

TRAFFORD COUNCIL

Report to: Licensing Sub-Committee
Date: 18th March 2024
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 FIBBER MAGEE'S, 162 NORTHENDEN ROAD, SALE, M33 3HE

Summary

Under S18(4) of the Licensing Act 2003, Members are requested to determine an application for a new premises licence in respect of Fibber Magee's, 162 Northenden Road, Sale, M33 3HE 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: Jade Pickup, Senior Licensing
Contact: Licensing@trafford.gov.uk

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, Kuit Steinart Levy LLP in respect of Fiber Magee's, 162 Northenden Road, Sale, M33 3HE.

1.2 The applicant has applied for the following hours:

Live Music - Indoors

Sunday - Thursday 12:00 – 23:00

Friday & Saturday 12:00 – 01:00

From the end of permitted hours on New Year's Eve to the terminal hour for New Year's Day.

Recorded Music - Indoors

Sunday - Thursday 12:00 – 23:00

Friday & Saturday 12:00 – 01:00

From the end of permitted hours on New Year's Eve to the terminal hour for New Year's Day.

Late Night Refreshment - Indoors

Friday & Saturday 23:00 – 01:00

From the end of permitted hours on New Year's Eve to the terminal hour for New Year's Day.

Alcohol – On & Off

Sunday - Thursday 12:00 – 23:00

Friday & Saturday 12:00 – 01:00

From the end of permitted hours on New Year's Eve to the terminal hour for New Year's Day.

Opening Hours

Sunday - Thursday 08:00 – 23:30

Friday & Saturday 08:00 – 01:30

From the end of permitted hours on New Year's Eve to the terminal hour for New Year's Day.

1.3 The application has been properly made and all procedures correctly followed. The application including amended 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: "An Irish Pub".

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 the Licensing Act 2003. They are listed below and will be attached as conditions to any licence as may be granted:

The Prevention of Crime and Disorder

1. The premises shall operate a CCTV system that complies with the minimum requirements of the GMP Licensing Team.
2. The premises licence holder must ensure that:
 - (i) Cameras are located within the premises to cover all public areas (not including the toilets) and all entrances and exits;
 - (ii) The system records clear images enabling the identification of individuals;
 - (iii) All recorded footage is securely retained for a minimum period of twenty-eight days;
 - (iv) The CCTV system operates at all times the premises are open for licensable activities;
 - (v) All equipment must have constant and accurate time and date generation;
 - (vi) The CCTV system is fitted with security functions to prevent recordings being tampered with;
 - (vii) There is at least one member of trained staff at the premises during opening hours able to provide viewable copies on request to police or authorised local authority officers as soon as is reasonably practicable in accordance with all relevant data protection legislation.
3. SIA registered door supervisors shall be employed at the premises in accordance with a risk assessment, to be carried out by the DPS.
4. When employed, all door supervisors on duty at the premises must correctly display their current SIA accreditation and be briefed on their responsibilities and relevant company operating procedures before they commence duty.
5. When employed, all door supervisors shall wear high visibility armbands.
6. When employed, a register of door supervisors shall be maintained at the premises and shall include:
 - (i) The SIA registration number of door staff on duty;
 - (ii) the identity of each member of door staff;
 - (iii) the dates and times the door staff are on duty.

7. The Designated Premises Supervisor must have attended a CT Awareness training session delivered by CTPNW-trained personnel as soon as is reasonably practicable. In all cases, within 28 days of a new Designated Premises Supervisor being named on the licence, they must have registered to attend a course and be able to provide evidence of this if requested by a police officer or authorised officer of Trafford Council.
8. Open containers of alcohol shall not be removed from the premises, including into the smoking area the front of the premises.
9. All staff authorised to sell alcohol shall be trained in:
 - (i) Relevant age restrictions in respect of products
 - (ii) Prevention of underage sales
 - (iii) Prevention of proxy sales
 - (iv) Maintenance of the refusals log
 - (v) Recognising signs of drunkenness and vulnerability
 - (vi) How overservice of alcohol impacts on the four objectives of the Licensing Act 2003
 - (vii) How to refuse service
 - (viii) 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
 - (ix) The conditions in force under this licence.

This training shall be documented and repeated at 6 monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Trafford Council.

10. 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, 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 a reasonable time of a request by an officer of a Responsible Authority.

Public Safety

11. The premises licence holder shall ensure that at all times when the public is present there is an appropriate number of competent person(s) 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.
12. Regular safety checks shall be carried out by staff.
13. Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.
14. Any and all of the following incidents must be noted including pertinent details and, as appropriate, reported promptly so that investigations can be made and action taken:

- a. alleged crimes reported to the venue or by the venue to the police
- b. ejections of patrons
- c. complaints received
- d. incidents of disorder
- e. seizures of drugs, offensive weapons, fraudulent ID or other items
- f. faults in the CCTV system, searching equipment or scanning equipment
- g. visit by a responsible authority or emergency service

15. Incident logs (which may be kept electronically) must be kept at the premises for at least 6 months and must be made available on request to the police or an authorised officer of the licensing authority.

16. The premises shall maintain public liability insurance.

The Prevention of Public Nuisance

17. Noise from amplified music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises.

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

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

20. The exterior of the building shall be cleared of litter at regular intervals.

21. Notices will be positioned at the exits to the building requesting customers to leave in a quiet manner.

22. All external doors and windows must be kept shut at all times when regulated entertainment is being provided, save for normal access and egress.

23. A Dispersal and Smoking Policy will be implemented and adhered to (see attached).

24. The emptying of bins into skips, and refuse collections will not take place between 11pm and 7am.

25. Deliveries to the premises will not take place between 11pm and 7am.

26. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

The Protection of Children From Harm

27. The Challenge 25 scheme must be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card

driving licence, an EU/EEA national ID card or similar document, an HM Forces warrant card, a card bearing the PASS hologram, or any electronic or biometric age verification technology approved by the licensing authority.

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

29. The premises shall display prominent signage indicating that it is an offence to buy or attempt to buy alcohol for a person who is under 18 and for a person under the age of 18 to buy or attempt to buy alcohol.

30. Staff training will include the Challenge 25 Policy and its operation. In particular, staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18. The training must be given to a new member of staff before they commence employment and all staff must receive refresher training every 6 months.

3.2 The following conditions have been agreed in addition to the above conditions between the applicant and the Environmental Health officer:

31. The operator shall implement the noise mitigation measures advised within the approved Noise Impact Assessment.

32. The operator shall implement the arrangements described within the approved Noise Management Plan.

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, no representations were received.

4.3 20 representations were received from members of the public against the application, attached as **Appendix C**.

4.4 14 representations were received from members of the public in favour of the application, attached as **Appendix D**.

4.5 A copy of the report and the representations received has been sent to the applicant.

4.6 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.

Appendices:

- A. Application for a New Premises Licence
- B. Photograph of Blue Notice & Copy of Newspaper Advert
- C. Representations in favour
- D. Representations against