

The Licensing Act 2003

Responsible Authority Representation Form

FAO The Licensing Service, Licensing Section, Trafford Town Hall, Talbot Road, Stretford, M32 0TH

Section 1 - Application Details	
I wish to make a representation against the following application: Applicant's name (if known):	
Premises name and address: Cafe Bar Eight46, 846 Chester Road Stretford	
Type of Application: Application for the full variation of a premises licence	
Application Number (if known):	PL074156

Section 2 – Responsible Authority's Details	
Responsible Authority's Details: Please tick appropriate box:	
<input type="checkbox"/>	Chief Officer of Police
<input type="checkbox"/>	Fire and Rescue Authority
<input type="checkbox"/>	Local Planning Authority
<input type="checkbox"/>	Health and Safety Authority
<input checked="" type="checkbox"/>	Environmental Health Authority (Pollution Control Team)
<input type="checkbox"/>	Bodies recognised as being responsible for protection of children from harm
<input type="checkbox"/>	Local Authority Director of Public Health
<input type="checkbox"/>	Local Weights and Measures Authority (Trading Standards)
<input type="checkbox"/>	Licensing Authority
<input type="checkbox"/>	Home Office Immigration Enforcement
<input type="checkbox"/>	Other
Full name:	Peter Belfield
Job Title:	Environmental Health Officer
Tele number:	07760 167385
Email:	peter.belfield@trafford.gov.uk

Address:

Pollution Control Team
Regulatory Services
Trafford Council
Trafford Town Hall
Talbot Road
Stretford
Manchester
M32 0TH

Section 3 – Representations

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> | We object to the application being granted at all |
| <input checked="" type="checkbox"/> | We object to the application being granted in its current form* |

*If you choose this option remember to tell us in section 3B what changes you would like to see.

Your representation must be relevant to the effect of the application on the promotion of one or more of the four licensing objectives. Please complete the boxes below as fully as possible. If you do not then your representation may not be accepted.

Please attach supporting documents/further pages as necessary. Please number all extra pages and add the applicant's name and your name to each page.

Section 3A – The Licensing Objectives

To prevent crime and disorder	<i>Please state your reasons: N/A</i>
Public safety	<i>Please state your reasons: N/A</i>

<p>To prevent public nuisance</p>	<p><i>Please state your reasons:</i></p> <p>The application premises is situated on the corner of a block comprising of shops at ground floor with flats above on the first and second floors, including the application premises. Openable windows to habitable rooms to these flats overlook onto the front customer seating area and to the rear where the beer garden is to be located.</p> <p>The site is on a busy main road however the setting is predominantly residential. The rear of the site where the beer garden is to be located is screened from road traffic noise on Chester Road and noise levels would be significantly lower compared to the front of the premises.</p> <p>The premises feature a significant outside customer area to the front and wrapping around the side onto Wesley St which is partially enclosed by timber shelters.</p> <p>The applicant has proposed a curfew to the use of the front seating area at 2100 hours which is considered appropriate having regard to the proximity of neighbouring residents.</p> <p>To the rear of the premises is a large yard containing a single-story concrete garage with a large openable door facing to the rear. This area has already been converted into a beer garden, a shelter with tables and artificial grass laid on the ground. Directly behind this area is a ginnel and the end terrace to a row of houses on Wesley St.</p> <p>A kitchen extract flue with an inline fan is attached to the rear façade.</p> <p><u>Operating times</u></p> <p>The application proposes to extend the operating times to midnight on a Friday and Saturday and 2300 hours on other days with seasonal extensions.</p> <p>Clearly the applicant wishes to operate the premises as a bar and drinking establishment which would introduce potential sources of noise disturbance and nuisance at times when the premises would otherwise have been quiet.</p> <p>The Institute of Acoustics Good Practice Guide on the control of noise from pubs and clubs (2003) advises that people congregating at and around pubs and clubs and similar venues can lead to raised voices and shouting and that rowdy behaviour of this nature is most likely to occur at the end of entertainment events or at closing time.</p> <p>It also says that rowdy behaviour inside the premises can also result in noise disturbance particularly if noise sensitive properties are structurally attached to a source building e.g. flats above a pub or club, as is the case with the application premises.</p>
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Having regard to this advice, it is important to ensure that the premises closes at a reasonable time for residents especially when they wish to relax and rest or sleep during the late evening and night-time.

I would not therefore support the application unless the proposed internal operating times are reduced by one hour so that the premises closes, and all licensable activities cease at 2300 hours on a Friday and Saturday and at 2200 hours on other days of the week.

Rear outside area / beer garden

The application proposes to licence the whole of the outside rear area with alcohol and possibly food to be served from a bar and kitchen operating from the garage through the open rear doors.

I have information from my licencing enforcement colleagues that the area has been used as a fan zone on match days. The area has already been fitted out with astroturf and standing tables suggesting predominantly vertical drinking. I would estimate that a significant congregation of many dozens of standing customers could be accommodated within the area.

My planning enforcement colleagues have received complaints about noise from customers and music from the external areas on match days and weekends.

There is no direct link to the outside area from within the main premises and customers wanting to access the outside area would have to exit the premises and walk down the pavement on Wesley St and go in via side gate.

Essentially it is a separate entity from the main bar and customers wishing to use the toilet would have to walk back up Wesley St and use the outside toilet which is situated within the outside timber shelter or go inside from the front.

The nearest residential properties to this area are the flat directly above the premises, and the end terrace directly behind the rear beer garden area a number of metres away. It benefits from a good deal of screening to traffic noise from Chester Rd and is more sensitive to noise impact.

A congregation of football fans drinking alcohol before and after a match could become very noisy and residents of the end terrace and of the flats overlooking could suffer significant nuisance due to the ingress of unwanted noise.

The external areas could be very popular at other times, especially during the warmer months. The variation as applied for could facilitate events incorporating music, food, alcohol, and sport screenings on any day.

	<p>The effect would most likely be that residents may not be able to open their windows for ventilation due to the ingress of noise and the use of their own private amenity spaces could become unpleasant.</p> <p>I would therefore not support licencing this area due to the potential impact of nuisance to local residents.</p> <p><u>Amplified music</u></p> <p>The applicant wishes to provide live amplified music inside and outside the premises. The provision of live music outside will exacerbate the impacts from the use of the outside areas which have been discussed previously. There are no realistic controls that can be applied to limit the level of intrusive noise generated by this activity.</p> <p>The applicant does not currently need a licence to put on live and recorded music inside the premises since the Live Music Act 2012 declared this to be a non-licensable activity where an alcohol on-licence is in place, subject to certain requirements and restrictions.</p> <p>(NB. It is possible for environmental health to seek removal of these benefits where music entertainment causes a nuisance, via a formal review of the premises licence.)</p> <p>The provision of outside live music therefore requires an outside alcohol on licence to be granted.</p> <p>I would object to the granting of an alcohol on licence for the proposed rear beer garden, since in addition to the impact from customer noise this would lead to, it could also facilitate the provision of outside live music and recorded music on any day. This would not be appropriate for a residential area.</p>
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<p>The protection of children from harm</p>	<p><i>Please state your reasons:</i> N/A</p>
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Section 3B – Suggestions/Further information

Please give any suggested conditions that could be added to the licence to remedy the cause of your representations, or other considerations you would like the Licensing Sub-Committee to take into account.

1. a reduction in the times for opening hours and licensable activities inside the main cafe bar by one hour i.e., 23:00 hours on Friday and Saturday and 22:00 hours on all other days of the week. The proposed seasonal variations do not form part of the current objection.
2. Removal of the entire yard, garage, and beer garden to the rear of the premises from the licensed area as shown on the supporting plan. The amended condition 20 proposed by the applicant should read as follows: *20. The use of the front external area will cease at 21:00hours. The Licence holder shall ensure that no drinks are consumed in those areas after the designated times.*
3. Removal of any reference to live music from the application as live music outside is not supported and no licence is currently required for this activity inside.

I confirm that this representation may become a public document

Signed  dated 22 November 2023

N.B if you do make a representation you will be expected to attend the Licensing Sub-Committee hearing and any subsequent appeal proceedings.

It is an offence, under section 158 of the Licensing Act 2003, to knowingly or recklessly make a false statement in connection with this representation. This is punishable, on summary conviction, by a fine not exceeding level 5 on the standard scale.

Please return this form along with any additional sheets to: **The Licensing Service, Trafford Council; Trafford Town Hall, Talbot Road, Stretford, Manchester, M32 0HT** or email to licensing@trafford.gov.uk.

This form must be returned within the Statutory Period. Please check with the Licensing Section by emailing licensing@trafford.gov.uk