

## **TRAFFORD COUNCIL**

**Report to:** Licensing Sub-Committee  
**Date:** 29<sup>th</sup> November 2023  
**Report for:** Decision  
**Report of:** Head of Regulatory Services

### **Report Title**

**APPLICATION FOR REVIEW OF AN EXISTING PREMISES LICENCE –  
GARRICKS HEAD, MOORSIDE ROAD, FLIXTON, M41 5SH.**

### **Summary**

The Licensing Authority has received an application from Elizabeth Pritchard, Trading Standards Officer, Trafford Council requesting a review of the Premises licence held by Punch Taverns Limited in respect of the Licensing objective:

- The protection of children from harm

### **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:

Name: Jade Pickup  
Contact: licensing@trafford.gov.uk

## 1. BACKGROUND

- 1.1 At any stage, following the grant of a premises licence, a responsible authority, such as the Licensing Authority, 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 5<sup>th</sup> October 2023 the Licensing Authority received an application from Elizabeth Pritchard, Trading Standards, Trafford Council for a review of the Premises Licence PL000165 on the grounds of protecting children from harm. The licence is held by Punch Taverns Limited for premises known as Garricks Head, Moorside Road, Flixton, M41 5SH. A copy of the application and current licence is attached at **Appendix A** and **Appendix B** respectively. A copy of Elizabeth Pritchards statement is attached at **Appendix C**; a copy of the evidence bundle is attached at **Appendix D**; and proposed licence conditions are attached at **Appendix E**.

## 3. LICENCE HISTORY

- 3.1 The original premises licence was granted to Spirit Pub Company (Services) Limited on 29<sup>th</sup> November 2005.
- 3.2 On 15<sup>th</sup> June 2007 the licence was transferred to Punch Taverns Plc.
- 3.3 On 11<sup>th</sup> September 2017 the licence holder changed their name to Punch Taverns Limited.
- 3.4 Since the licence was granted on 29<sup>th</sup> November 2005 the Licensing Authority received 8 requests to change the DPS. The reason is unknown.

- 3.5 The current DPS, Dawn Slater, was appointed as DPS on 21<sup>st</sup> February 2020.
- 3.6 Since the licence was transferred to Punch Taverns the Licensing Authority have received 26 complaints in relation noise nuisance and public disorder. Attached as **Appendix F**.

#### **4. REPRESENTATIONS**

- 4.1 The Licensing Authority have confirmed that, in accordance with the regulations, a copy of the review application was given to the premises licence holder and responsible authorities on the 5<sup>th</sup> October 2023. Following receipt of the application the Authority posted notice of the application outside the premises; on the Council's website; and at the Council's Offices for 28 consecutive days inviting comments about the review application.
- 4.2 During the consultation period a representation was received by John Lloyd, Greater Manchester Police which supports the conditions proposed by Trading Standards. Attached as **Appendix G**.
- 4.3 Representations were also received from members of the public, Attached as **Appendix H**.
- 4.4 Since the application was received 17 letters of support have been received, attached as **Appendix I**.
- 4.5 At the time of writing no overall agreement has been reached on proposed premises licence conditions between the applicant, responsible authorities and the premises licence holder.

#### **5. KEY ISSUES**

- 5.1 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.
- 5.2 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
- 5.3 The Council will expect anybody requesting a review to produce evidence to support allegations that one or more of the licensing objectives are not being met.
- 5.4 The Sub-Committee should consider the relevance of the ground or grounds for review and any representations.
- 5.5 The Sub-Committee should consider whether or not any appropriate pre-review warnings have been given and/or any mediation taken place.

#### **6. RECOMMENDATION**

6.1 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.

6.2 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.

6.3 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.

6.4 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	Application for Review
Appendix B	Current Premises Licence
Appendix C	Statement of Elizabeth Pritchard Trading Standards Officer
Appendix D	Exhibit Bundle
Appendix E	Recommendations
Appendix F	History of Complaints
Appendix G	Representation from John Lloyd, GMP
Appendix H	Other Representations
Appendix I	Representations in Support