

TRAFFORD COUNCIL

Report to: Licensing Sub-Committee
Date: Wednesday 19 October 2022
Report for: Decision: Determination of Application
Report of: Head of Regulatory Services

Report Title

APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE UNDER S34 LICENSING ACT 2003 AT BEYOND THE TREES, ASHBURTON HOUSE, TRAFFORD PARK ROAD, TRAFFORD PARK, MANCHESTER M17 1BN.

Summary

Under S35(3) of the Licensing Act 2003, Members are requested to determine an application for a new premises licence in respect of Beyond the Trees, Ashburton House, Trafford Park Road, Trafford Park, Manchester M17 1BN having regard to a 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, Senior Licensing Officer
Contact: Licensing@trafford.gov.uk

Background Papers: None.

Appendices:
A) Application for a New Premises Licence
B) Blue Notice and Newspaper Advert
C) Representation from Environmental Health
D) Representations from residents

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 Kuit Steinart Levy LLP on behalf GVE Ltd, in respect of: Beyond the Trees, Ashburton House, Trafford Park Road, Trafford Park, Manchester M17 1BN.

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 licensable hours as applied for are:

Plays (Indoors & Outdoors)

Monday - Sunday 00:01 – 00:00

Films (Indoors & Outdoors)

Monday – Sunday 00:01 – 00:00

Live Music (Indoors & Outdoors)

Monday – Sunday 00:01 – 00:00

Recorded Music (Indoors & Outdoors)

Monday – Sunday 00:01 – 00:00

Dance (Indoors & Outdoors)

Monday – Sunday 00:01 – 00:00

Like Music/Dance (Indoors & Outdoors)

Monday – Sunday 00:01 – 00:00

Alcohol (On & Off)

Monday – Sunday 00:01 – 00:00

Opening Hours

Monday - Sunday 05:00 – 02:00

2.0 BACKGROUND AND HISTORY OF PREMISES

2.1 The premises has not been licensed previously. The Premise Licence Holder for this application has a premise adjacent to this New Premise Licence application known as 'Six Trees'. There have been nine

Temporary Event Notices granted in 2022. These Temporary Event Notices covered car parks 1, 2 and the first floor office space which they seek to licence in this New Premise Licence application. The Temporary Event Notices also extended the hours on the current 'Six Trees' Licence.

3.0 OPERATING SCHEDULE

3.1 The condition on the operating schedule are listed below:

A. General

Use of the external event space

1. On the occasion that the external event space of the licensed premises is being used to host an event, it shall open no earlier than 11:00hrs and close no later than 23:00hrs Monday to Sunday.
2. All licensable activities (the sale of alcohol and regulated activities) taking place in the external event space may start at 11:00hrs and shall terminate 30 minutes before its close, Monday to Sunday.
3. On New Year's Eve, the external event space may also operate licensable activities (the sale of alcohol and regulated activities) from the end of its standard permitted hours until 01:00hrs on the morning of New Year's Day, plus thirty minutes for dispersal.

B. The Prevention of Crime and Disorder

4. Staff will be trained in the requirements of the Licensing Act 2003 with regard to the Licensing Objectives, and the laws relating to underage sales and the sale of alcohol to intoxicated persons, and that training shall be documented and repeated at 6 monthly intervals.
5. A refusals book will be maintained at the premises, and made available to an officer of a responsible authority upon request.
6. The premises shall operate a zero-tolerance policy to drug use and posters shall be prominently displayed to this effect. All staff shall be trained in the implementation of the venue's drugs policy.

CCTV

7. A CCTV system shall be maintained and operated at the premises with cameras positioned both internally and externally.
8. Recorded CCTV images will be maintained and securely retained for a period of twenty-eight days and shall be produced to the Police or Licensing Authority upon request.
9. CCTV will be in operation at any time the premises is open for licensable activities.

10. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard PC or DVD player.

11. Any person left in charge of the premises during operating hours must be trained in the use of any such CCTV equipment, and be able to produce and provide CCTV images to police or authorised local authority officers as soon as is reasonably practicable in accordance with the Data Protection Act 1998 (or any replacement legislation).

Door supervision

12. Door supervisors shall be employed by the premises based upon a risk assessment to be carried out on an even by event basis, and in relation to the following factors:

12.1. Expected attendance (number and audience type)

12.2. Type of event taking place

12.3. The hours during which the event will take place

12.4. Time of year

12.5. Special occasion (New Year, Halloween, Local events etc.)

12.6. Premises Licence Conditions

13. At least 1 female door supervisor(s) shall be on duty at the premises at such times as door supervisors are required to be provided.

14. Door supervisors must be provided with radios to enable them to contact each other and the duty manager at the premises.

15. Where SIA registered door supervisors are used at the premises, a record must be kept of:

15.1. The number of door staff on duty

15.2. The identity of the door staff on duty (their name and SIA registration number); and

15.3. The dates and times when they are on duty.

16. The Designated Premises Supervisor or on-duty manager must ensure that all door supervisors on duty at the premises are correctly displaying their current SIA accreditation and are briefed on their responsibilities and relevant company operating procedures before they commence duty.

C. Public Safety

Admissions management

17. Where queues are likely to form, staff and / or SIA registered door supervisors (when employed) will monitor these to ensure that they are orderly, and that customers queuing do not cause a nuisance.

18. Where an event is ticketed, a last entry time to the event space in use will be implemented, save for persons who temporarily leave the event space for

the purposes of smoking. Re-entry to the premises for any other reason is permitted at the discretion of staff members / door supervisors.

19. The premises licence holder shall ensure a suitable method of identifying those persons who are permitted to attend the event spaces within the premises.

20. The premises licence holder shall ensure a suitable method of calculating the number of people present in an events spaces within the premises during an event.

General

21. A first aid box will be available at the premises at all times.

22. The premises licence holder shall ensure that at all times when an event is taking place within the premises, there is at least one competent person able to administer first aid, that an adequate and appropriate supply of first aid equipment and materials is available on the premises, and that adequate records are maintained in relation to the supply of any first aid treatment.

23. Regular safety checks shall be carried out by staff.

24. A personal licence holder must be present at the premises to supervise all sales of alcohol during events.

25. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Trafford Council.

26. Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.

27. An incident log (which may be electronically recorded) 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:

27.1. All alleged crimes reported to the venue or by the venue to the police

27.2. All ejections of patrons

27.3. Any complaints received

27.4. Any incidents of disorder

27.5. Seizures of drugs, offensive weapons, fraudulent ID or other items

27.6. Any refusal of the sale of alcohol

27.7. Any visit by a responsible authority or emergency service

27.8. The times on duty, names and the licence numbers of all licensed door supervisors employed by the premises.

28. The premises shall maintain public liability insurance.

29. Each event will be subject to a risk assessment by the premises licence holder which will be available for inspection upon request by a police officer or an authorised officer of Trafford Council.

30. Where indicated in accordance with the outcome of the event risk assessment, a sufficient number of persons must be employed and on duty at the premises during the event who are specifically tasked to maintain the safety of customers who may be vulnerable, ill or in distress as a result of alcohol and/or drug-related intoxication. Such persons must be trained on drunkenness, vulnerability, and drugs awareness in the night-time economy; and responding to these matters.

31. The premises will have in place an emergency and evacuation plan for the premises. The staff on duty shall be trained in these procedures and will be aware of their individual responsibilities. This includes any door supervisors. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than six monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Trafford Council.

Private events

32. The premises licence holder will provide the licensing authority and the police with a minimum of 72 hours' notice of a private booking that intends to operate past 02:00hrs. The notice will also include the terminal hour of the event.

Promoted events (i.e. not private events)

33. The premises licence holder must submit to the licensing authority a completed risk assessment form as prescribed at least 14 days before any event that is:

- 33.1. Promoted / advertised to the public at any time before the event; and
- 33.2. Features DJ's, MC's or equivalent performing to a record backing track; and
- 33.3. Runs anytime between the hours of 01:00am and 06:00am.

34. Where events are ticketed, details of the admissions policy will be published on the premises website.

35. No promotional social media communication may be carried on by the premises licence holder for the purpose of encouraging the sale or supply of alcohol at the premises, which can reasonably be considered to condone, encourage or glamorise antisocial behaviour, or to refer to the effects of drunkenness in any favourable manner.

D. The Prevention of Public Nuisance

General noise and nuisance

36. All external windows and internal doors must be kept shut at all times when regulated entertainment is being provided. Doors may be opened for normal entrance and egress of people but must be shut immediately thereafter.

37. Noise from amplified music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises.

38. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

39. The exterior of the premises shall be cleared of litter at regular intervals.

40. The emptying of bins into skips and refuse collections will not take place between 11pm and 7am.

The external events space, smoking and dispersal

41. A Dispersal Policy will be implemented and adhered to in relation to the operation of the premises and will be amended as necessary on an event-by-event basis.

42. A Management of the External Area and Smoking Policy will be implemented and adhered to in relation to the operation of the premises.

43. There shall be a delineated designated smoking area/areas available whilst the premises is being used.

44. Patrons permitted to temporarily leave and then re-enter the premises to smoke will be restricted to a delineated designated smoking area.

45. Patrons will not be permitted to remove from the premises any alcoholic drinks supplied by the premises except for consumption in any delineated external smoking area.

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 has been received from Environmental Health, **attached as Appendix C.**

4.3 Representations have been received from local residents in relation to public nuisance and noise pollution, **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.