

**AGENDA ITEM NO.**

**TRAFFORD COUNCIL**

**THE LICENSING SUB-COMMITTEE – 9<sup>TH</sup> SEPTEMBER 2014**

**REPORT OF THE HEAD OF PUBLIC PROTECTION**

**REPORT REF. NO.**

**APPLICATION FOR THE GRANT OF A PREMISES LICENCE – THE BRASSERIE,  
11 VICTORIA PARADE, URMSTON, MANCHESTER, M41 9BP**

**PURPOSE**

To advise Members of an application for the Grant of a premises licence for The Brasserie at 11 Victoria Parade, Urmston, Manchester, M41 9BP which has attracted a representation from a local resident.

**OPTIONS**

The Sub-Committee to take such steps as they consider necessary for the promotion of the Licensing Objectives in accordance with the provisions of Section 18, subsection (4) of the Licensing Act 2003.

**Iain Veitch**  
**Head of Public Protection**

Further Information From:

Name: Jan Taylor  
Licensing Officer  
Extension: 4047

Proper Officer for the purposes of L.G.A 1972,S.100D  
(background papers): Head of Public Protection

**Appendices:**

- Appendix A - Application and Operating Schedule (including premises layout)
- Appendix B – Letter from Trafford Council, Pollution, Housing and Licensing and accepted by the applicant – to include conditions on any granted licence.
- Appendix C - Representation against the application from a local resident
- Appendix D Extract of Secretary of States Guidance :
  - Licensing Objectives: Public Nuisance, Crime & Disorder and Public Safety
- Appendix E Extract of Trafford Council Licensing Policy 2011 – 2014:
  - Licensing Objectives – 6.0 Public Nuisance; 7.0 Crime & Disorder; and 8.0 Public Safety

## 1. Background

The subject of this application is part of the premises located at 11 Victoria Parade, Urmston which is a former Public House called Boogie Piano and previously licensed through Trafford Council.

The front of the property faces onto Atkinson Road, Urmston but the rear of the premises overlooks Victoria Parade, a shopping arcade around which are various retail outlets and above these retail outlets are residential dwellings.



(source : Google Images – circa 2010)

**11 Victoria Parade, Urmston (facing on to Atkinson Road)**



(source : Street View - circa 2009 – for premises location identification purposes only)

**11 Victoria Parade (facing into shopping arcade)**

## 2. Application for the Grant of a Premises Licence

2.1 On 3<sup>rd</sup> July, 2014, the Licensing Section received an application (**Appendix A**) from L R Law acting as agent for M & H Property Limited for the grant of a premises licence for part of the premises to be known as The Brasserie, 11 Victoria Parade, Urmston, Manchester, M41 9BP.

2.2 The application requests the licensable activities of:

**Sale of Alcohol (On & Off) the premises from:**

Monday to Thursday	10:00 to 23:30
Friday to Sunday	10:00 to 00:00 (midnight)

**Regulated Entertainment (Indoors) from:**

Monday to Thursday	10:00 to 23:30
Friday to Sunday	10:00 to 00:00 (midnight)

**Provision of Late Night Refreshment (Indoors) from:**

Monday to Thursday	23:00 to 23:30
Friday to Sunday	23:00 to 00:00 (midnight)

2.3 The applicant has complied with all requirements under the application process including advertising the application in a newspaper, advertising by way of public notice at the premises and submitting a copy of the complete application to all Responsible Authorities. The application is deemed to be correctly submitted.

2.4 On 24<sup>th</sup> July, 2014, during the 28 day consultation period, the agents, L R Law, on behalf of their client, M & H Property Limited acknowledged receipt of a letter from Richard Pollitt, Scientific Officer, Trafford Council, Pollution, Housing and Licensing (**Appendix B**) which resulted in a change to the application to include conditions on any granted licence.

## 3. Representations

3.1 A representation against the application has been received from a local resident and is attached as **Appendix C**.

3.2 The Committee are respectfully advised that the representation received against the application broadly relates to the Licensing Objectives:

- Prevention of Public Nuisance.
- Prevention of Crime & Disorder
- Public Safety

**3.4** The Members will be required to determine the relevance of the representation. When considering the relevance of the representation the Licensing Sub-Committee must apply three rules:

- i. the representation must be from any person who is likely to be affected by the application or is involved in a business in the relevant Licensing Authority area;
- ii. it must not be repetitious, vexatious or frivolous;
- iii. it must relate to one or more of the licensing objectives.

#### **4. Licensing Policy and Guidance**

**4.1** The Committee are respectfully referred to the Council's own Licensing Policy relating to the Licensing Act 2003 objectives and to the Secretary of State's Guidance. **(Appendices D1 to D3 and E1 to E3).**

- Prevention of Public Nuisance
- Prevention of Crime & Disorder
- Public Safety

#### **5. Options**

**5.1** The Sub-Committee to take such steps as they consider necessary for the promotion of the Licensing Objectives in accordance with the provisions of Section 18, subsection (4) of the Licensing Act 2003. The steps specified are:

**5.1.1** To grant the licence subject to-

- Conditions consistent with the operating schedule accompanying the application modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and;
- Any mandatory conditions which must be included under the Licensing Act 2003

**5.1.2** to exclude from the scope of the licence any of the licensable activities to which the application relates;

**5.1.3** to refuse to specify a person in the licence as the premises supervisor;

**5.1.4** to reject the application.

**5.2** The Sub-Committee is advised that any findings on any issues of fact should be on the balance of probability 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.

Insert name and address of relevant licensing authority and its reference number (optional)

Trafford Borough Council

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

We M and H Property Limited (Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
Brasserie (part of former Boogie Piano)
Victoria Parade
Post town Urmston Post code M41 9BP
Telephone number at premises (if any)
Non-domestic rateable value of premises £ TBC

Part 2 - Applicant Details

- Please state whether you are applying for a premises licence as:
a) an individual or individuals\*
b) a person other than an individual\*
i as a limited company
ii as a partnership
iii as an unincorporated association or
iv other (for example a statutory corporation)
c) a recognised club
d) a charity
e) the proprietor of an educational establishment
Please tick as appropriate:
[ ] please complete section (A)
[X] please complete section (B)
[ ] please complete section (B)
[ ] please complete section (B)
[ ] please complete section (B)
[ ] please complete section (B)
[ ] please complete section (B)
[ ] please complete section (B)

- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\*If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
  - statutory function or
  - a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)
Surname			First names	
I am 18 years old or over	<input type="checkbox"/>			Please tick yes
Current postal address if different from premises address				
Post town			Post code	
Daytime contact telephone number				
E-mail address (optional)				

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)
Surname			First names	
I am 18 years old or over	<input type="checkbox"/>			Please tick yes
Current postal address if different from premises address				
Post town			Post code	
Daytime contact telephone number				
E-mail address (optional)				

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name M and H Property Limited
Address Rugby Chambers 2 Rugby Street London WC1N 3QU
Registered number (where applicable) 02856511
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any)
E-mail address (optional)

**Part 3 - Operating Schedule**

When do you want the premises licence to start?

DD		MM		YYYY			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	A	S	A	P

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD		MM		YYYY			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

Please give a general description of the premises (please read guidance note 1)

Brasserie - French style restaurant

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Please tick any that apply

**Provision of regulated entertainment**

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**



**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both - please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both - please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b>Please give further details</b> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 4)
Wed			<b>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</b> (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick</b> (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Tue			<b>Please give further details here</b> (please read guidance note 3)	
Wed			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 4)	
Thur				
Fri			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)	
Sat				
Sun				

**E**

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>	
Day	Start	Finish		Outdoors	<input type="checkbox"/>	
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>	
Tue						
Wed				State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur						
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sat						
Sun						

**F**

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10:00	23:30	Please give further details here (please read guidance note 3) Recorded Music as required	Both	<input type="checkbox"/>
Tue	10:00	23:30			
Wed	10:00	23:30	State any seasonal variations for the playing of recorded music (please read guidance note 4) Annual New Year festivities - require flexibility of use between end of permitted hours on 31st December to start of licensable activities on 1st January		
Thur	10:00	23:30			
Fri	10:00	24:00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5) One extra hour on Valentines Day (14th Feb), Mothering Sunday (annually), Fathers Day (annually) Christmas Eve (24th Dec), Christmas Day (25th Dec), Boxing Day (26th Dec), New Years Day (1st Jan) and the Friday, Saturday and Sunday preceding a Bank Holiday Monday.		
Sat	10:00	24:00			
Sun	10:00	24:00			

## G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both - please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

## H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both - please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place</b> <u>indoors or outdoors or both - please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23:00	23:30	<b>Please give further details here</b> (please read guidance note 3) Provision of hot food and drink	Both	<input type="checkbox"/>
Tue	23:00	23:30			
Wed	23:00	23:30		<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4) Annual New Year festivities - require 23:00 hrs 31st December to 05:00 hrs on 1st January	
Thur	23:00	23:30			
Fri	23:00	24:00		<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 5) One extra hour on Valentines Day (14th Feb), Mothering Sunday (annually), Fathers Day (annually) Christmas Eve (24th Dec), Christmas Day (25th Dec), Boxing Day (26th Dec), New Years Day (1st Jan) and the Friday, Saturday and Sunday preceding a Bank Holiday Monday.	
Sat	23:00	24:00			
Sun	23:00	24:00			

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption</b> <u>- please tick</u> (please read guidance note 7)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	10:00	23:30	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4) New Years Eve - requires flexibility of use between end of permitted hours on 31st December to start of permitted hours on 1st January annually	Both	<input checked="" type="checkbox"/>
Tue	10:00	23:30			
Wed	10:00	23:30			
Thur	10:00	23:30		<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5) One extra hour on Valentines Day (14th Feb), Mothering Sunday (annually), Fathers Day (annually) Christmas Eve (24th Dec), Christmas Day (25th Dec), Boxing Day (26th Dec), New Years Day (1st Jan) and the Friday, Saturday and Sunday preceding a Bank Holiday Monday.	
Fri	10:00	24:00			
Sat	10:00	24:00			
Sun	10:00	24:00			

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:**

Name Tommy Yuen DPS will be varied to site manager prior to premises opening to trade	
Address 91 Aylsham Drive Ickenham Middlesex	
Post code	UB10 8UG
Personal licence number (if known) TBC	
Issuing licensing authority (if known) London Borough of Hillingdon	

**K**

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).
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**L**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4) New Years Eve - requires flexibility of use between end of permitted hours on 31st December to start of permitted hours on 1st January annually
Day	Start	Finish	
Mon	08:00	24:00	
Tue	08:00	24:00	
Wed	08:00	24:00	<b>Non standard timings. Where you intend the premises to be open to the public at different times to those listed in the column on the left, please list</b> (please read guidance note 5)  One extra hour on Valentines Day (14th Feb), Mothering Sunday (annually), Fathers Day (annually) Christmas Eve (24th Dec), Christmas Day (25th Dec), Boxing Day (26th Dec), New Years Day (1st Jan) and the Friday, Saturday and Sunday preceding a Bank Holiday Monday.
Thur	08:00	24:00	
Fri	08:00	00:30	
Sat	08:00	00:30	
Sun	08:00	00:30	

**M - Describe the steps you intend to take to promote the four licensing objectives:**

**a) General - all four licensing objectives (b, c, d and e)** (please read guidance note 9)

CCTV shall be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting condition, particularly facial recognition;  
 Cameras shall encompass all ingress and egress to and from the premises and all areas where the sale/supply of alcohol occurs;  
 The CCTV equipment shall be maintained in good working order correctly time and date stamped;  
 Recordings shall be kept in date order, numbered consequentially and kept for a period of 31 days and copies made available to the police or trading standards officers on request;  
 The recording equipment and discs/tapes shall be kept in a secure environment under the control of the DPS or other nominated responsible individual;  
  
 Appropriate signage representative of the above shall be displayed in conspicuous positions

**b) The prevention of crime and disorder**

The premises shall operate as a food led establishment;

**c) Public safety**

A full fire risk assessment will be carried out in respect of the premises

**d) The prevention of public nuisance**

Deliveries, servicing and collections, including waste collections (under the control of the Licence Holder) shall not take place outside 08:00 hours to 20:00 hours Monday to Saturday, no deliveries/waste collections to take place on Sundays/Bank Holidays;

Noise from regulated entertainment will not constitute a nuisance at nearest noise sensitive properties;

The outside area will not be used for the consumption of alcohol after 23:00

**e) The protection of children from harm**

A Challenge 25 scheme will be operated at the premises - the only form of valid identification being passport, photo driving licence, PASS hologram id card or Her Majestys Forces Warrant Card - failure to provide such ID will result in no sale of alcohol to that person;

To compile and maintain a refusal book containing records of instances/persons who have been refused the sale of alcohol on the basis of their perceived age, usage of same to be monitored on a regular basis by the DPS;

Staff will be trained (and undergo regular refresher training) in respect of the sale of alcohol (including awareness/prevention of proxy sales) - such training sessions to be documented and records made available to authorised persons from Responsible Authorities

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**



**Part 4 - Signatures** (please read guidance note 10)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (see guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	LR LAW
Date	3rd July 2014
Capacity	Solicitors & Authorised Agents on behalf of Applicant(s)

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent** (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

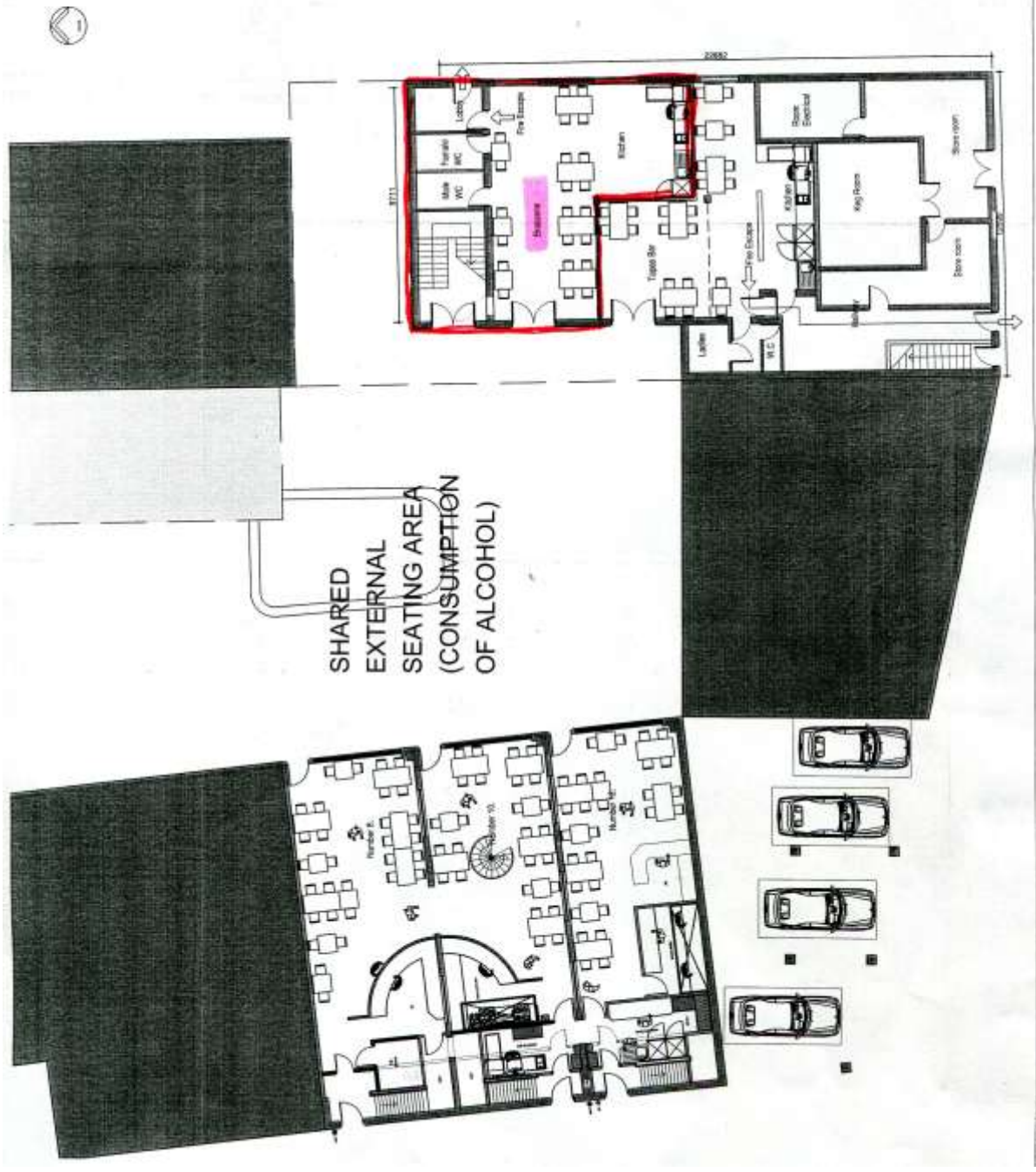
Signature	
Date	
Capacity	
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) LR Law Madison House 37 Little Peter Street	
Post town Manchester	Post code M15 4QJ
Telephone number (if any)	0161 850 1522
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) carrol.ashton@lrlaw.co.uk	



NOTES:  
 1. THIS PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.  
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.  
 3. REFER TO THE ARCHITECT'S GENERAL NOTES FOR FURTHER INFORMATION.

THE BRASSERIE  
 VICTORIA PARADE  
 URMSTON  
 M14 9BP.

PROJECT NO: 14-1-1025 DATE: 15.05.14 DRAWN BY: J.A. CHECKED BY: J.A. PROJECT NAME: THE BRASSERIE	
<b>FOR PLANNING</b> S2 - Fit for Information	
DRAWN BY: J.A. CHECKED BY: J.A. PROJECT NAME: THE BRASSERIE	
<b>CAD</b> CONSULTING ARCHITECTS & DESIGNERS 100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000	
PROJECT NAME: THE BRASSERIE PROPOSED MULTIPLE COMMERCIAL OUTLET ALL PROPOSED	
14-1-1025 CAD-PR-PL A-000 B	





## TRAFFORD COUNCIL

### **PUBLIC PROTECTION SERVICE**

Head of Public Protection - Iain  
Veitch

Trafford Town Hall  
Talbot Road Stretford  
Greater Manchester  
M32 0YJ

Telephone 0161 912 4568  
Fax 0161 912 1113  
Email  
richard.pollitt@trafford.gov.uk  
Web Site www.trafford.gov.uk

Richard Williams  
LR Law  
Madison House  
37 Little Peter Street  
Manchester  
M15 4QJ

When calling or telephoning on this matter  
please ask for Mr Richard Pollitt

Our Ref: 129536

Your Ref:

Date:

Dear Sir,

#### **Licensing Act 2003- 'Brasserie' Victoria Parade, Urmston.**

The Council's Pollution and Licensing Section have recommended that the following conditions be attached to your application for the grant of premises licence:

**The licensable activities are permitted to take place on the licensed premises during the times specified within the license application submitted for the premises.**

**Noise from music and associated sources( including DJ's and amplified voices) must not be audible to such an extent that it constitutes a nuisance at any noise sensitive properties.**

**All external doors and windows shall be kept closed when regulated entertainment is being provided except for access and egress and in the event of an emergency.**

**The licence holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause disturbance to local residents.**

**There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly.**

**The external seated area shall be vacated by 10pm, all seats and tables shall be removed and placed internally at this time.**

**No Refuse shall be disposed of or collected from the premises between the hours of 1900 and 0730 where such disposal or collection is likely to cause disturbance to local residents.**

**Where the premises provide food to the public for consumption on or off the premises there shall be provided at or near the exits, sufficient waste bins to enable the disposal of waste food, food containers, wrappings etc.**

Please indicate and sign below, whether you agree or disagree to the conditions listed above being attached to the licence.

If you agree to the proposed conditions and if no further recommendations are received from other consultees, the Council's Licensing Committee will have the discretion to grant the licence without the need for a full hearing.

I agree to the conditions listed above being attached to the licence and that a hearing is not necessary with regard to these conditions.

I disagree to the conditions listed above being attached to the licence.

**Signature .....**

Please complete and return this letter urgently in the envelope provided to enable Licensing to proceed with your application.

If you wish to discuss any of the comments provided in by this section in connection with your application, please contact me using the contact details at the top of this letter.

Yours faithfully,

Richard Pollitt  
Scientific Officer.

**From:** Richard Williams [mailto:Richard.Williams@lrlaw.co.uk]  
**Sent:** 24 July 2014 16:08  
**To:** Taylor1, Janet  
**Cc:** Pollitt, Richard  
**Subject:** FW: Victoria Parade Applications, Urmston

Hi Jan

Just to confirm we agree to these modifications as agreed with the EHO.

Regards

<p><b>Richard Williams</b> LL.B. Solicitor-Advocate (Higher Courts Criminal Proceedings) Managing Director</p>	
<p>(t) 0161 850 1522 (f) 0161 850 1577 (m) 07834 227351 (e) <a href="mailto:richard.williams@lrlaw.co.uk">richard.williams@lrlaw.co.uk</a></p>	
<p><b>Madison House, 37 Little Peter Street, Manchester M15 4QJ</b> <small>LR Law is a trading style of LR Law Limited, which is a company registered in England &amp; Wales: number 07469477. VAT registration number 107 534 334. Authorised and regulated by the Solicitors Regulation Authority Ref No. 556900. Registered office: Madison House, 37 Little Peter Street, Manchester M15 4QJ</small></p>	

**From:** Pollitt, Richard [mailto:Richard.Pollitt@trafford.gov.uk]  
**Sent:** 24 July 2014 14:28  
**To:** Richard Williams  
**Subject:** Victoria Parade Applications, Urmston

Richard,

Please see attached letters.

regards

Richard Pollitt  
Scientific Officer  
Trafford Council  
Pollution, Housing and Licensing  
Trafford Town Hall  
0161 912 4568

Licensing Act 2003 – The Brasserie, Victoria Parade, Urmston

## APPENDIX C

**From:** Taylor1, Janet  
**Sent:** 29 July 2014 09:06  
**To:** 'Richard Williams'  
**Cc:** Worsley, Ruth; Bate, Stephen; Boyle, Joanne  
**Subject:** REPRESENTATION : APPLICATION LA0274/14 - Brasserie, Victoria Parade (Collins)

Dear Richard,

I detail below a representation received in respect of the Brasserie application for your information and attention.

*From: **barry collins**  
Date: Tuesday, July 22, 2014  
Subject: Objection to new licensed premises Atkinson road, urmston M41 9AD*

*Dear sir /madam*

*I would like to express my deep concern at the possibility of a new licensed premises in urmston. The application refers to the nightclub/pub/bar which is asking for permission to open, the back of which is directly opposite my property.*

*I live at Atkinson Road, Urmston, M41 9AD. The club in question is on the exact opposite side of Atkinson Road.*

*My objections are as follows;*

*This place has been open under different names the last time the amount of fighting, arguing and shouting that went on when the bar was open and long after it closed into the early hours was unbearable, I personally had once to call the police as I witnessed a horrendous act of violence on not one but two of the patrons. There is nothing to indicate that this situation would not rear its head again if the bar opens.*

*The noise from this bar is unbearable, even with my windows shut I might as well have been inside the bar. I get up early to go to work and noise from a busy bar, from both the shouting drunken patrons and the incredibly loud music being played is an extremely stressful situation. I am an adult and I can only imagine how stressful it must be for the families who live in my apartment block who also have young children !*

*In a nut shell I object on the grounds of public nuisance (loud music, fighting, shouting). public safety (I have witnessed several violent incidents) and finally I object on behalf of my neighbours with children as I believe there is a duty to protect them from harm, whether that harm be sleep deprivation through loud music or emotional harm witnessing drunkenness, fighting, swearing and other poor behaviour*

*Atkinson Road  
Urmston  
M41 9AD*

regards  
Jan Taylor  
Licensing Officer

# Secretary of States Guidance

## 2. The licensing objectives

### Crime and disorder

2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.

2.3 Conditions should be targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

2.5 In the context of crime and disorder and public safety, the preservation of order on premises may give rise to genuine concerns about the ability of the management team with responsibility for the maintenance of order. This may occur, for example, on premises where there are very large numbers of people and alcohol is supplied for consumption, or in premises where there are public order problems.

Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. However, licensing authorities must ensure that they do not stray outside their powers and duties under the 2003 Act. This is important to ensure the portability of the personal licence and the offences set out in the 2003 Act and to ensure, for example, that the prevention of disorder is in sharp focus for all managers, licence holders and clubs.

## **Public safety**

Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety



includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.9 A number of matters should be considered in relation to public safety. These may include:

- Fire safety;
- Ensuring appropriate access for emergency services such as ambulances;
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.13-2.15, and Chapter 10; and
- Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).

2.10 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.348.42), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

## Ensuring safe departure of those using the premises

2.11 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

## Maintenance and repair

2.12 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

## Safe capacities

2.13 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in

preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.

- 2.14 It should also be noted in this context that it remains an offence under the 2003 Act to sell or supply alcohol to a person who is drunk. This is particularly important because of the nuisance and anti-social behaviour which can be provoked after leaving licensed premises.
- 2.15 Where an authorisation is required under the 2003 Act for a performance of dance (see paragraphs 15.10 and 15.15 below), section 177 of that Act provides that any licence condition which relates to a performance of dance has no effect if certain conditions are met. In particular, the suspension of licence conditions can only occur if the permitted capacity of premises is not more than 200 persons. The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.

Whilst the Cinematograph (Safety) Regulations 1955 (S.I. 1955/1129) – which contained a significant number of regulations in respect of fire safety provision at cinemas – no longer apply, authorisations granted under Schedule 8 to the 2003 Act will have been subject to conditions which re-state those regulations in their new premises licence or club premises certificate. Any holders of a converted licence seeking to remove these conditions and reduce the regulatory burden on them (to the extent to which that can be done while still promoting the licensing objectives), would need to apply to vary their converted licences or certificates. When considering applications for variations, minor variations, and

the grant of new licences, licensing authorities and responsible authorities should recognise the need for steps to be taken to assure public safety at these premises in the absence of the 1955 Regulations.

Public safety includes the safety of performers appearing at any premises.

The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and

characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.

As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late-evening or early-morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave.

Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the

area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night

- it is known that unaccompanied children have been allowed access;
- there is a known association with drug taking or dealing; or
- in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.

2.27 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

2.28 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.

2.29 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.

2.30 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding

age verification, other conditions relating to the protection of children from harm can include:

- restrictions on the hours when children may be present;
- restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
- restrictions on the parts of the premises to which children may have access;
- age restrictions (below 18);
- restrictions or exclusions when certain activities are taking place;
- requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- full exclusion of people under 18 from the premises when any licensable activities are taking place.

2.31 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

2.32 Licensing authorities should give considerable weight to representations about child protection matters.

2.33 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.

2.34 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a

condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.



**EXTRACT :**  
**Trafford Council – Licensing Policy 2011-2014 – Licensing Objectives**

**6.0 LICENCE OBJECTIVE – THE PREVENTION OF CRIME AND DISORDER**

6.1 Trafford Council is committed to further reducing crime and disorder within Trafford and helping people feel safe.

6.2 The Council will have particular regard to the likely impact of licensing on related crime and disorder in the Borough particularly when considering the location, impact, operation and management of all proposed licence/certificate applications, renewals and variations of conditions.

6.3 When addressing the issue of crime and disorder, an applicant must demonstrate that those factors that impact on crime and disorder have been considered. These specifically include:-

- Underage drinking
- Drunkenness on premises
- Public drunkenness
- Drugs
- Violent behaviour
- Anti-social behaviour.

6.4 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained with the intention of preventing crime and disorder. Such measures may include:

- The capability of the person who is in charge of the premises during trading hours or when Regulated Entertainment is provided to effectively and responsibly manage and supervise the premises, including associated open areas
- The steps taken or to be taken to ensure that appropriate instruction, training and supervision is given to those employed or engaged in the premises to prevent incidents of crime and disorder, and where appropriate any relevant qualifications.

- The measures taken or to be taken to raise staff awareness and discourage and prevent the use or supply of illegal drugs on the premises
- The features currently in place or planned for physical security at the premises, such as lighting outside the premises
- Policies adopted to meet appropriate best practice in accordance with existing guidance (e.g. Home Office: Selling Alcohol Responsibly, Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other recognised codes of practice, eg. British Beer and Pub Association Partnerships Initiative.
- Any appropriate additional measures taken or to be taken for the prevention of violence or public disorder.

6.5 In addition, in those circumstances where the applicant has agreed measures to co-ordinate closing times or to prevent migration between premises with different closing times, it would be appropriate to detail such arrangements in the operating schedule.

6.6 The extent to which the above matters need to be addressed will be dependent on the individual style and characteristics of the premises, proposed events and activities. In general, however, the Council will expect more comprehensive measures to be in place at late night venues (i.e. premises which remain open to the public after 12.00pm) or in premises with a history of crime and disorder issues.

6.7 Where additional measures have been identified as likely to have an impact on the prevention of crime and disorder at any premises, the Council would expect applicants to detail such measures to be taken in their operating schedules. Such measures may include:

- provision of effective CCTV with recording facilities both within and outside certain premises
- crime prevention design, including adequate lighting and supervision of car parks
- metal detection and search facilities
- procedures for risk assessing promotions and events such as 'happy hours' for the potential to cause crime and disorder, and plans for minimising such risks
- measures to prevent the use or supply of illegal drugs

- employment of Security Industry Authority licensed door supervisors and other appropriately trained staff
- participation in an appropriate Pubwatch Scheme or other similar scheme
- promotion of safe drinking
- the control of glass and the provision of plastic containers or toughened glass
- use of radio net system (where available)
- provisions for dealing with prostitution or indecency
- provisions for discouraging drinking in public places in the vicinity of the premises
- policies on dress and music
- appropriate additional staff training.

6.8 All premises applying for licensing beyond 12.00pm must demonstrate that its customers will be capable of leaving the area without causing a disruption to local residents or impact upon crime and disorder. For example, where appropriate and relevant an assessment of the availability of late night transport, and the likely flow of pedestrian traffic away from the premises, could be included in the operating schedule.

6.9 The Council will have regard to representations from the Police in deciding whether the above issues have been adequately addressed. Where Police representations indicate that any matter has not been addressed sufficiently to avoid a potential negative impact on crime and disorder, the applicant will be expected to demonstrate that the issues can be satisfactorily addressed before the Council will grant an application for a licence or a variation of a licence.

6.10 Where either prescribed and/or premises-related conditions have not been adhered to in the past, the Council will expect applicants to have considered and taken action to rectify those issues. Applications are likely to be refused where there are significant outstanding issues.

6.11 In respect of premises predominantly supplying take-away food, between the hours of 11.00pm and 5.00am the Council would need to be satisfied that the supply of alcohol will not lead to an increase in crime and disorder or public nuisance in the vicinity of the premises.

- 6.12 The Council will expect licensees of venues likely to be affected by drugs to take all reasonable steps to prevent the entry of drugs into licensed premises, to take appropriate steps to prevent drugs changing hands within the premises and to take practical measures to prevent tragedies as a result of drug misuse. In certain types of premises it may be appropriate and relevant for the operating schedule to include measures such as access for customers to drug testing kits, particularly for the prevention of drug assisted sexual assault, chillout rooms and free water.
- 6.13 The Council will not use the Licensing Policy to control prices or hinder free and fair competition in licensed trade. However, the Council will not support drinks' promotions that encourage the irresponsible consumption of alcohol, and where there is demonstrable evidence that certain types of promotion (such as "buy one get one free", "drink as much as you can for a fiver" or time limited price promotions) encourage significant alcohol intake within short periods of time ('binge drinking'), and the Council may consider, where relevant representations have been made, imposing special conditions. If such promotions are permitted they should be held in accordance with the new mandatory condition which prohibits irresponsible promotions – see para. 11.13 Mandatory Conditions.
- 6.14 Within the operating schedule for premises from which alcohol will be sold, the applicant must identify the Designated Premises Supervisor. The Council will normally expect the Designated Premises Supervisor to have been given the day to day responsibility for running the premises by the holder of the premises licence and, as such, would normally expect them to be present on the premises on a frequent and regular basis
- 6.15 Glass is a major factor in disturbances around licensed premises. At certain types of premises if measures were introduced in relation to glass control within the premises, at disposal points and to prevent the unauthorised removal of glass from premises, these may assist in promoting the licensing objective of preventing crime and disorder. In such cases it may be appropriate for applicants to address these issues through their operating schedule.
- 6.16 Whenever any persons are employed at licensed premises to carry out a security activity, it will be a condition of licence that all such persons must be licensed with the Security Industry Authority. The applicant may consider that certain premises require strict supervision for the purpose of promoting the licensing objectives. In such cases, it may be appropriate for the applicant to provide details of the security arrangements to be employed at the premises. This may then form the basis of an appropriate condition on the licence. The absence of such measures in the operating schedule may give rise to a relevant representation.

6.17 The Council will work closely with the Police to review the licences of premises where a Police Closure Notice has been served.

6.18 The Council will consider representations from the Police to exercise its powers to designate areas where alcohol may not be consumed in a public place to meet the Public Safety and Crime and Disorder Objectives

6.19 Local crime prevention strategies will, wherever appropriate and as far as is possible, be supported and reflected in conditions attached to premises licences and club premises certificates.

#### Old Trafford

6.20 It is accepted that the area around the Old Trafford football ground, (home to Manchester United Football Club), during match days suffers from crime and disorder problems.

6.21 During the football season there are significant numbers of arrests during football operations around Old Trafford. The Police's experience is that a high percentage of those arrested or ejected have consumed alcohol in or near to the ground. Police intelligence also strongly indicates the use of licensed premises around the ground by groups involved in organised football disorder.

6.22 In recent years the Police along with Manchester United and the Premier League have worked in partnership to schedule potentially difficult matches earlier in the day. The underlying reason for this policy has been the drive to reduce the scale of alcohol consumption prior to kick off. This policy has been viewed as a success, as the levels of disorder associated with high risk matches have decreased over the last five years.

6.23 Given the high profile nature of matches at Old Trafford and the links between crime and disorder and alcohol consumption the Council believe that the licensing policy should reflect the unique circumstances present in the area. Therefore, the Council would expect applicants in the Old Trafford area to identify issues that may give rise to crime and disorder problems on match days and when major events are held at Old Trafford, and where appropriate and relevant to include measures to deal with such issues in their operating schedule.

## **7.0 LICENCE OBJECTIVE – THE PREVENTION OF PUBLIC NUISANCE**

7.1 Licensed premises have a significant potential to impact adversely on communities through public nuisances which can arise from their operation.

The Council recognises the need to prevent public nuisance to residents, visitors and other businesses from the potential consequence of the operation of licensed premises, whilst balancing the rights of licensed premises to develop their business potential.

- 7.2 Public nuisance in this context includes such issues as noise and disturbance, light pollution, odour, vermin and pest infestations, accumulations of refuse and litter, and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.
- 7.3 The Council, however, recognises that licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are away from the premises and therefore beyond the direct control of the individual, club or business holding the licence.
- 7.4 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained with the intention of preventing public nuisance.
- 7.5 In considering applications, the Council will expect to see evidence that the applicant has identified matters that impact on the likelihood of public nuisance and that these matters have been addressed in the operating schedule. Such measures may include:
- Measures taken or proposed to be taken to prevent noise and vibration escaping from the premises or in the immediate vicinity of the premises and including any outside areas (including smoking areas) bearing in mind the location of premises and proximity to residential and other noise sensitive premises (e.g. hospitals, hospices and places of worship); This would include music, ventilation equipment noise and human voices, whether or not amplified;
  - Measures taken or proposed for management and supervision of the premises and associated open areas to minimise unreasonable disturbance by customers and staff arriving or departing from the premises and delivery of goods and services.
  - Control of opening hours for all or part (e.g. garden areas) of the premises
  - Measures taken to control light to ensure that it does not stray outside the boundary of the premises such as to give rise to problems to residents in the vicinity
  - Steps taken to lessen the impact of parking in the local vicinity

- Measures taken to prevent someone who has consumed excess alcohol from entering the premises and to manage individuals on the premises who have consumed excess alcohol
- Management arrangements for collection and disposal of litter and refuse, and the control of pests
- Arrangements for ensuring that adequate and suitably maintained sanitary provision and washing facilities are provided for the number of people expected to attend any premises or events
- A 'wind down time' after the last service of alcohol, during which time the venue may offer for sale non-alcohol beverages
- A 'last admission time' policy
- Management arrangements for any proposed use of bonfires, fireworks and other pyrotechnics.

7.6 The extent to which the above matters need to be addressed will be dependent on the nature of the area where the premises are situated, the type of premises concerned, the licensable activities to be provided, operational procedures and the needs of the local community. In general, however, the Council will expect more comprehensive measures to be in place at late night entertainment venues or in premises with a history of public nuisance issues.

7.7 The Council will have regard to representations from the responsible authorities to determine if measures proposed are sufficient to reduce the risk of public nuisance. Where representations indicate that any matter has not been addressed sufficiently to prevent public nuisance the applicant will be expected to demonstrate that the issues can be satisfactorily addressed before the Council will grant an application for a licence or a variation.

7.8 Where appropriate the applicant will be expected to propose practical steps to prevent disturbance to local residents and to have regard to the "Good Practice Guide on the Control of Noise from Pubs and Clubs" produced by the Institute of Acoustics. Where noise has been identified as a potential problem by the applicant or Council officers, then the Council would expect the applicant to detail the measures proposed to address this issue within the operating schedule. Noise could relate not only to music but also from air handling equipment or from patrons. There are a number of practical ways in which sound leakage can be addressed, such as:

- Keeping doors and windows closed and providing adequate mechanical ventilation or, if necessary, air conditioning
- Reducing sound levels and installing a sound limiting device to prevent sound exceeding the appropriate level
- Installing soundproofing measures to contain sound and vibration.

7.9 In premises where patrons leave the premises particularly late at night or early in the morning, the Council will expect the applicant to have included in the operating schedule practical steps for reducing noise disturbance, such as:

- Erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors, and to respect the rights of nearby residents
- At appropriate times making loudspeaker announcements to the same effect
- Instructing door staff to ask customers leaving the premises to leave the area quietly
- Reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing music as the evening winds down
- Banning from the premises people who regularly leave in a noisy manner
- The supervision of any queues formed late in the evening so as to keep noise and disturbance to a minimum.

7.10 Where relevant representations have been received, conditions may be imposed which include restrictions on the times when music or other licensable activities may take place and may include technical restrictions on sound levels at the premises.

7.11 In considering an application, the Council will take into account previous noise and nuisance complaints, and the ability/willingness of the licensee to deal with such complaints.

## **8.0 LICENCE OBJECTIVE – PUBLIC SAFETY**

8.1 The Council is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. Members of the public have a right to expect, when visiting licensed premises, that due consideration has been taken of their needs with respect to public safety. Where an applicant identifies an issue in regard to public safety (including fire safety) which is not



adequately covered by existing legislation, the applicant should identify the steps which will be taken to ensure public safety.

- 8.2 The Council is committed to ensuring public safety across the borough by working in close partnership, in particular, with Greater Manchester Police and Greater Manchester Fire and Rescue Service, as well as with licensees.
- 8.3 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety at the premises.
- 8.4 When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, the following options should be considered as measures that, if necessary, would promote public safety:
- The condition, design and layout of the premises, including the means of escape in case of fire
  - Arrangements to ensure the safety of customers and staff in the event of fire or other emergency
  - The nature of the activities to be provided, in particular the sale or supply of alcohol, and including whether those activities are of a temporary or permanent nature
  - The number of people that can safely be accommodated at the premises; having regard, in particular to floor area and means of escape
  - The customer profile (e.g. age, disability etc.)
  - The necessary health and safety and fire risk assessments at premises and events, and other measures to reduce risk to public safety
  - The measures to be employed to monitor the occupancy of the premises so that maximum capacities (where identified) are not exceeded
  - The necessary risk assessments to cover the erection and design of any temporary structures
  - Risk assessments and safety procedures in the event that the use of special effects such as lasers, pyrotechnics, smoke machines, foam machines etc is proposed
  - The number of people employed or engaged to secure the safety of everyone attending the premises or event

- Measures for the appropriate instruction, training and supervision of those employed or engaged to secure the safety of everyone attending the premises or event
  - Noise exposure, both in terms of staff safety and protection of hearing for the public and staff at the premises, in accordance with current legislation
  - Arrangements to ensure that litter, generated by the activity of premises, does not create a fire hazard
  - Implementation of appropriate crowd management measures
  - The adequacy of transportation arrangements to ensure customers are able to travel safely to and from the premises and alerting people to the dangers of drinking and driving)
  - Any arrangements or advertising of taxis and private hire vehicles to relate only to such vehicles properly licensed by the Council.
- 8.5 The extent to which the above matters need to be addressed will be dependent on the individual style and characteristics of the premises, proposed events and activities.
- 8.6 The Council will have regard to representations from the responsible authorities to determine if measures proposed are sufficient to ensure the safety of the public. Where representations are made by one of the responsible authorities indicating that any matter has not been addressed sufficiently to ensure public safety, the applicant will be expected to demonstrate that the issues can be satisfactorily addressed before the Council will grant an application for a licence or a variation of a licence.
- 8.7 Prior to the determination of a licensing application, and subsequently, an applicant must comply with statutory requirement/regulations to provide the following:
- (a) Electrical Inspection Report Certificate
  - (b) Fire Alarm Test Inspection Report
  - (c) Emergency Lighting Inspection and Test Report
  - (d) Fire-fighting Equipment
  - (e) Flame Retardant Properties of Materials Certificate (new premises or new upholstery)
  - (f) Gas Safety Certificate
  - (g) Ceiling Certificate, in the case of cinemas.
- 8.8 Where applicants consider the use of licensed door supervisors to control access and egress to and from premises, this should be detailed in the operating schedule and where appropriate the Council will consider the attachment of a suitable condition. The absence of such measures in the operating schedule may give rise to a relevant representation.

- 8.9 The Council will work in close partnership with the Greater Manchester Fire Service to assist in determining an appropriate maximum capacity, where required, at individual venues.