

TRAFFORD COUNCIL

Report to: Licensing Sub-Committee
Date: Tuesday 12th December 2023
Report for: Decision: Determination of Application
Report of: Head of Regulatory Services

Report Title

APPLICATION FOR THE GRANT OF A FULL VARIATION TO A PREMISES LICENCE UNDER S17 LICENSING ACT 2003 AT CAFÉ BAR EIGHT46, 846 CHESTER ROAD, STRETFORD, MANCHESTER M32 0QJ

Summary

Under S18(4) of the Licensing Act 2003, Members are requested to determine an application for a full variation to a premises licence in respect of Café Bar Eight46, 846 Chester Road, Stretford, Manchester M32 0QJ, 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 Full Variation to a Premises Licence
- B) Photograph of Blue Notice & Copy of Newspaper Advert
- C) Current premises licence
- D) Current certified plan
- E) Representation from Trading Standards-AGREED
- F) Representation from Environmental Health-A Acton
- G) Representation from Environmental Health-P Belfield
- H) Representations from local residents
- I) Representations in support from patrons/local residents

J) Supporting Statement from applicant-Gareth Langmead
K) Representation from Licensing Enforcement-J Boles

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: Mr Gareth James Langmead in respect of Café Bar Eight46 846 Chester Road, Stretford, Manchester M32 0QJ

1.2 The applicant has applied for the following variation to the existing licence:

Supply of Alcohol:

Sunday to Thursday-Indoors: 10.00-23.00

Sunday to Thursday-Outdoors: 10.00-20.00

Friday & Saturday-Indoors: 10.00-00.00

Friday & Saturday-Outdoors: 10.00-20.00

Non-Standard timings:

Christmas Eve & New Year's Eve (Indoors ONLY) 10.00-01.00

Live Music:

Friday-Indoors: 19.00-22.00

Friday-Outdoors: 19.00-20.00

Saturday & Sunday-Indoors: 14.00-22.00

Saturday & Sunday-Outdoors: 14.00-20.00

Non-Standard timings:

Christmas Eve & New Year's Eve (Indoors ONLY) 10.00-01.00

Opening Hours:

Sunday to Thursday-Indoors: 10.00-23.00

Sunday to Thursday-Outdoors: 10.00-20.00

Friday & Saturday-Indoors: 10.00-00.00

Friday & Saturday-Outdoors: 10.00-20.00

Non-Standard timings:

Christmas Eve & New Year's Eve (Indoors ONLY) 10.00-01.00

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 An application for a premises licence was applied for and granted in October 2019. In this application, the premises was described as: 'café bar and grill, intending to sell alcohol'.

The nature of the current full variation as applied for is described in the application as:

- Extension to licensing hours.
- Amended conditions
- Add conditions
- Include the outdoor rear bar area until 8pm.

A copy of the existing premises licence is attached in **Appendix C**; a copy of the existing certified plan is attached in **Appendix D**.

3.0 OPERATING SCHEDULE

3.1 The proposed conditions to replace the existing conditions are completed by the applicant and contain 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. The premises license holder shall ensure that staff at the premises are trained in respect of licensing legislation, responsible retailing, refusal of service and challenge 25 as benefits their particular roles at the premises.
2. Non-intoxicating beverages, including free drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
3. The premises shall maintain a comprehensive CCTV system on the licensed premises.
4. CCTV cameras cover internal and external areas of the premises and all areas where customers have legitimate access (Excluding Toilets).
5. One CCTV camera is specifically positioned at the entrance to capture facial images of any persons entering the premises at the main entrance and all other entrances where access is granted.
6. All areas are sufficiently illuminated for the purposes of the recording of CCTV images.
7. All CCTV recorded images have sufficient clarity/quality/definition to enable facial recognition to an evidential standard.
8. CCTV images are retained in an unedited format for a period of 31 consecutive days.

9. Any person left in charge of the premises is trained in the use of any such CCTV equipment and is able to produce/download/burn CCTV images to an evidential standard.

10. CCTV is maintained on a regular basis and kept in good working order at all times and images shall be produced to the Police or Authorised Licensing Officers (Trafford Council Licensing Service) immediately upon request.

11. The CCTV system records images at all times that any member of the public is at or on the premises. For the purpose of this condition a "member of the public" is defined as is any person other than the DPS, Premises Licence Holder, Spouse, Partner or Employee thereof.

12. Posters are clearly and prominently displayed at the entrance and exit of the Premises stating that CCTV is in operation and that images are being captured for the purposes of crime prevention and public safety.

13. Posters shall be clearly and prominently displayed stating Premises operate a zero tolerance policy to drugs.

14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

15. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

16. The premises licence holder shall ensure that any patrons drinking and/or smoking shall do so in the designated external garden area. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.

17. The Premises Licence Holder shall operate a strict "no drugs" policy at the premises with notices advising customers of the policy clearly displayed at each entrance of the Premises.

18. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

19. A refusals record must be kept at the premises which details all refusals to sell alcohol. This record must include the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. All entries must be made within 24 hours of the refusal. The record must be made available for inspection and copying within 28 days of a request by an officer of a Responsible Authority.

20. The use of the front external area will cease at 21:00hours and the rear at 20:00 hours. The Licence holder shall ensure that no drinks are consumed in those areas after the designated times.

21. Notices shall be displayed in a prominent position next to the entrance/exit detailing that no drinks to be taken outside at the front of the premises after 21:00hrs and the rear after 20:00hrs.

22. The front seating area shall be permanent fixtures and shall not be removed from this area.

23. All beverages sold in the rear garden are in plastic disposable cups and all bottles will be decanted into plastic cups. All beverages sold in the main bar area are sold in glasses.

24. No unaccompanied children are allowed in the premises.

25. Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly.

3.2 The below condition was agreed with Trading Standards by the applicant after correspondence during the consultation period. The condition shall be attached to the licence if granted:

26. 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.

This representation with agreement is attached as **APPENDIX E**.

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 Alison Action, an Environmental Health Officer, in relation to Prevention of Public Nuisance, attached as **APPENDIX F**.

A further representation was received from Peter Belfield, an Environmental Health Officer, (Pollution and Housing) in relation to Prevention of Public Nuisance, attached as **APPENDIX G**.

An additional representation was received from James Boles, an Enforcement Officer, (Licensing Enforcement) in relation to Prevention of Crime and Disorder, Public Safety and Prevention of Public Nuisance, attached as **APPENDIX K**.

4.3 Representations were received from local residents; attached as **APPENDIX H.**

Representations in support of the application were received from patrons and local residents, attached as **APPENDIX I.**

A supporting statement was received from the applicant, attached as **APPENDIX J.**

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.