

TRAFFORD COUNCIL

Report to: Licensing Sub-Committee
Date: 14th 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: 106 and 108 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 La Bandera Hale, 106 and 108 Ashley Road, Hale 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: 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) Previous licence for The Embassy (previous business)
- D) Agreements with responsible authorities during consultation period
- E) Representation from Environmental Health
- F) 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: La Bandera Hale Limited, in respect of La Bandera Hale, 106 and 108 Ashley Road, Hale WA15 2UN.

1.2 The applicant has applied for the following hours:

Live Music – Indoors

Monday - Sunday 10:00 - 02:00

Recorded Music – Indoors

Monday - Sunday 10:00 - 02:00

Alcohol – ON the premises

Monday - Sunday 10:00 - 02:00

Opening Hours

Monday - Sunday 10:00 - 02:00

The following amendment to the hours have been agreed between the applicant and Greater Manchester Police:

Live Music – Indoors

Sunday – Thursday 10.00 – 23.00

Friday – Saturday 10.00 – 23.30

Recorded Music – Indoors

Sunday – Thursday 10.00 – 23.00

Friday – Saturday 10.00 – 23.30

Alcohol – ON the premises

Sunday – Thursday 10.00 – 23.00

Friday – Saturday 10.00 – 23.30

Opening Hours

Sunday – Thursday 10.00 – 23.00

Friday – Saturday 10.00 – 23.30

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: 'Restaurant Bar, Maximum of 150 covers including terrace. Alcohol to be served – Wine, Spirits and cocktails, beer.' A copy of the previous premises licence is attached in **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. No more than 150 customers will be permitted on the premises (including the terrace area) at any one time

2. A Personal Licence Holder must be present at the premises to supervise all sales of alcohol.

3. The premises shall display prominent signage that the Challenge 25 scheme is in operation.

4. CCTV to be installed.

5. Trading under Challenge 25 policy.

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.

7. All staff authorised to sell alcohol shall be trained in;

(i) Relevant age restrictions in respect of products

(ii) Prevent underage sales

(iii) Prevent proxy sales

(iv) Maintain the refusals log

(v) Enter sales correctly on the tills so the prompts show as appropriate

(vi) Recognising signs of drunkenness and vulnerability

(vii) How over-service of alcohol impacts on the four objectives of the Licensing Act 2003

(viii) How to refuse service

(ix) The premises' duty of care policy, understanding and dealing with situations involving vulnerable people, and incidents of harassment

(x) Action to be taken in the event of an emergency, including the preservation of a crime scene and reporting an incident to the emergency services

(xi) The conditions in force under this licence.

8. The premises shall have a documented Duty of Care policy for managing intoxicated and vulnerable customers and dealing with incidents of harassment

at the premises. The policy shall also include provision for persons refused entry to the premises who are also considered vulnerable by staff.

9. The premises licence holder shall ensure that at all times when the public is present 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.

10. Dispersal of customers from the premises will be managed in accordance with the following: clear and legible notices must be prominently displayed at all exist requesting customers to respect local residents and leave the area quietly.

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

12. There shall be no noise or odour caused by the kitchen extraction equipment that gives rise to a nuisance.

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

13. 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.

14. 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.

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

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

17. A 'Challenge 25' policy shall be operated on the premises at all times. 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.

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, one representation was received from Nasreen Ali, an Environmental Health Officer. This is attached as **APPENDIX E.**
- 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 F.**
- 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.