

TRAFFORD COUNCIL

Report to: Licensing Sub-Committee
Date: Wednesday 19th April 2023 at 18.30
Report for: Decision: Determination of Application
Report of: Head of Regulatory Services

Report Title

APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE UNDER S17 LICENSING ACT 2003 AT: THE PAVILION 25 CECIL ROAD, HALE, ALTRINCHAM WA15 9NT

Summary

Under S18(4) of the Licensing Act 2003, Members are requested to determine an application for a new premises licence in respect of The Pavilion 25 Cecil Road, Hale, Altrincham WA15 9NT 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: Ursula Crotty, Licensing Officer.
Contact: Licensing@trafford.gov.uk

Background Papers: None.

Appendices:
A) Application for a New Premises Licence
B) Photograph of Blue Notice & Copy of Newspaper Advert
C) Agreements with responsible authorities during consultation period
D) Representations from local 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: The Pavilion Hale Ltd, in respect of The Pavilion, 25 Cecil Road, Hale, Altrincham WA15 9NT.

1.2 The applicant has applied for the following hours:

Live Music – Indoors

Monday - Sunday 12:00 - 23:00

Recorded Music – Indoors

Monday - Sunday 08:00 - 23:00

Anything Similar to Live Music, Recorded Music or Performances of Dance – Indoors

Monday - Friday 08:00 - 23:00

Saturday - Sunday 09:00 - 23:00

Alcohol – On & Off

Monday - Sunday 12:00 - 23:00

Opening Hours

Monday - Sunday 08:00 - 23:00

1.3 The application has been properly made and all procedures correctly followed. The application including 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**.

2.0 BACKGROUND AND HISTORY OF PREMISES

2.1 The applicant has described the premises as: “The Pavilion is facing North with a large bowling green to the front of the premises. The license application is for the ground floor cafeteria area with including the terrace outside seating area. The maximum capacity for this area is 120 people. The seating area doors are intended to be closed at 10pm. The windows on the ground floor Premises are triple glazed with no windows to the side and the rear of the building permitted to be opened which will greatly help in noise reduction. No disposal of empty bottles will be done after 6pm or before 9am helping reduce unnecessary noise pollution”.

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

The Prevention of Crime & Disorder CCTV

The premises will be fitted with CCTV Cameras. Please see the attached plan of where they will be located.

The CCTV will cover all public areas including all entrances and exits.

The system will record images showing the identification of the individuals.

The CCTV system is able to capture a minimum of 24 frames per second and all recorded footage will be held for a minimum of 28 days.

The CCTV will be operational 24hrs a day and cover all licensable activities.

The CCTV will have accurate time and date.

The CCTV will be password protected.

The CCTV will be monitored by the Manager and specified trained staff on duty and all copies of the footage requested by the police or authorised council officer will be made available.

Preventing of illegal Drugs

If any drugs are to be found on the premises, then they are to be put immediately into a secure box to be kept in the Managers office, then the police will be notified.

All staff members will be trained regarding the venues zero tolerance policy. CCTV posters will be posted to discourage any use of illegal drugs.

Incident reporting

A logbook will be kept at the premises to record any such incidences which may include any complaints received, any faults in the CCTV system, any customers asked to leave for unreasonable behaviour, any drugs found on the premises.

Staff Training (alcohol & vulnerability welfare)

All staff that serve alcohol on the premises will undergo training on dealing with any underage customers and ask for the correct id to be given if deemed necessary. All staff will have a record of their training. Staff will be trained to

recognise any signs of drunkenness or vulnerability and to contact the Manager who will deal with any situation. (The premises is not intended to be a pub).

Preventing and dealing with drunkenness

The Manager on duty will be responsible for managing any situation such as drunkenness and anyone who is deemed to be vulnerable. A personal license holder will be present at the premises to oversee the sale of alcohol.

Glassware / bottles

All drinks served outside on the terrace will only be permitted for the Pavilion customers and will be served to each table.

Preventing underage sales

Signage will be displayed regarding the challenge 25 scheme and the signage regarding it is an offense for anyone under the age of 18 to attempt to buy or purchase alcohol.

Restaurant & Takeaways (alcohol)

The premises will be used mainly as a café serving breakfast and lunch where the alcohol sales will be a minimum. All alcohol will be kept in stainless steel door fridges (not on display).

The function rooms will be mainly for specific events such as net-working meetings / canapes receptions/ weddings/funerals and meetings, these hours will be different for each occasion and the alcohol served will be part of each event where requested and applicable.

Public Safety

Emergencies

A first aider will be present on site when the premises is open for business to the public.

First aid equipment to be located in the kitchen and the Managers office, along with accident book to record any incidents with the public or staff.

The premises is a new build and has all the relevant external emergency exit sensor alarms and visible indicators / fire exits to alert the public and staff.

All new fire extinguishers are in all public areas plus the kitchen area which have kitchen fire blankets and the appropriate foam/powder extinguishers. The kitchen range has an Ansul Fire suppression R-102 system.

All staff on duty will be trained in the Emergency and evacuation procedures and use a designated area away from the building which will be the car park at the rear far corner east side of the building for a fire assembly point.

A fire drill will be carried out on a monthly basis and logged; all staff training will be logged on a 3 monthly basis.

If the fire alarm goes off the then lift will go to the ground floor and park.

Preventing Noise and other Public Nuisance

The windows are tripled glazed and will be kept shut. The glass doors to the terrace will be open during service hours during the summer months when we expect the terrace to be in use and will be closed after each service.

All rubbish/ empties will be put in the designated areas before 9pm and not before 9am.

The kitchen extractor has a UV System and a charcoal filter to significantly reduce the smells and particle disbursement.

There will be signage for customers to ask them to respect our neighbours and to leave the premises in an orderly manor when any event involves night-time activities.

Last orders regarding drinks will be 11pm with a 30-minute drinking time with Guests supervised to leave in an orderly and quite manner.

The cafe is located on the ground floor and can be accessed past the public toilets from the same main entrance to the premises, this is the main door into the café. The other door to the café can be accessed from the front terrace which is wheelchair access as well.

Smoking and other external Areas

A designated area will be allocated for smokers' section to the East side of the building around the corner from main terrace. Maximum of 12 persons at one time. Signage will be used regarding the need to respect neighbours.

All terrace tables and chairs will be securely chained after 10pm and not removed so as to keep the noise levels acceptable.

A maximum of 30 customers to be seated on the terrace at any one time.

A telephone number will be displayed for customers to call the Manager on duty.

Litter and Cleansing

Regular checks will be made when customers are dining outside on the terrace (normally part of a service) to check for any rubbish / debris after each table has been cleared and reset for the next customer. At the end of each day after the café has closed then the terrace will be swept, and any litter disposed of.

The company logo will be on any takeaway products such as coffee cups etc.

All empties will be disposed using a locked bin.

The Protection of Children from Harm

Children under the age of 16 years old unaccompanied by an adult will not be allowed to come into the Café/ Bar area when alcohol is being served.

Where children are accompanied and supervised by a responsible adult, no additional measures will be required.

CCTV cameras are on the premises and signage is made clear that CCTV cameras are in operation.

ID will be asked to be provided should anyone under the age of 18 try to buy alcohol and signage will be displayed regarding the "25 scheme" is in operation on these premises' public will be challenge if they appear to be under 25 years old.

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, two representations was received, one from Nasreen Ali, an Environmental Health Officer, and one from Elizabeth Pritchard, a Trading Standards Officer. These representations were satisfied by agreement of the following conditions. These are attached as **APPENDIX D**.

Agreement with Nasreen Ali, Environmental Health

1. Noise from music and associated sources(including DJ's and amplified voices) must not be audible to such an extent that it constitutes a nuisance at any noise sensitive properties.
2. 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.

3. 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).
4. The applicant shall submit for approval a Noise Management Plan (NMP) for the premises including any external areas prior to the premises being used for the purpose proposed. The NMP shall be implemented at all times that the premises are in use and would be subject to change in response to complaints received by the local authority. (The NMP would need to include the following : I. Organisational responsibility for noise control II. Hours of operation and scope of entertainment provision III. Imposed planning conditions controlling noise/disturbance IV. Physical and managerial noise control processes and procedures, including dealing with noisy or rowdy customer behaviour and suitably limiting the potential impact of entertainment. V. Measures to limit noise and disturbance from all site activities upon any noise sensitive premises in the vicinity of the site. VI. Details of arrangements for review of the NMP VII. Details of community liaison and complaints logging and investigation). The operator shall regulate the use of the premises in accordance with the approved NMP.
5. No amplified music / sound / speakers shall be permitted to any external part of the site.
6. The external terrace area shall only be used between the hours of 0900 and 2200 daily.
7. The external terrace area shall be restricted to 30 covers only.
8. The external terrace area shall only include the ground floor area to the front of the building, overlooking the bowling green and be within the area that is shielded by the application premises building. There shall be no direct line of sight between habitable rooms of noise sensitive premises and the external terrace area.

Also an amendment to the plans outdoor terrace area.

Agreement with Elizabeth Pritchard, Trading Standards

1. A 'Challenge 25' policy shall be operated on the premises at all times. The policy must be understood by all employees. The policy will be documented, read and signed by all individuals working at the business to indicate that they understand it. The policy must require all staff to check the identification of all persons who appear to be less than 25 years of age. The check shall be made by examining either a passport, photographic driving licence or PASS approved proof of age card. These checks must be made for every sale of this nature regardless of previous checks. Any individual who works at the premise must

be aware of the 'Challenge 25' policy. Challenge 25 posters to be clearly and prominently displayed.

2. 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.

4.3 Representations have been received from local residents in relation to: Prevention of Crime and Disorder, Public Safety, Public Nuisance and The Protection of Children From Harm. Representations are attached as **APPENDIX D**

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.