

Armstrong, Katie

From: Ali, Nasreen
Sent: 08 April 2022 17:48
To: 'richard.williams@keystonelaw.co.uk'
Cc: Licensing; 'john.lloyd@gmp.police.uk'; Pollitt, Richard; Armstrong, Katie
Subject: RE: KENNEDYS - MODIFICATIONS TO VARIATION APPLICATION

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Licensing Act 2003 - Premises Applications/Queries

Hi Richard,

Thanks for your e-mail and points raised. Your comments regarding The Con Club are fully noted. It must be pointed out that each application is assessed on its own merits and proximity to noise sensitive residential premises. The external area to the rear of The Con Club at first floor level does in fact have significantly more stringent hours controls in view of the noise sensitive residential premises directly overlooking it.

In the same way, appropriate hours controls relating to external areas are required at Kennedys, which is directly overlooked by a noise sensitive residential property. Also, The Con Club is some distance away from Kennedys in a separate block of premises which is separated by an intervening stand-alone block of premises. The area surrounding Kennedys is not directly comparable to the area opposite Altrincham market.

I am therefore unable to agree to the midnight request and will have to proceed to a hearing for a decision on this.

Katie-I am on leave in the coming weeks and will be available for a hearing on this matter on or after the 9th May 2022 (apart from the 11th May 2022).

Kind regards

Nasreen

Nasreen Ali
Environmental Health Officer
Pollution and Housing Team
Regulatory Services
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Whilst dealing with the Coronavirus outbreak, we are having to prioritise work that is essential or urgent. We will respond to your email as soon as possible. We apologise for this delay but hope that you can understand that we have to direct our resources to critical areas of service delivery.

From: Richard Williams [mailto:richard.williams@keystonelaw.co.uk]

Sent: 08 April 2022 16:42

To: Ali, Nasreen <Nasreen.Ali@trafford.gov.uk>

Cc: Licensing <licensing@trafford.gov.uk>; 'John.Lloyd@gmp.police.uk' <john.lloyd@gmp.police.uk>; Pollitt, Richard <Richard.Pollitt@trafford.gov.uk>; Armstrong, Katie <Katie.Armstrong@trafford.gov.uk>

Subject: RE: KENNEDYS - MODIFICATIONS TO VARIATION APPLICATION

Importance: High

Hi Nasreen

I understand your position on the external area, but not why there is no consistency with the Con Club which is licensed until midnight and has no restriction on the use of its external area fronting Greenwood Street.

Could I please therefore request your agreement to use of the external area on Fridays and Saturdays until midnight – with a view to avoiding a hearing on this issue.

Katie – I am off next week. If we cannot agree, could the application please be listed for a hearing on this point.

Many thanks

Richard Williams | Partner

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From: Ali, Nasreen <Nasreen.Ali@trafford.gov.uk>

Sent: 08 April 2022 16:09

To: Richard Williams <richard.williams@keystonelaw.co.uk>

Cc: Licensing <licensing@trafford.gov.uk>; 'John.Lloyd@gmp.police.uk' <john.lloyd@gmp.police.uk>; Pollitt, Richard <Richard.Pollitt@trafford.gov.uk>; Armstrong, Katie <Katie.Armstrong@trafford.gov.uk>

Subject: KENNEDYS - MODIFICATIONS TO VARIATION APPLICATION

Dear Richard,

Thank you for your e-mail, the contents of which have been noted. With reference to the external area of the application premises the pertinent points in my original comments were as follows:

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.

It is noted that the applicant still wishes that; use of the external area is permitted until 23.00 Sunday to Thursday and 01.00 on Fridays and Saturdays. You will appreciate that an allowance has already been made to extend the currently restricted hours of 22.00 Sunday to Thursday on the current licence to 23.00 Sunday to Thursday. The Pollution Section would not be able to support the use of an external area beyond 23.00, especially so, when the external open air drinking/eating area which does not benefit from any noise mitigation is directly overlooked by noise sensitive premises. It must be stressed that the relationship of the application premises to the adjacent noise sensitive property has not changed since my initial comments, nor has the need to protect the occupants of the adjacent overlooking noise sensitive residential property.

I appreciate you coming back to me with a number of changes to the original full variation application. Whilst I am happy for the hours of the external area to be extended to 23.00 I am not in a position to agree the use of the external area beyond 23.00.

I have copied colleagues in Licensing into the e-mail so that they can advise what the next steps would be if your client still wishes to use the external area beyond 23.00.

Many thanks

Nasreen

**Nasreen Ali
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From: Richard Williams [<mailto:richard.williams@keystonelaw.co.uk>]

Sent: 08 April 2022 11:02

To: Ali, Nasreen <Nasreen.Ali@trafford.gov.uk>; John X Lloyd <john.lloyd@gmp.police.uk>

Cc: Licensing <licensing@trafford.gov.uk>

Subject: KENNEDYS - MODIFICATIONS TO VARIATION APPLICATION

Importance: High

Dear Nasreen and John

As discussed, I have now taken instructions from the client regarding this variation in light of the objections/representations made by the police/EHO.

In essence, this application was made to extend the times for use of the external area, due to customers complaining about not being able to take drinks outside whilst the premises is open. As a variation application was required, we also submitted an application for extended hours and the kiosk. As you will see from below, the elements of the application relating to extended hours and use of the kiosk are now being withdrawn, so the only live issue is the time limits for use of the external area.

The request is that use of the external area is permitted until 23.00 Sunday to Thursday and 01.00 on Fridays and Saturdays. Kennedys make this request because:

- Furniture is not moveable and having to close the external area before the premises closes can lead to disputes with customers
- Other premises such as the Con Club do not have a restriction on use of their external area
- The request is only for weekends and the area will be monitored and supervised

Could Nasreen please review this point and let me know if it can be agreed.

In relation to St Patrick's Day this year, the DOS has asked me to confirm that there was a SIA door supervisor on duty all night.

Regards

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

(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 **WITHDRAWN – HOURS TO REMAIN AS EXISTING [IN LIGHT OF POLICE SIA REQUEST]**

(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 **WITHDRAWN – HOURS TO REMAIN AS EXISTING [DITTO]**

(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 **WITHDRAWN – HOURS TO REMAIN AS EXISTING [DITTO]**

(4) To vary the following conditions;

No.11 to now read "Any live music within the premises to finish by 23:00" **RE-INSTATE CONDITION 11 AS ON ORIGINAL LICENCE**

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" **AS EXISTING – RE-INSTATE CONDITION 17**

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" **PROPOSED SUBJECT TO EHO AGREEMENT**

(5) To add the following condition:

- Alcohol will not be sold from the kiosk after 21:00 **WITHDRAWN [IN LIGHT OF DPPO]**

(6) To vary the layout plan to include the rear kiosk within the licensed area **WITHDRAWN – REVISED PLAN TO BE SUPPLIED [IN LIGHT OF DPPO]**

PLEASE REVISE THE ADDRESS ON THE PREMISES LICENCE TO STATE THE CORRECT ADDRESS BEING "30-32 GREENWOOD STREET" – THIS WAS AN ERROR WHEN IT WAS ORIGINALLY ISSUED.

Richard Williams | Partner

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