

TRAFFORD COUNCIL

Report to: Licensing Sub-Committee
Date: 9th August 2023
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 HALE TAVERN, 112-114 ASHLEY ROAD, HALE, ALTRINCHAM WA14 2UN

Summary

Under S18(4) of the Licensing Act 2003, Members are requested to determine an application for a new premises licence in respect of Hale Tavern, 112-114 Ashley Road, Hale, Altrincham WA14 2UN 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: Stacey Hilton, 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) Previous Licence for Spice Lounge
D) Representation from Environmental Health
E) 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, Hale Tavern Ltd in respect of Hale Tavern 112-114 Ashley Road, Hale, Altrincham WA14 2UN.

1.2 The applicant has applied for the following hours:

Live Music – Indoors

Sunday – Wednesday 10:00 – 00:00

Thursday – Saturday 10:00 – 01:00

Recorded Music – Indoors

Sunday – Wednesday 10:00 – 00:00

Thursday – Saturday – 10:00 – 01:00

Late Night Refreshment – Indoors

Sunday – Wednesday 23:00 - 00:00

Thursday – Saturday 23:00 – 01:00

Alcohol – On

Sunday – Wednesday 10:00 – 00:00

Thursday – Saturday 10:00 – 01:00

Opening Hours

Sunday – Wednesday 10:00 – 00:00

Thursday – Saturday 10:00 – 01:00

1.3 The application has been properly made and all procedures correctly followed. The application including operating schedule and noise management plan 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: “A 3-storey terrace property within the village of Hale (previously an Italian Restaurant & bar - Trattoria Alla Scala), within a row of mixed-use retail premises and within the village location of a mixture of commercial/residential properties. The property comprises a main entrance which leads into small vestibule with fire doors(x2) to first floor & ground floor. Basement floor (accessible from ground floor consists of kitchen preparation, larder/storage area, refrigeration units, male/female toilet), ground floor (small bar, serviceable tables, toilet & access to rear patio/garden, 1st floor (bar area & tables/function room, toilets).” A copy of the previous licence (Spice Lounge) is attached as **Appendix C**.

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:

1. All staff to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instance when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. The documentation shall be available for inspection on request by an authorised officer of the Licensing Authority or a constable.
2. An approved proof of age scheme shall be adopted, implemented, and advertised within the premise such as "Challenge 25" whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.
3. Publicity materials notifying customers of the operation of the Challenge 25 scheme shall be displayed at the premises, including a Challenge 25 sign of at least A5 size at the entrance to the premises and where practicable at each point of sale.
4. The premises licence holder shall require the DPS, or in his/her absence other responsible person, to keep an 'incident/refusals' logbook in a bound book in which full details of all incidents are recorded. This shall include details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and outcome of the situation. This shall be completed as soon as possible and, in any case, no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The logbook is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable when required.
5. The premises license holder, or the person appointed by the premises licence holder to oversee the premises when licensable activities are taking place, shall provide or have the unhampered use of a telephone on the licensed premises for use in an emergency. In premises that do not have the benefit of a permanent phone installation then a mobile phone must be available
6. The premises licence holder shall ensure that any bottles or glasses are removed from persons leaving the premises.

7. The premises licence holder shall ensure that all drinking glasses used within the premises are of toughened or safety glass to the appropriate safety standard, in that they shall not produce sharp shards when broken.

8. The licence holder shall determine the occupant capacity of the premises based on documented risk assessment. The risk assessment must consider all relevant factors including space, means of access and egress, toilet provision, load bearing capacity of floors, ventilation, etc. and must be reviewed regularly, and if circumstances change.

9. Where necessary separate occupancy levels must be set for different parts of the premises.

10. The premises licence holder shall ensure that they consult the Health and Safety Department of Trafford Borough Council and any other relevant authority (for example the Fire Rescue Service regarding emergency evacuation limitations) as to the occupancy figure. Confirmation of the consultation and any outcomes shall form an integral part of the risk assessment on which the capacity figure is based.

11. The capacity figure proposed by the premises licence holder shall be notified to the Licensing Authority in writing prior to the commencement of the licence.

12. Measures must be put in place to ensure that the capacity is not exceeded at any time.

13. All documentation pertaining to the proposed figure must be kept on the premises and must be available immediately on request to any authorised officer of the Licensing Authority or a constable.

14. CCTV is a key tool in the management and control of premises, not only providing the Police with evidence of crime but also for the premises licence holder as it can provide an overview of the whole premises and assist in management decision.

15. CCTV shall be in use at the premises.

16. Where a CCTV system is to be installed, extended, or replaced, it shall be to an appropriate standard as agreed with the Licensing Authority in consultation with the Police. Where a CCTV system is to be installed it shall be fully operational before the licence is used to authorise licensable activities.

17. The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards.

18. The premises licence holder shall ensure images from the CCTV are 6 retained for a period of 31 days. This image retention period may be reviewed as appropriate by the Licensing Authority

19. The correct time and date will be generated onto both the recording and the real time image screen.

20. If the CCTV equipment (Including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the designated premises supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified.

21. The premises license holder shall provide training for all staff to ensure that they are familiar with all means of ingress and egress and the appropriate procedures in case of any emergencies that require an immediate evacuation of the premises.

22. A record of the training shall be maintained and shall be available upon request by officers of the Trafford Borough Council.

23. All staff are to be trained with respect to underage sales, such training to be updated as necessary when legislation changes and should include training in how to refuse sales to difficult customers.

24. A record of all staff training shall be maintained at the premises and made immediately available upon request to an authorised officer of the Licensing Authority or the Police. The documentation relating to training should extend back to a period of three years and should specify the time, date, and details of the persons both providing the training and receiving the training.

25. A proactive approach to the control and management of the use of illegal substances will assist to prevent criminal activity.

26. Where there is reasonable suspicion that drugs, defined as Class A, B or C controlled substances under the Misuse of Drugs Act, or weapons are being carried, the premises licence holder shall ensure that the outer clothing, pockets, and bags of those entering the premises are searched by personnel. In any event where controlled substances or weapons are found, the premises licence holder shall ensure that the designated premises supervisor or nominated person shall immediately inform the Police.

27. The premises licence holder shall put up a clearly visible notice advising those attending that the Police will be informed if anyone is found in possession of controlled substances or weapons.

28. The premises licence holder shall ensure participation in any Pub Watch or similar scheme operating in the locality of the licensed premises.

29. All safety signs warning customers about the risks to their health and safety are to comply with British Standards: Safety Signs and signals.

30. Fire extinguishers will be in situ, regularly inspected & maintained
31. Exit doors will be regularly checked to ensure they function satisfactorily
32. Fire safety signs are adequately illuminated
33. Smoke & heat detectors & electronic fire sounder are located on premises and maintained regularly
34. Adequate and appropriate First Aid equipment and materials will be available on the premises.
35. At least one suitable trained First Aider will be on duty when the public are present. First Aiders will be trained to deal with drug and alcohol related problems.
36. A full CCTV system will be maintained & operated at the premises with images maintained & stored for 28 days
37. Noise nuisance arising from the operation of premises is a common factor in complaints from local residents. The following conditions are therefore aimed at controlling the incidents of noise breakout which undermines the prevention of nuisance objective. A NMP (Noise Management Plan) has been separately submitted in support of this objective.
38. Music shall not be played at a level that will cause unreasonable disturbance to the occupants of any properties in the vicinity.
39. Except for access and egress all doors and windows shall be kept closed after 22.00 hours.
40. No speakers for amplification of music shall be placed on the outside of the premises or on the outside of any building forming a part of the premises.
41. A noise limiting device shall be used in relation to all sound amplification equipment used in conjunction with the Premises Licence. The noise limiting device shall be properly secured so that it cannot be tampered with.
42. The manager, licence holder or other competent person shall carry out observations in the vicinity of the properties at Ashley Road, Hale (at the curtilage of nearest Noise Sensitive Dwellings) whilst the Premises Licence is being exercised in order to establish whether there is a noise breakout from the premises. If the observation reveals noise breakout at a level likely to cause disturbance to the occupants of properties in the vicinity, then the volume of music shall be reduced to a level that does not cause nuisance.
43. Clear notices displayed at all points where customers leave the building must instruct them to respect the needs of local residents and leave the premises and the area quietly
44. Outdoor lighting shall be positioned, so far as is reasonably practicable, so as to limit its intrusion into residential accommodation in the vicinity of the licensed premises whilst maintaining an adequate level of lighting for the safe access and egress of customers and persons employed at the premises.

45. No refuse of any sort will be put out between 22:00 and 07:00hrs nightly.

46. The protection of children from harm is a most important issue. It is hoped that family friendly premises will thrive, but the risk of harm to children remains paramount. The general relaxation in the Licensing Act giving accompanied children greater access to licensed premises is a positive step, aimed at bringing about a social change in family friendly leisure.

Clearly this relaxation places additional responsibilities upon licence holders. However, it is also recognised that parents and others accompanying children also have responsibilities. It will be ensured that the Protection of Children from harm is undertaken in the following ways:

47. The premises operates a proof of age policy.

48. No unaccompanied child under 16 to be permitted onto the premises

49. Children will NOT be permitted at the bar area

50. Signage will be displayed highlighting the law in relationship to children & alcohol

51. Staff will be provided with regular training on the law relating to unaccompanied children on licensed premises and underage sales, and how to verify a customer's age. This should include what are acceptable forms of ID and how to spot fake ID.

51. Only accepted suitable forms of ID as proof of age, i.e., photographic driving licence, a passport or a proof of age card, such as the PASS card from the national Proof of Age Standards Scheme bearing the PASS hologram will be accepted.

3.2 The operating Schedule is included within **Appendix A.**

3.3 The below conditions were agreed with Greater Manchester Police by the applicant after correspondence with Responsible Authorities during the consultation period. The conditions shall be attached to the licence if granted:

52. The premises licence holder/ DPS shall carry out a risk assessment in respect of the provision of door supervisors. When that risk assessment deems it necessary, an appropriate number of SIA registered door staff shall be employed at the premises. Door supervisors, when employed, shall wear high visibility armbands.

53. CCTV to be installed and maintained in working order covering licensed area, CCTV images to be retained for 28 days and produced to Authorised Officers of Trafford Council and Police upon request. An employee will be trained in relation to use of CCTV equipment on site whenever licensable activities are taking place.

54. Challenge 25 policy will be in place and staff will be supported in checking ID's and refusal where necessary.

55. Outside areas will not be used after 21:00 hours (except smoking).

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 was received from Jonathan Lambert, an Environmental Health Officer, in relation to public safety, attached as **Appendix D**.
- 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 E**.
- 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, date and location 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.