

# 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):

**Kennedys Hospitality Ltd**

Premises name and address:

**Kennedys, 28-32 Greenwood Street, Altrincham (ground floor)**

Type of Application:

**New premises licence application**

Application Number (if known):

### 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  |
| <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: **Nasreen Ali**

Job Title: **Environmental Health Officer**

Tele number: **0161 912 4026**

Email: **nasreen.ali@trafford.gov.uk**

Address:  
**Pollution and Housing Team**  
**Regulatory Services**  
**Trafford Council,**  
**Trafford Town Hall,**  
**Talbot Road,**  
**Stretford**  
**M32 0YJ**

### Section 3 – Representations

	We object to the application being granted at all
<b>x</b>	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

<p>To prevent public nuisance</p>	<p><i>Please state your reasons:</i></p> <p><b>Kennedys currently have a premises licence PL080242 for 30-32 Greenwood Street. The proposal is to apply for a new licence to include the adjacent premises at 28 Greenwood Street so that a single licence exists for 28-32 Greenwood Street. Kennedys intend to surrender PL080242 upon grant of the new premises licence.</b></p> <p><b>Discussions have occurred in the past with the applicant's solicitor regarding this and surrounding sites in the area being in a town centre location. Whilst this is not disputed, when assessing applications in the area I must consider the proximity of noise sensitive residential premises in the vicinity of the application site and ensure that appropriate controls are put in place as well as relevant conditions recommended to achieve the licensing objective of the prevention of public nuisance. The site is directly overlooked by a residential property at first and second floor of the adjacent property at 34 Greenwood Street. The first and second floor of this adjacent property has noise sensitive rooms overlooking the site (lounge, kitchen/dining, 2 bedrooms). Noise and disturbance from activities as late as 01.30 will inevitably disrupt the use and enjoyment of the property of the adjacent occupants who will more than likely be trying to relax in their</b></p>
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home, retiring to bed or potentially be awoken from sleep. Equally, the outdoor areas associated with the site have the potential to impact upon the occupants of the adjacent noise sensitive residential property. There are also other residential properties at 42 and 44 Greenwood Street.

The Pollution team submitted a representation on 08 04 22 relating to a full variation application which was heard at a Licensing committee on 03 05 22. The committee proceeded to grant the licence subject to several changes to the original application and the addition of several conditions.

As it currently stands, the licence for the 30-32 Greenwood Street, PL080242, allows for the following:

- *Recorded Music – Indoors Friday – Saturday 09:00 – 01:00 Christmas Eve, New Years Eve, St. Patricks Day, Boxing Day and any day preceding a bank holiday 23:00 - 01:00*
- *Alcohol – On the premises Sunday - Thursday 09:00 - 23:00 Friday - Saturday 09:00 - 01:00 Christmas Eve, New Years Eve, St. Patricks Day, Boxing Day and any day preceding a bank holiday 09:00 - 01:00*
- *Alcohol – Off the premises Sunday - Thursday 09:00 - 23:00 Friday - Saturday 09:00 - 01:00 Christmas Eve, New Years Eve, St. Patricks Day, Boxing Day and any day preceding a bank holiday 09:00 - 01:00*
- *Opening Hours of the Premises Sunday - Thursday 09:00 - 23:00 Friday - Saturday 09:00 - 01:00 Christmas Eve, New Years Eve, St. Patricks Day, Boxing Day and any day preceding a bank holiday 09:00 - 01:00*

**The following conditions to achieve the objective of the prevention of public nuisance are attached to licence PL080242:**

*16. 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.*

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

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

*19. Use of external drinking area will not be permitted beyond 23:00 hours Sunday to Thursday and midnight on Fridays, Saturdays, Christmas Eve, Boxing Day, New Year's Eve, St Patrick's Day and any day prior to a Bank Holiday. The external area shall be used for smoking only after these times and no drink/food shall be taken into the external area after these times.*

**20.** *The applicant shall submit for approval, prior to the commencement of use, a noise management plan for the external areas. The noise management plan shall be implemented at all times that these areas are in use*

**21.** *No amplified music / sound / speakers shall be permitted to any external part of the site.*

**I have reviewed the new premises licence application submitted to the Council on the 24<sup>th</sup> February 2023. The application seeks the following general changes:**

- *Live Music (Indoors): Thursday 23:00 - 00:00, Friday - Saturday 23:00 - 01:00, Christmas Eve, New Years Eve, St. Patricks Day, Boxing Day, Good Friday, Easter Sunday and any day preceding a bank holiday 23:00 to 01:00 hours*
- *Recorded Music (Indoors): Thursday 23:00 - 00:00, Friday - Saturday 23:00 - 01:00, Christmas Eve, New Years Eve, St. Patricks Day, Boxing Day, Good Friday, Easter Sunday and any day preceding a bank holiday 23:00 to 01:00 hours*
- *Alcohol (On & Off) : Sunday - Wednesday 09:00 - 23:00, Thursday 09:00 - 00:00, Friday - Saturday 09:00 - 01:00, Christmas Eve, New Years Eve, St. Patricks Day, Boxing Day, Good Friday, Easter Sunday and any day preceding a bank holiday 09:00 to 01:00 hours*
- *Opening Hours: Sunday - Wednesday 09:00 - 23:30, Thursday 09:00 - 00:30, Friday - Saturday 09:00 - 01:30, Christmas Eve, New Years Eve, St. Patricks Day, Boxing Day, Good Friday, Easter Sunday and any day preceding a bank holiday 09:00 to 01:30 hours*

**The applicant has offered the following 5 conditions in Section M, d) The prevention of public nuisance of the application form:**

**15.** *Noise from music and associated sources (including DJ's and amplified voices) emanating from the premises will not constitute a public nuisance at any noise sensitive residential property.*

**16.** *All external doors and windows shall be kept closed when regulated entertainment is taking place, except in the event of an emergency.*

**17.** *There shall be placed at all exits from the premises in a place where they can be easily seen, notices requiring customers to leave the premises and the area quietly and respecting residents living nearby.*

**18.** *A noise management plan is in place for the external area. The noise management plan will be implemented at all times that the external area is in use.*

**19.** *No amplified music/sound/speakers shall be permitted in the external area.*

Being mindful of the previous concerns and conditions relating to the site (especially those relating to live music and external areas) the applicant's solicitor was contacted on 17 03 23 to discuss the application and enquire whether any conditions relating to the external areas were proposed and if there was scope for reducing the live music/hours of opening element.

The applicant's solicitor advised that the application was made as requested by the applicant and any suggestions from the Pollution team would be put forward to the applicant with a view to coming to a suitable agreement.

Unfortunately, due to leave commitments, further discussion on this has not taken place and therefore it was agreed that a formal representation would be submitted allowing for any subsequent discussions on the matter to take place.

It must be stressed that the relationship of the application premises to the adjacent noise sensitive properties has not changed since the previous licensing applications relating to the site, nor has the need to protect those residents and achieve the objective of the prevention of public nuisance. This application seeks to intensify activities and the duration of those activities.

There has been a gradual increase in the hours of use of the external areas associated with the premises which were originally restricted as follows:

*19. Use of external areas associated with this application should not be permitted beyond 22.00 hours Sunday to Thursday and 23.00 on Fridays and Saturdays (and 23.00 on NYE, Christmas Eve and St Patrick's Day). (the external area can be used after 22.00/23.00 hours for the purposes of smoking and no food or drink shall be taken into the external area after 22.00/23.00 hours on any day)*

Although each application is assessed upon its own merits, the Pollution team aim to prevent the use of external areas at licensed premises beyond 23.00 or 21.00 (if overlooked by residential premises). Similarly, the hours of opening and live music are restricted to achieve the licensing objective of the prevention of public nuisance.

This new premises licence application proposes the following detailed changes:

- (1) Inclusion of 28 Greenwood Street in the licensed area (internal and external).*
- (2) Inclusion of the outside area of 34 Greenwood Street in the licensed area.*
- (3) Introduction of live music (indoors) until midnight on Thursdays and 01.00 Fridays and Saturdays.*
- (4) Introduction of Good Friday and Easter Sunday for live*

*music, (indoors), recorded music (indoors), alcohol (on and off) and opening hours.*

**(5)** *Introduction of an extra hour on Thursdays for recorded music (indoors) and alcohol (on and off).*

**(6)** *Opening hours extended by:*

- *30 minutes on Sunday to Wednesday*
- *1 hour on Thursday*
- *30 minutes on Friday to Saturday*
- *30 minutes on Christmas Eve, New Years Eve, St. Patricks Day, Boxing Day, Good Friday, Easter Sunday and any day preceding a bank holiday 09:00 to 01:30 hours*

**(7)** *Omission of the following condition*

**19.** *Use of external drinking area will not be permitted beyond 23:00 hours Sunday to Thursday and midnight on Fridays, Saturdays, Christmas Eve, Boxing Day, New Year's Eve, St Patrick's Day and any day prior to a Bank Holiday. The external area shall be used for smoking only after these times and no drink/food shall be taken into the external area after these times.*

**I have concerns regarding some of the proposed changes and will address each of the points separately below:**

**(1)** *Inclusion of 28 Greenwood Street in the licensed area (internal and external).*

**There are no objections to this proposed change providing the external areas are not used beyond 23.00.**

**(2)** *Inclusion of the outside area of 34 Greenwood Street in the licensed area.*

**There are no objections to this proposed change providing this is acceptable from a licensing perspective and providing the use of this area ceases at 23.00.**

**(3)** *Introduction of live music (indoors) until midnight on Thursdays and 01.00 Fridays and Saturdays.*

**I object to live music being played at the premises beyond 23.00 due to the proximity of residential premises.**

**(4)** *Introduction of Good Friday and Easter Sunday for live music, (indoors), recorded music (indoors), alcohol (on and off) and opening hours.*

**There are no objections to this proposed change.**

**(5)** *Introduction of an extra hour on Thursdays for recorded music (indoors) and alcohol (on and off)*

**I object to the proposed change beyond 23.00 on a weekday night due to the proximity of residential premises.**

**(6)** *Opening hours extended by:*

- *30 minutes on Sunday to Wednesday*

- 1 hour on Thursday
- 30 minutes on Friday to Saturday
- 30 minutes on Christmas Eve, New Years Eve, St. Patricks Day, Boxing Day, Good Friday, Easter Sunday and any day preceding a bank holiday 09:00 to 01:30 hours

**I object to the proposed extension of hours due to the proximity of residential premises.**

**(7) Omission of the following condition**

**19. Use of external drinking area will not be permitted beyond 23:00 hours Sunday to Thursday and midnight on Fridays, Saturdays, Christmas Eve, Boxing Day, New Year's Eve, St Patrick's Day and any day prior to a Bank Holiday. The external area shall be used for smoking only after these times and no drink/food shall be taken into the external area after these times.**

**I would not be able to support the use of the external areas up until 23.30 Sundays to Wednesdays, 00.30 Thursdays, 01.30 Fridays, Saturdays and the non-standard timings referred to above due to the proximity of residential premises to the application site.**

**The proposals in this application will result in an intensification of activity in the area due to the additional proposed forms of regulated entertainment, increase in covers/people that would be on the premises, increase in the size of the licensed area and the increase in hours proposed.**

**The increase in size of the external areas due to the inclusion of the area outside 28 Greenwood Street and the area outside 34 Greenwood Street would mean that a significant number of customers would be permitted to drink in these areas until as late as 01.30 whilst being directly overlooked by residential premises adjacent to the site in addition to residential premises in the wider area.**

**Therefore, it is considered that the proposals are not likely to achieve the licensing objective of the prevention of public nuisance.**

**Please accept this as my formal representation to the licence which could be withdrawn upon reaching a suitable agreement with the applicant.**

## 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.

**In addition to addressing the concerns highlighted above I would like the following conditions from PL080242 to be attached to the licence:**

*16. 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.*

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

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

*20. The applicant shall submit for approval, prior to the commencement of use, a noise management plan for the external areas. The noise management plan shall be implemented at all times that these areas are in use*

*21. No amplified music / sound / speakers shall be permitted to any external part of the site.*

**I would like condition 19 from PL080242:**

*19. Use of external drinking area will not be permitted beyond 23:00 hours Sunday to Thursday and midnight on Fridays, Saturdays, Christmas Eve, Boxing Day, New Year's Eve, St Patrick's Day and any day prior to a Bank Holiday. The external area shall be used for smoking only after these times and no drink/food shall be taken into the external area after these times.*

**Changed to:**

*Use of external drinking areas will not be permitted beyond 23:00 hours at any time*

I confirm that this representation may become a public document

Signed; *N Ali* dated; *24/03/23*

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](mailto: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](mailto:licensing@trafford.gov.uk)