

AGENDA ITEM NO.

TRAFFORD COUNCIL

Report to: Licensing Sub-Committee
Date: 3rd February 2022
Report for: Decision
Report of: Head of Regulatory Services

Report Title

APPLICATION FOR REVIEW OF AN EXISTING PREMISES LICENCE – ASTORIA BAR & GRILL, 32-34 FLIXTON ROAD, URMSTON, M41 5AN

Summary

The Licensing Authority has received an application from Greater Manchester Police requesting a review of the Premises licence held by Shaw Leisure Holding Limited on the grounds of prevention of crime and disorder and ensuring public safety.

Recommendation(s)

The Sub-committee must, having regard to the application and any relevant representations, take such of the steps mentioned in Section 52(4) of the Licensing Act 2003 (if any) as it considers necessary for the promotion of the licensing objectives.

The steps stated in Section 52(4) are:

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

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.

The Sub-Committee has the power in relation to steps (a) and (b) to provide that the modification and exclusion only has effect for a limited period not exceeding three

months.

The Sub-Committee also have the option to take no further action or issue an informal warning to the licence holder and/or recommend improvement within a particular period of time.

Contact person for access to background papers and further information:

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1. BACKGROUND

- 1.1 At any stage, following the grant of a premises licence, a responsible authority, such as the police or the fire authority, or an interested party, such as a resident, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 1.2 In every case, the representation must relate to the particular premises for which a premises licence is in existence and must be relevant to the promotion of the licensing objectives.
- 1.3 The licensing objectives are:
 - The prevention of crime and disorder
 - The prevention of public nuisance
 - Public safety
 - The protection of children from harm

2. APPLICATION

- 2.1 On the 9th December 2021 the Licensing Authority received an application from PC Karen Packer (Divisional Licensing Officer) on behalf of the Chief Constable of Greater Manchester Police for a review of the Premises Licence PL000238. The licence is held by Shaw Leisure Holding Limited for premises known as Astoria Bar and Grill, 32-34 Flixton Road, Urmston, M41 5AN. A copy of the application is attached at **Appendix A** and copy of the Police evidence bundle is attached at **Appendix B**.
- 2.2 The Police have confirmed that, in accordance with the regulations, the application was also given to the premises licence holder and responsible authorities on the same date 9th December 2021. Following receipt of the application the Authority posted notice of the application outside the premises; on the Council's website at the Council's Offices for 28 consecutive days.
- 2.3 The application is made on the grounds of preventing crime and disorder and ensuring public safety. Greater Manchester Police have requested that the Sub-Committee

review the premises licence at Astoria Bar and Grill 32-34 Flixton Road, Urmston; attach additional conditions to the licence to prevent further incidents of crime and serious disorder; and suspend the licence until confirmation is received that the conditions have been met. The proposed additional conditions are detailed in the Police evidence bundle at para.98; and have been attached to this report as a separate document for ease of reference at **Appendix F**.

- 2.4 On the 5th January 2022 PC Packer submitted details of further incidents that had occurred at Astoria since the submission of the application for review on the 9th December 2021. The supplementary evidence is attached at **Appendix C**.

3. REPRESENTATIONS

- 3.1 On the 22nd December 2021 Mr Peter Belfield from the Council's Pollution and Housing Team submitted a representation in response to the application. The representation recommended an amendment to an existing condition on the licence and the addition of a further condition in relation to the licensing objective of preventing public nuisance. A copy of the full representation is attached at **Appendix D**.
- 3.2 The premises licence holder has agreed with Mr Belfield to the addition of a new condition and an amendment to an existing condition - details of which are attached separately at **Appendix G** for ease of reference.
- 3.3 On the 5th January 2022 the Licensing Authority received a representation from Janis Green, Trading Standards Officer, on behalf of the Council's Trading Standards Team. The representation recommends the addition of conditions to ensure the protection of children from harm during business operations. A copy of the full representation is attached at **Appendix E**.
- 3.4 The premises licence holder has agreed to the addition of the conditions proposed by Trading Standards and the agreed conditions are attached separately at **Appendix H**.

4. KEY ISSUES

- 4.1 The grounds for review and any representations must relate to one or more of the licensing objectives and must be relevant. Representations from interested parties may not be frivolous, vexatious or a repetition.
- 4.2 The Council will consider requests for a review of an existing premises licence if representations are made from the following:
- A Responsible Authority such as the Police and Fire Authority; or
 - Any other person
- 4.3 The Council will expect anybody requesting a review to produce evidence to support allegations that one or more of these objectives are not being met.
- 4.4 The Sub-Committee should consider the relevance of the ground or grounds for review and any representations.

4.5 The Sub-Committee should consider whether or not any appropriate pre-review warnings have been given and/or any mediation taken place.

5. RECOMMENDATION

5.1 The Sub-Committee must, having regard to the application and any relevant representations, take such of the steps mentioned in Section 52(4) of the Licensing Act (if any) as it considers necessary for the promotion of the licensing objectives.

5.2 The steps stated in Section 52(4) are:

- (a) to modify the conditions of the licence;
- (b) exclude a licensable activity from the scope of the licence;
- (c) remove the designated premises supervisor;
- (d) suspend the licence for a period not exceeding three months;
- (e) revoke the licence; 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.

5.3 The Sub-Committee has the power in relation to steps (a) and (b) to provide that the modification and exclusion only has effect for a limited period not exceeding three months.

5.4 The Sub-Committee also have the option to leave the licence in its existing state and/or issue an informal warning to the licence holder and/or recommend improvement within a particular period of time.

ATTACHED

Appendix A – Greater Manchester Police - Application for Review

Appendix B – Greater Manchester Police - Evidence Bundle

Appendix C – Greater Manchester Police - Supplementary Evidence

Appendix D – Representation from the Council's Pollution and Housing Team

Appendix E – Representation from Trading Standards

Appendix F - Proposed Additional Conditions – Greater Manchester Police

Appendix G – Proposed Amended/Additional Conditions – Pollution and Housing Team

Appendix H – Proposed Additional Conditions – Trading Standards

Appendix I – Section 182 Guidance - Section 11 – Reviews - pages 89-94

Appendix J - Covid-19 Regulations for Licenced Premises March 2020 - January 2022