

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, 30-32 Greenwood Street, Altrincham (ground floor)

Type of Application:

Full Variation

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
x	We object to the application being granted in its current form*

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

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

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

Section 3A – The Licensing Objectives

To prevent crime and disorder	<i>Please state your reasons:</i>
Public safety	<i>Please state your reasons:</i>
To prevent public nuisance	<p><i>Please state your reasons:</i></p> <p>Having reviewed the variation application, contact was made with the applicant (e-mail attached). The main reasons for the representation are as follows:</p> <p>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 have to consider the close 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</p>

site (lounge, kitchen/dining, 2 bedrooms). Noise and disturbance from activities as late as 02.00 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 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.

As it currently stands, the licence for the premises, PL080242, allows for the following:

- *Recorded Music – Indoors Friday – Saturday 23:00 – 01:00 Christmas Eve, New Years Eve, St. Patricks Day 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 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 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 09:00 - 01:00*
- *The sale of alcohol for consumption ON the premises. The sale of alcohol for consumption OFF the premises.*

With the following conditions which were agreed with the applicant on 18/05/21;

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 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)*

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 full variation application submitted to the Council on the 11th March 2022. The application seeks the following general changes:

- *Recorded Music (Indoors) : Sunday - Thursday 09:00 - 23:00, Friday - Saturday 09:00 - 01:00, Christmas Eve, New Years Eve, St. Patricks Day and Sundays preceding bank holidays 23:00 - 01:00*
- *Alcohol (On & Off) : Sunday - Thursday 09:00 - 23:00, Friday - Saturday 09:00 - 02:00, Christmas Eve, New Years Eve, St. Patricks Day (and Sundays preceding bank holidays) 09:00 - 02:00*
- *Opening Hours : Sunday - Thursday 09:00 - 23:00 Friday - Saturday 09:00 - 02:00, Christmas Eve, New Years Eve, St. Patricks Day (and Sundays preceding bank holidays) 09:00 - 02:00*

In particular, the application refers to the following detailed changes:

(1) To extend hours for licensable activities in respect of sales of alcohol and opening hours on Friday and Saturdays to 09:00 to 02:00 and on Christmas Eve, New Year's Eve, St Patricks Day (and Sundays preceding bank holidays) to 09:00 to 02:00

(2) To add non-standard timings for both sales of alcohol and opening hours to include Sundays preceding bank holidays between 09:00 to 02:00

(3) To add recorded music on Christmas Eve, New Year's Eve, St Patricks Day and Sundays preceding bank holidays 23:00 to 01:00

(4) To vary the following conditions;

No.11 to now read "Any live music within the premises to finish by 23:00"

No.17 to now read "All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency"

No.19 to now read "Use of external drinking area will not be permitted beyond 23:00 hours Sunday to Thursday and 01:00 on Fridays and Saturdays (and 01:00 on NYE, Christmas Eve, St Patrick's Day and Sundays preceding bank holidays)"

(5) To add the following condition: • Alcohol will not be sold from the kiosk after 21:00

(6) To vary the layout plan to include the rear kiosk within the licensed area

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

(1) To extend hours for licensable activities in respect of sales of alcohol and opening hours on Friday and Saturdays to 09:00 to 02:00 and on Christmas Eve, New Year's Eve, St

Patricks Day (and Sundays preceding bank holidays) to 09:00 to 02:00

There are no objections to this proposed change.

(2) To add non-standard timings for both sales of alcohol and opening hours to include Sundays preceding bank holidays between 09:00 to 02:00

There are no objections to this proposed change.

(3) To add recorded music on Christmas Eve, New Year's Eve, St Patricks Day and Sundays preceding bank holidays 23:00 to 01:00

There are no objections to this proposed change.

4) To vary the following conditions:

No.11 to now read "Any live music within the premises to finish by 23:00"

No.17 to now read "All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency"

No.19 to now read "Use of external drinking area will not be permitted beyond 23:00 hours Sunday to Thursday and 01:00 on Fridays and Saturdays (and 01:00 on NYE, Christmas Eve, St Patrick's Day and Sundays preceding bank holidays)"

Condition 11 on the current licence is;

11. Except for weekend evenings (Friday / Saturday) and occasional exceptions (see application details) the bar / restaurant will operate within normal licensing times. During weekends and these exceptions extra care will be given to prevent any nuisance to surrounding areas, including reasonable music levels. With any live music within the premises to finish by 11pm with background music to a reasonable level indoors appropriate to the time of day, as well as adequate staffing to help prevent nuisances upon leaving the premises.

This condition was not recommended to be included in the original licence by myself and appears to have been included from the original premises application. I would recommend that this condition is omitted from the licence altogether.

Condition 17 of the current licence is;

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

It appears as though the proposed condition in the

variation application is identical to the above condition. I would therefore recommend that this condition is retained.

Condition 19 of the current licence is;

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)

The variation application seeks to amend it to;

"Use of external drinking area will not be permitted beyond 23:00 hours Sunday to Thursday and 01:00 on Fridays and Saturdays (and 01:00 on NYE, Christmas Eve, St Patrick's Day and Sundays preceding bank holidays)"

The Pollution team would not be able to support the proposal to permit the external drinking area to be used beyond 2300 hours for the reasons outlined above regarding the noise sensitive residential premises in the immediate vicinity. The following condition is considered to be a more appropriate compromise to allow the operator to use the outside area whilst aiming to protect nearest noise sensitive premises and achieving the licensing objective of the prevention of public nuisance:

"Use of external drinking area to the front of the premises will not be permitted beyond 23:00 hours on any day.

(5) To add the following condition: • Alcohol will not be sold from the kiosk after 21:00


I would recommend that the condition is in line with the hours recommended via planning application reference 105275/FUL/21:

Alcohol will not be served in the kiosk outside the hours of 0900 hours to 2000 hours Monday to Thursday and 0900 hours to 2100 hours Friday to Sunday.

(6) To vary the layout plan to include the rear kiosk within the licensed area

There are no objections to this proposed change.

It was hoped that the solicitor and applicant would be amenable to the above as this approach offers a reasonable compromise on protecting a noise sensitive property whilst allowing a business to operate in a fair and balanced manner

	<p>in light of its immediate surroundings.</p> <p>The applicant was asked to inform me if they were agreeable to the above by e-mailing me before 5pm on 06/04/22 with the offer to discuss further.</p> <p>Although contact was made on the 30th March acknowledging my e-mail and more recently the 7th April 2022, advising of a response to be submitted, so far a response has not been submitted and the last date for representations is 08/04/22.</p> <p>Please accept this as my formal representation to the licence which could be withdrawn upon reaching a suitable agreement.</p> <p>E-mail to applicants solicitor on 30/03/22:</p> <p style="text-align: center;"></p> <p style="text-align: center;">FULL VARIATION Kennedy's 30 – 32 G</p>

<p>The protection of children from harm</p>	<p><i>Please state your reasons:</i></p>
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Section 3B – Suggestions/Further information

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

My recommendations are highlighted above and in the attached e-mail with this representation. In summary however, the suggested changes/conditions are:

I am happy for the following changes to occur:

(1) To extend hours for licensable activities in respect of sales of alcohol and opening hours on Friday and Saturdays to 09:00 to 02:00 and on Christmas Eve, New Year's Eve, St Patricks Day (and Sundays preceding bank holidays) to 09:00 to 02:00

(2) To add non-standard timings for both sales of alcohol and opening hours to include Sundays preceding bank holidays between 09:00 to 02:00

(3) To add recorded music on Christmas Eve, New Year's Eve, St Patricks Day and Sundays preceding bank holidays 23:00 to 01:00

(6) To vary the layout plan to include the rear kiosk within the licensed area

I would recommend that the following condition is removed:

11. Except for weekend evenings (Friday / Saturday) and occasional exceptions (see application details) the bar / restaurant will operate within normal licensing times. During weekends and these exceptions extra care will be given to prevent any nuisance to surrounding areas, including reasonable music levels. With any live music within the premises to finish by 11pm with background music to a reasonable level indoors appropriate to the time of day, as well as adequate staffing to help prevent nuisances upon leaving the premises.

I would recommend that the following condition is retained:

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

I would recommend that condition 19 is amended as follows:

19. Use of external drinking area to the front of the premises will not be permitted beyond 23:00 hours on any day.

I would recommend that the following condition is added:

Alcohol will not be served in the kiosk outside the hours of 0900 hours to 2000 hours Monday to Thursday and 0900 hours to 2100 hours Friday to Sunday.

I would recommend that the following conditions which are on the current licence for the premises remain in place:

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 confirm that this representation may become a public document

Signed; **N Ali** dated; **08 04 22**

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

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

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

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