Altrincham, WA14 5SJ.

1.2 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 and copy of newspaper advert are attached as **Appendix B**.

1.3 The applicant has applied to amend the opening hours and the sale of alcohol off the premises. The applicant has also applied to amend some conditions. The existing licensable hours are:

Alcohol (Off)

Sunday – Thursday 10:00 – 18:00

Friday – Saturday 10:00 – 21:00

Alcohol (On)

Sunday – Thursday 10:00 – 18:00

Friday – Saturday 10:00 – 21:00

Opening Hours

Sunday – Thursday 10:00 – 18:00

Friday – Saturday 10:00 – 21:00

1.4 The proposed amended opening hours and the sale of alcohol off the premises.

Alcohol (Off)

Monday – Sunday 10:00 – 22:30

Alcohol (On)

Monday – Sunday 10:00 – 22:30

Opening Hours

Monday – Sunday 10:00 – 22:30

2.0 BACKGROUND AND HISTORY OF PREMISES

2.1 The current premises licence is attached as **Appendix C**.

3.0 OPERATING SCHEDULE

3.1 The operating schedule is completed by the applicant and contains an amendment to the current schedule. The current conditions on the operating schedule are listed below:

1. An incident log must be kept at the premises. Incident log records will be retained for a period of 12 months from the date it occurred. It will be made immediately available on request to the Police, an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), or an authorised Trading Standards Officer of the Local Authority/ Council, and must record the following:
 - (a) all crimes reported to the premises (where relevant to the licensing objectives)
 - (b) all ejections of patrons
 - (c) any complaints received (where relevant to the licensing objectives)
 - (d) any incidents of disorder
 - (e) any refusal of the sale of alcohol
 - (f) any visit by a relevant authority or emergency services, noting time, date & purpose and Licensing Act 2003 Premises Licence PL079993 those officials by name.
2. All staff engaged in the sale of alcohol to be trained in Responsible Alcohol Retailing to the minimum standard of BIAB1 or any equivalent training course within one month of commencing employment at the premises. No person shall be authorised to sell or supply alcohol until this training is completed. Refresher training will be carried out at 12 monthly intervals. Training records shall be kept on the premises and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of the Local Authority/ Council) on demand.
3. Noise or vibration shall not emanate from the premises so as to cause a nuisance.
4. The Premises Licence Holder or DPS or the responsible person must immediately comply with any request to adjust noise levels/ frequency spectra made by an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or the Police.
5. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer the Local Authority/Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any counter advertising the scheme operated.
6. A written register of Refusals will be kept including a description of the people who have been unable to provide required identification to prove their age. Such records shall be kept for a period of 12 months and will be

collected by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of the Local Authority/Council on demand.

INTERNET SALES:

7. The Premises Licence Holder shall ensure that any person who purchases from the site shall register with the site. Such registration details shall include the person's full name, full address, date of birth and phone number. Records of such registrations shall be kept for a period of 12 months and shall be produced on demand of the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of the Local Authority/Council. The website shall contain a declaration to the fact that purchasers' details will be checked to ensure eligibility to the sale.
8. The terms and conditions of the company website will contain the following:
 - a) The company will not sell alcohol to any person until it has been verified that the person is over 18 years of age.
 - b) An age confirmation requirement when registering to purchase.
 - c) Reference to the operating of a Challenge 25 policy.
 - d) That no parcels will be left by the courier if the person at the delivery address is under 18 years of age.

DELIVERIES:

9. The person delivering the alcohol to the premises shall operate a Challenge 25 policy and shall require proof of age prior to the alcohol being handed over. No alcohol shall be handed over to a person under 18. The only acceptable proof of identity shall be a photographic driver's licence, a passport or an Identity Card containing the PASS Hologram. The website shall contain a declaration to this effect.
10. No music / sound / speakers shall be permitted to any external part of the site.
11. 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 member and their guests) notices requiring customers to leave the premises and the area quietly. (Note, this may also include a reference to vehicles).
12. Use of beer gardens or outside areas should not be permitted before 1000 hours and beyond 1800 hours.

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

1. Amend condition 8 to remove the word 'company' and replace with word 'business'. Remove words 'That no parcels will be left by the courier if the person at the delivery address is under 18 years of age.'
2. Amend condition 9 to add the words 'if the person at the point of delivery is under 18, the delivery will not be made.'

3. Remove condition 12, 'Use of beer gardens or outside areas should not be permitted before 1000 hours and beyond 1800 hours.'

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, no representations were received.
- 4.3 A representation from one local residents have been received in respect of prevention of public nuisanc, attached as **Appendix D**.
- 4.4 Those who have made a representation have been informed that the application has been amended as detailed in paragraph 1.4.
- 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.
- 4.6 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.