

# Public Document Pack



## TRAFFORD COUNCIL

### AGENDA PAPERS MARKED “ TO FOLLOW” FOR LICENSING SUB-COMMITTEE MEETING

Date: Monday, 17 March 2014

Time: 6.30 pm

Place: Committee Rooms 2&3, Trafford Town Hall, Talbot Road, Stretford,  
Manchester, M32 0TH

AGENDA	PART I	Pages
2.	APPLICATION FOR GRANT OF A VARIATION TO CLUB PREMISES CERTIFICATE CP00059 - ALTRINCHAM KERSAL RUGBY FOOTBALL CLUB, STELFOX AVENUE, TIMPERLEY, ALTRINCHAM, WA15 6UL	1 - 48

To consider a report of the Head of Public Protection.

**THERESA GRANT**  
Chief Executive

#### Membership of the Committee

Councillors C. Candish, D. Jarman and P. Myers

#### Further Information

For help, advice and information about this meeting please contact:

Mrs Ruth Worsley, Democratic Services Officer  
Email: [ruth.worsley@trafford.gov.uk](mailto:ruth.worsley@trafford.gov.uk)

This agenda was issued on **Monday, 10 March 2014** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall, Talbot Road, Stretford M32 0TH..

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## TRAFFORD COUNCIL

THE LICENSING SUB-COMMITTEE – 17<sup>th</sup> MARCH 2014

## REPORT OF THE HEAD OF PUBLIC PROTECTION

### REPORT REF. NO.

**APPLICATION FOR THE GRANT OF A VARIATION TO CLUB PREMISES CERTIFICATE CP000059 – ALTRINCHAM KERSAL RUGBY FOOTBALL CLUB, off STELFOX AVENUE, TIMPERLEY, CHESHIRE, WA15 6UL.**

### PURPOSE

To advise Members of an application for the Grant of a variation to a club premises certificate CP000059 for Altrincham Kersal Rugby Football Club, off Stelfox Avenue, Timperley, Cheshire, WA15 6UL which has attracted representations from Trafford Council Pollution and Licensing and local residents.

### 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 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 - Aerial View of site
- Appendix B - Location plan showing resident representations
- Appendix C - Application and Operating Schedule (including proposed premises layout)
- Appendix D – Club Premises Certificate CP000059
- Appendix E – Original Representation :- Trafford Council Senior Environmental Health Officer Rachael Hall
- Appendix F – Applicant Response to Trafford Council representation
- Appendix G – Trafford Council response to applicant
- Appendix H1, H2, H3(a-e) - Representations against application from local residents
- Appendix I – Amended Representation :- Trafford Council Senior Environmental Health Officer Rachael Hall

Appendix J – Extract of Secretary of States Guidance – Licensing Objective :  
Public Nuisance  
Appendix K – Extract of Trafford Council Licensing Policy 2011 – 2014 :  
7.0 Licensing Objectives – Public Nuisance

## 1. Background



- 1.1 The premises known as Altrincham Kersal Rugby Football Club (AKRFC) is located at Stelfox Avenue, Timperley, Cheshire, WA15 6UL
- 1.2 The premises currently benefits from club premises certificate CP000059 which was first granted in November 2005 under the current Licensing Act.
- 1.3 The club premises certificate has remained unchanged since first grant and is attached at **Appendix D** for information.

## 2. Application for the Grant of a Variation to Club Premises Certificate CP000059

- 2.1 On 29<sup>th</sup> January, 2014, the Licensing Section received an application (**Appendix C**) from Altrincham Kersal Rugby Football Club for the grant of a variation to the club premises certificate CP000059 for the premises known as Altrincham Kersal Rugby Football Club, Stelfox Avenue, Timperley, Cheshire, WA15 6UL.

- 2.2 The application requests a ***“change to the licensed layout of the premises in accordance with the proposed plan deposited with the application to allow alcohol to be sold and consumed on the rear patio. There are to be no other changes to the certificate.”***
- 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.

### 3. Representations

- 3.1 **On 26<sup>th</sup> February, 2014** Trafford Council Senior Environmental Health Officer, Rachael Hall, in the capacity of a Responsible Authority, placed a representation (**Appendix E**) to include conditions on the licence for the prevention of noise and nuisance and requested a terminal hour for the patio area of 18.00 hours.
- 3.2 The applicant responded to Miss Hall’s representation and rejected the 18.00 hour curfew in favour of a 20.00 hour curfew on the external area. (**Appendix F**).
- 3.3 Miss Hall responded to the applicant stating the reasoning behind her representation terms. (**Appendix G**).
- 3.4 Representations against the application have been received from local residents and are attached as **Appendices H1, H2 and H3** and are referenced at **Appendix B**.
- 3.5 The residents representations were submitted to the applicant and, following a meeting of the residents held at the club by the applicant, the applicant felt that an agreement for a terminal hour of 8 p.m. for the patio area was agreed and subsequently approached Miss Rachael Hall to this effect to request her amendment of her representation and withdrawal on the understanding that the residents were to withdraw their representations also.
- 3.6 The resident representors confirmed to the Licensing Section that they did not wish to withdraw their representations and these instructions were advised to Rachael Hall and the applicant.
- 3.7 Miss Hall amended her representation (**Appendix I**) following discussions with the local residents who felt that a 19.00 hour curfew was appropriate under the circumstances.
- 3.8 The residents agreed that if the Trafford Council representation was accepted by the applicant the residents would be willing to withdraw their representations.

**3.9** The Committee are respectfully advised that the representations received against the application relate to the Licensing Objective :

- Prevention of Public Nuisance.

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

- i. the representation must be from persons who live, or are involved in a business in the area and are likely to be affected by the application;
- 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.

- Prevention of Public Nuisance (**Appendices J and K**).

#### **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 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.

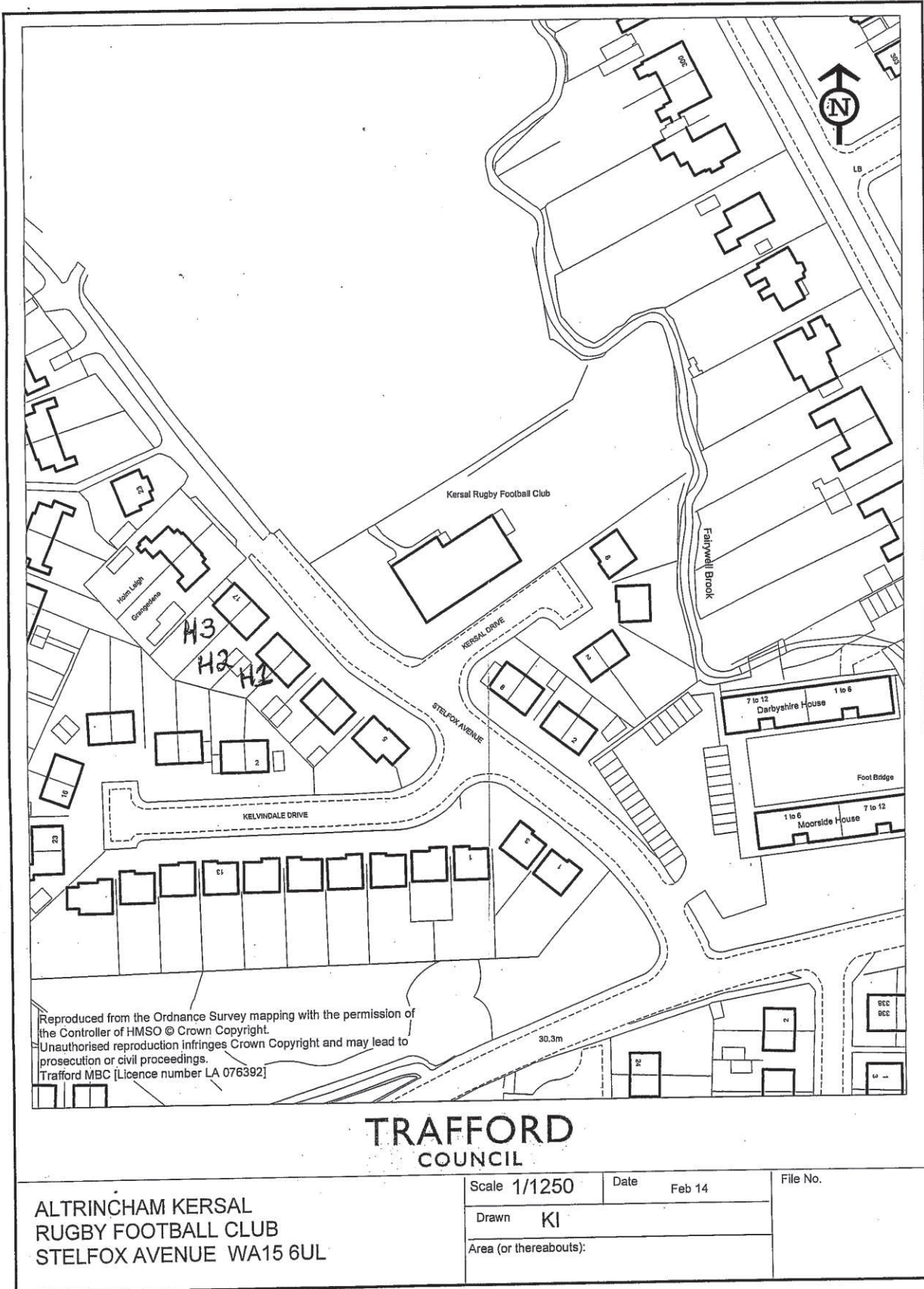




**Aerial View of Site**

Licensing Act 2003 – i.A002:5/14 – Altrincham Kersal RFC, Stelfox Ave., Timperley

APPENDIX B



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

**Application to vary a club premises certificate to be granted under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS BEFORE COMPLETING APPLICATION**

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.

Altrincham Kersal Rugby Football Club

(Insert name of club)

club applies for a club premises certificate under section 84 of the Licensing Act 2003 for the premises named in Part 1 below

<b>Club premises certificate number</b> 59
---

**Part 1 – Club premises details**

Name of club Altrincham Kersal Rugby Football Club			
Postal address of premises, if any, or if none Ordnance Survey map reference or description Stelfox Avenue			
Post town	Timperley	Postcode	WA15 6UL
Telephone number (if any)	0161 973 9157		
E-mail address (optional)			

Name of person performing duties of a secretary to the club Robert Neyton			
Address of person performing duties of a secretary to the club  Bridge Cottage 20 Bradburns Lane			
Post town	Hartford	Postcode	CW8 1LT
Daytime contact telephone number (if any)	01606 675078		
E-mail address (optional)	Robneyton.akrhc@btinternet.com		

**Part 2 – Applicant details**

Daytime contact telephone number (if any)		0161 928 8877	
E-mail address (optional)		edunne@dunneandgray.co.uk	
Current postal address if different from premises address	Dunne & Gray Solicitors Albert Buildings Scott Drive		
Post town	Altrincham	Postcode	WA15 8AB

**Part 3 - Variation**

Please tick

Do you want the proposed variation to have effect as soon as possible?     Yes     No

If not when do you want the variation to take effect from?    DD   MM   YYYY  

--	--	--	--	--	--	--	--

**Please describe briefly the nature of the proposed variation (Please see guidance note 1)**

To change the layout of the premises in accordance with the proposed plan deposited with the application, to allow alcohol to be sold and consumed on the rear patio.

There are to be no other changes to the certificate.

If the club's proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

**Part 4 – Club Operating Schedule**

Please complete those parts of the Club Operating Schedule which would be subject to change if this application to vary is successful.

What qualifying club activities do you intend to conduct on the club premises which will be affected by your application?

Provision of regulated entertainment:

**Please tick as appropriate**

- 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 entertainments (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)

**The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club** (if ticking yes, fill in box I)

**The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place** (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 the club intends to use the premises for the performance of a play at different times from 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"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed			<b>State any seasonal variations for the exhibition of film</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where the club intends to use the premises for the exhibition of film at different times from 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><u>Please give further details here</u></b> (please read guidance note 3)
Day	Start	Finish	
Mon			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 4)
Tue			
Wed			
Thur			<b><u>Non-standard timings. Where the club intends to use the premises for indoor sporting events at different times from those listed in the column on the left, please list</u></b> (please read guidance note 5)
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)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)			
Mon						
Tue						
Wed			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 4)			
Thur						
Fri						
Sat			<b>Non-standard timings. Where the club intends to use the premises for the boxing or wrestling entertainment at different times from those listed in the column on the left, please list</b> (please read guidance note 5)			
Sun						

**E**

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

**F**

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

**G**

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

**H**

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

**I**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<b>State any seasonal variations</b> (please read guidance note 4)					
Mon								
Tue								
Wed								
Thur								
Fri								
Sat								
Sun								
						<b>Non-standard timings. Where the club intends to use the premises for the supply of alcohol at different times from those listed in the column on the left, please list</b> (please read guidance note 5)		

**J**

<b>Hours club premises are open to the members and guests</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	
Mon	10.00	23.00	
Tue	10.00	23.00	
Wed	10.00	23.00	
Thur	10.00	23.00	
Fri	10.00	23.00	<b>Non standard timings. Where you intend the premises to be open to the members and guests at different times from those listed in the column on the left, please list</b> (please read guidance note 5)  Please refer to those listed on the Certificate.
Sat	10.00	23.00	
Sun	12.00	22.30	

**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).

Not applicable.

L

Please identify those conditions currently imposed on the certificate which you believe could be removed as a consequence of the proposed variation you are seeking.

None.

Please tick as appropriate

- I have enclosed the club premises certificate
- I have enclosed the relevant part of the club premises certificate

**If you have not ticked one of these boxes, please fill in reasons for not including the certificate or part of it below**

Reasons why the club has not enclosed the club premises certificate or relevant part of it:

A copy of the Certificate is enclosed. The original will be forwarded under separate cover.



**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)**

Please refer to those already attached to the Certificate.

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

Please refer to those already attached to the Certificate.

**c) Public safety**

Please refer to those already attached to the Certificate.

**d) The prevention of public nuisance**

Please refer to those already attached to the Certificate.

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

Please refer to those already attached to the Certificate.

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities.
- I understand that I must now advertise my application.
- I have enclosed the club premises certificate or relevant part of it or explanation.
- 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 5 – Signatures (please read guidance note 10)**

I Kuits LLP for and on behalf of Altrincham Local Rugby Football Club  
(Insert full name)  
 make this application on behalf of the club and have authority to bind the club

Signature	Kuits LLP
Date	28th January 2014
Capacity	Solicitors

Address for correspondence associated with this application (please read guidance note 11)

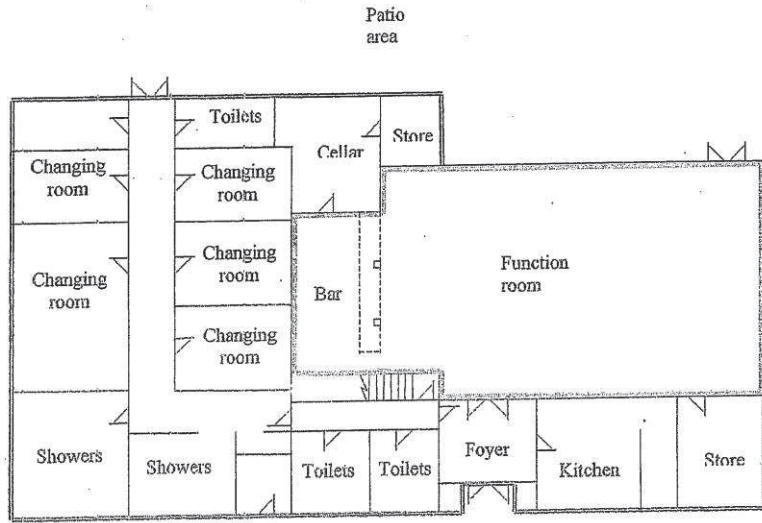
Kuits LLP  
 3 St Mary's Parsonage

Post town	Manchester	Postcode	M3 2RD
Telephone number (if any)	0161 838 7888		
If you would prefer us to correspond with you by e mail, your e mail address (optional)			

**Notes for Guidance**

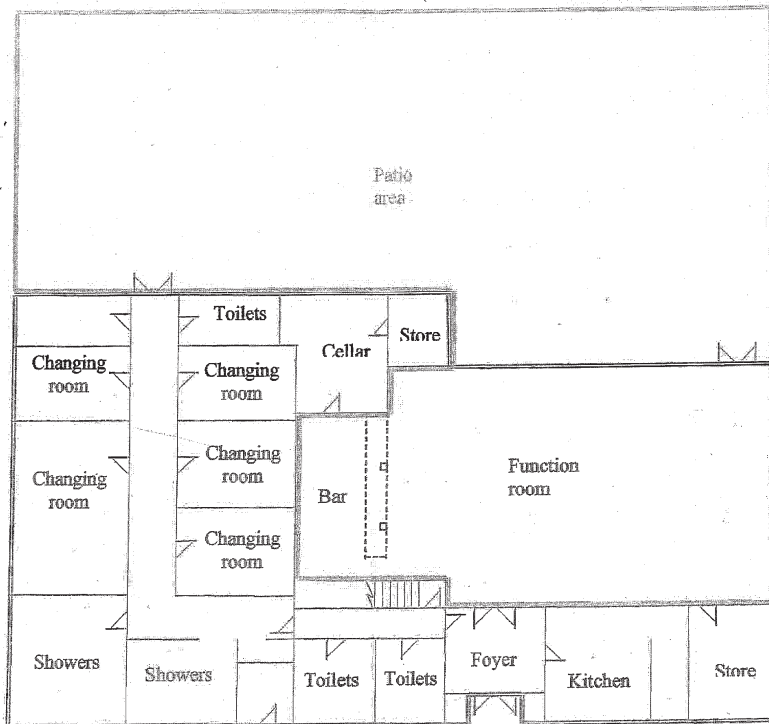
1. Describe the premises, For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for people to consume these off-supplies, please include a description of where this will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. Please state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Current



Proposed

6.2 m



APPENDIX D



Licensing Act 2003

**Club Premises Certificate**

**CP0059**

Club Details

**NAME OF CLUB IN WHOSE NAME THIS CERTIFICATE IS GRANTED AND RELEVANT POSTAL ADDRESS OF CLUB**

**Altrincham Kersal Rugby Football Club**

Stelfox Avenue, Timperley, Cheshire, WA15 6UL

**IF DIFFERENT FROM ABOVE THE POSTAL ADDRESS OF CLUB PREMISES TO WHICH THE CERTIFICATE RELATES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION**

Not applicable

**WHERE THE CLUB PREMISES CERTIFICATE IS TIME LIMITED THE DATES**

Not applicable

**QUALIFYING CLUB ACTIVITIES AUTHORISED BY THE CERTIFICATE**

- any playing of recorded music
- the supply of alcohol
- the supply of alcohol

**THE TIMES THE CERTIFICATE AUTHORISES THE CARRYING OUT OF QUALIFYING CLUB ACTIVITIES**

Activity (and Area if applicable)	Description	Time From	Time To
F. Playing of recorded music (Indoors & Outdoors)	Monday to Saturday	10:00am	11:00pm
	Sunday	Noon	10:30pm
	Good Friday	Noon	10:30pm
	Christmas Day	Noon	3:00pm
	Christmas Day	7:00pm	10:30pm
	L. The supply of alcohol by or on behalf of a club, or to the order of, a member of the club for consumption ON the premises only	Monday to Saturday	10:00am
	Sunday	Noon	10:30pm
	Good Friday	Noon	10:30pm
	Christmas Day	Noon	3:00pm
	Christmas Day	7:00pm	10:30pm





Licensing Act 2003

# Club Premises Certificate

CP0059

## THE TIMES THE CERTIFICATE AUTHORISES THE CARRYING OUT OF QUALIFYING CLUB ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
L. The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place	Monday to Saturday	10:00am	11:00pm
	Sunday	Noon	10:30pm
	Good Friday	Noon	10:30pm
	Christmas Day	Noon	3:00pm
	Christmas Day	7:00pm	10:30pm

## THE OPENING HOURS OF THE CLUB

Description	Time From	Time To
Monday to Saturday	10:00am	11:00pm
Sunday	Noon	10:30pm
Good Friday	Noon	10:30pm
Christmas Day	Noon	3:00pm
	7:00pm	10:30pm

## WHERE THE CERTIFICATE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- L. The supply of alcohol by or on behalf of a club, or to the order of, a member of the club for consumption ON the premises only
- L. The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place

## ANNEXES

**The following conditions MUST be read in conjunction with PLAN referenced CP000059-24112005.**

### ANNEX 1 - MANDATORY CONDITIONS

1. Permitted Hours Means those stated on the licence and as follows:
  - a. On New Year's Eve from the end of licensing hours on New Year's Eve to the start of licensing hours on the following day (or, if there are no licensing hours on the following day, midnight on 31<sup>st</sup> December)
  - b. On Christmas Day, as provided by the rules of the club and notified in writing by the Chairman or Secretary of the club to the Licensing Authority in which the premises are. The said hours shall:
    - Not exceed six and a half hours
    - Not begin earlier than twelve noon
    - Not end later than 10.30 pm
    - Provide for a break of at least two hours, including 3 pm to 5 pm
    - Not extend for more than three and half hours after 5 pm.



Licensing Act 2003

## Club Premises Certificate

CP0059

ANNEXES continued ...

2. Where the premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must be licensed by the Security Industry Authority.

### ADDITIONAL MANDATORY CONDITIONS (6<sup>th</sup> April 2010)

7. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
8. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
9. Certain "irresponsible" drinks promotions are banned. An irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol),
- or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
- (i) the outcome of a race, competition or other event or process,
- or
- (ii) the likelihood of anything occurring or not occurring;
- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.



ANNEXES continued ...

2. Where the premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must be licensed by the Security Industry Authority.

**ADDITIONAL MANDATORY CONDITIONS (6<sup>th</sup> April 2010)**

7. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
8. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
9. Certain "irresponsible" drinks promotions are banned. An irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol),
- or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
- (i) the outcome of a race, competition or other event or process,
- or
- (ii) the likelihood of anything occurring or not occurring;
- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.



Licensing Act 2003

# Club Premises Certificate

CP0059

ANNEXES continued ...

## ADDITIONAL MANDATORY CONDITIONS (1<sup>st</sup> October 2010)

10. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
11. The responsible person shall ensure that -
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
- (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.

## ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

None

## ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

None



Signature of Authorised Officer





## BOROUGH OF TRAFFORD

## MEMORANDUM

From: Pollution and Licensing

To: Licensing Manager

Ref: RHA/126538

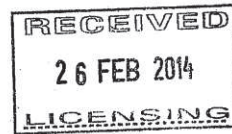
FAO:

Ref:

Tel 912 4599

Date: 26 February 2014

Ext:



If telephoning please ask Mrs Rachael Hall  
for:

**Subject:** Application to vary a Club Premises Certificate (Licensing Act 2003).  
Altrincham Kersal Rugby Club, Stelfox Avenue, Timperley, Cheshire.

The Pollution and Licensing Section has the following comments to make regarding this application for extension of the licenced area of the premises to include the rear patio area, to be used for the sale and consumption of alcohol.

1. Use of the patio area (as outlined in the plan submitted with the application for variation) should cease at 1800hours. (NB. This does not allow for regulated entertainment i.e. amplified music /voices, live music or recorded music to be broadcast at any time from the patio area.)
2. Noise from music and associated sources (including DJ's and amplified voices) from within the premises must not be audible to such an extent that it constitutes a nuisance at any noise sensitive property.
3. All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency.
4. 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.
5. There shall be placed at all exits from the premises in a place where they can be seen and easily read by the member and their guests, notices requiring customers to leave the premises and the area quietly.

## APPENDIX F

**From:** Eamonn Dunne [mailto:EDunne@dunneandgray.co.uk]  
**Sent:** 12 February 2014 15:48  
**To:** Hall, Rachael  
**Cc:** Boyle, Joanne  
**Subject:** RE: Altrincham Kersal RFC - Licence Application

Dear Rachel

Thank you for your prompt response.

I have discussed the proposals with my fellow committee members. The feeling is that we can agree the conditions, save that the feeling is that the "curfew" for use of the patio area ideally should be 8pm rather than 6pm. I am told that in the lighter days such as September and late spring we may have games that start later in the day and so the activity post match may go past 6pm. We don't want a situation where we would be in breach so to be on the safe side 8pm should suffice.

Can I have your thoughts in this regard.

Many thanks

Eamonn Dunne  
**Senior Partner**

☎ 0161 928 8877

📠 0161 928 7667

✉ [edunne@dunneandgray.co.uk](mailto:edunne@dunneandgray.co.uk)

🌐 <http://www.dunneandgray.co.uk>



**From:** Hall, Rachael  
**Sent:** 13 February 2014 12:24  
**To:** 'Eamonn Dunne'  
**Cc:** Boyle, Joanne; Taylor1, Janet; Bibi, Tony  
**Subject:** RE: Altrincham Kersal RFC - Licence Application

Hi Eamonn,

Thank you for your email.

I understand the reasoning behind your proposal, but I would advise that this early evening period is the time when many residents like to make use of their outdoor space and so is a sensitive period.

I would strongly advise you to stick to the suggested 1800 hrs curfew. I am afraid that I cannot support anything beyond 1800 hrs.

On speaking with Janet Taylor (from our Licensing section) today, I would advise you that further representations have been received from neighbours detailing historical nuisance incidents which have affected neighbours during the early evening period, as well as late at night.

It is my role to take a balanced view and to consider all parties concerned. In my opinion, an extension of the licensed area to include regular use of the patio area until 2000hrs would be highly likely to generate noise disturbance. Despite the fact that you have explained that the reason for this application is to allow spectators to drink alcohol during match days, consenting to this application would in effect allow unlimited use of that patio area until 2000hrs daily in accordance with the approved days/times of the week already licensed. If you were to site benches etc. on the patio as indicated, then it would be reasonable to expect that patrons will choose to sit outdoors in nice weather whether there is a match on or not. This situation has the potential for causing noise nuisance.

I would be grateful if you would forward my comments above to the Committee.

Regards,

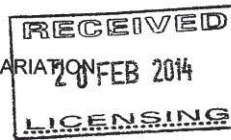
**Rachael Hall**  
**Environmental Health Officer**  
Pollution, Housing and Licensing.  
Trafford Council,

# APPENDIX H1

**Elizabeth Morris**

---

**From:** Elizabeth Morris [mailto:~~liz@humancommunications.co.uk~~]  
**Sent:** 19 February 2014 00:03  
**To:** 'janet.taylor1@trafford.gov.uk'  
**Subject:** ALTRINCHAM KERSAL RUGBY CLUB LICENSING VARIATION



Hi Janet,

Further to our telephone conversation on Wednesday 12<sup>th</sup> February 2014 re the above, I wish to inform you of my concerns re the Rugby Club being granted permission for changing the layout of the premises to include a patio area to enable drinking alcohol to be outside the Club.

Crime & Disorder:

Already the club has been used on many occasions for outside drinking, particularly over the summer months. There have been occasions of drunken disorder and bad language onto the street. There have been empty beer bottles and cans left on the road and outside properties on Stelfox Avenue.

Public Nuisance:

The times the Club has been used for evenings during the summer months has noticeably increased and it is commonplace for the drinking outside to cause disturbance of the peace with loud music and voices continuing well after midnight. Taxis and cars are also creating increase noise late into the night.

Residents concerns have resulted in me arranging a meeting to be held at the Club on Tuesday 25<sup>th</sup> February @ 7.30pm in the presence of Councillor Ray Bowker and Graham Makepeace-Warne. This meeting was arranged before I was aware of the "Variation of the Licence".

I am aware that Mr Frank Richardson has sent you details of our issues and previous meeting with Mr Graham Makepeace-Warne.

There used to be a time when residents could enjoy the summer months with pleasant views across the fields. They could rely on the respect the club members afforded the neighbourhood.

Yours sincerely,

Elizabeth Morris  
13 Stelfox Avenue  
Timperley  
Altrincham  
WA15 6UL

A handwritten signature in black ink, appearing to read "Elizabeth Morris", with a long horizontal flourish underneath.

PS Corrected repeat e-mail.

## Kersal Rugby Club Licensing Variation



From: Lars Holm Sørensen ([REDACTED])  
 Sent: Wednesday, February 05, 2014 2:28:47 PM  
 To: janet.taylor1@trafford.gov.uk (janet.taylor1@trafford.gov.uk)

Hi Janet,

We have seen Notices put up outside the Rugby Club to vary the club premises certificate in relation to licensing. The notice mentions changing the layout of the premises to include an external patio area so that they will be able to drink alcohol outside. The club have also told a resident that the external patio will only be used so that members can have a drink during matches, but from my understanding of this application, if approved the external patio area would have the same licensing times as the clubhouse - i.e until 11pm Mon-Sat and 10.30pm Sunday - am I correct on this point?

I am obviously very concerned with the club potentially being granted access to drink alcohol outside, when they have repeatedly breached the terms of their existing license. There have been many breaches by the club, both in terms of allowing people to drink outside when they did not have a special events license, and also when they did have a special events license, allowing people to continue drinking outside past the permitted time restrictions. I have had to make numerous complaints to licensing on this matter due to the noise disturbance this has caused.

There is also ongoing problems with them leaving external doors open when they have a DJ playing, and 2 weeks ago I had to go over again at 10.45pm and ask them to move people back inside and close the doors as the music was very loud and had woken my son.

Residents houses are very close to the club house, and allowing drinking outside would mean there would be more noise for residents from shouting and associated drunken behaviour. There would also be more noise from the DJs music, as from past experience, when people are outside drinking, external doors are left open as people are coming in and out of the clubhouse.

Many thanks

*C. Sorensen*  
 Christine Sorensen

*15 Stelfox Ave  
 Timperley  
 WA15 6UZ*

05/02/2014

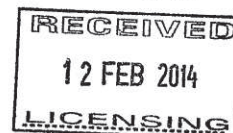
## APPENDIX H3

17, Stelfox Avenue,  
Timperley,  
Altrincham  
WA15 6UL

12<sup>th</sup> February, 2014.



Jan Taylor  
Licensing Officer,  
Licensing Section, Trafford Council,  
Trafford Town Hall, Talbot Road,  
Stretford, Manchester.  
M32 0TH.



### Kersal Rugby Club Proposed Licensing Variation

Hi Janet.

We wish to raise the following concerns. Whilst the Club is not currently in use 7 days a week, we were horrified to find out that the current licence permits drinking hours 10.00-2300hours Monday to Saturday and 22.30 on a Sunday. Is this normal for a Sports Club?

Noise late at night has been a problem for many years, as you are aware, and disturbance from traffic leaving at weekends up to 1am involving taxis and minibuses.

One problem is that when the rear door to the function room is open loud music reflects across to the front of our house. This door is the only access onto the proposed patio area, and would need to be kept open for service from the Bar. We understood previously that this door is a Fire exit door and is self closing, but seems to be wedged open for convenience.

Lack of control at functions has been observed on previous occasions. The Club employs a Steward to run the Bar and Food, who cannot always be aware of what is happening outside. Also the Club is rented out for Functions and Private Parties (mainly summer months) afternoons and evenings, limited to 12 per Year?? The variation to the Licence would encourage more usage.

There has been ongoing dialogue between the residents and the club for a number of years, some extracts of which are attached to support our concern.

We think that if this variation is to move forward that the permitted hours of use of the Patio area should be restricted to afternoons only. i.e. 12.00-18.00 hours

We would not like to see the Club become more like a Public House with a Beer garden.

Finally, the Club has a very large junior rugby membership, and encouraging more drinking does not set a very good Example to young children, also the area in question is in full view of residents and passers by.

Yours sincerely,

Margaret & Frank Richardson.

MEETING HELD ON 9 AUGUST 2012-RE:RUGBY CLUB VIS STELFOX...

**Subject:** MEETING HELD ON 9 AUGUST 2012-RE:RUGBY CLUB VIS STELFOX AVENUE  
**From:** Liz Morris <liz@humancommunications.co.uk>  
**Date:** 20/08/2012 13:46  
**To:** Graham Makepeace-Warne <dempsey29@hotmail.com>  
**X-Mozilla-Status:** 0001  
**X-Mozilla-Status2:** 00800000  
**Message-ID:** <503231B8.4000708@humancommunications.co.uk>  
**User-Agent:** Mozilla/5.0 (Windows NT 6.0; rv:13.0) Gecko/20120614 Thunderbird/13.0.1  
**MIME-Version:** 1.0  
**Content-Type:** text/plain; charset=ISO-8859-1; format=flowed  
**Content-Transfer-Encoding:** 7bit

Dear Graham,  
 Thank you for attending our small meeting. I just want to confirm the main gist of our discussions.

We, Frank Richardson and I, understand that:-

- 1 A hedge is to be planted where the previous hedge was removed. Also the entrance gateway is to be widened to allow coaches to park inside the club grounds.
- 2 Where possible clamps will be used on the railings to prevent them being vandalised.
- 3 For security, lighting is to be fitted on the club house, as it was previously.
- 4 Graham is to look into the point Frank raised apropos no music after 11pm.
- 5 Frank raised the fact of the flood lighting being very bright into their house and the restrictions of there use.
- 6 Parking issues - Graham said the Club members have been made aware of using the library car park. We wished members not to park on the residents side of the road where possible and not on the footpath. We are fully aware it is a public highway but request for consideration when we wish our visitors to be able to park outside our house.
- 7 The addition of a "beer cooling fan" by the door on the roof is an eyesore. The tree branches use to cover that area!
- 8 Although we appreciate it is the club's colours, we did think the posts in red/black/white did not improve the environment.

Thank you again for listening to our complaints with sympathy and we give the club our continual support.

Kind Regards,

Liz Morris.

1 of 2

20/08/2012 13:

January 2012



RE: MEETING HELD ON 9 AUGUST 2012-RE:RUGBY CLUB VIS STE...

Liz,

Thanks for this. I am hoping we will have a cherry picker on site soon so we can re angle the cowl on the flood lights. I have passed word to the Zumba instructor to keep the doors closed or the music down for you as well.

I have checked and our standard licence allows music until 11pm however we

1 of 4

25/08/2012 11:

previously.

4 Graham is to look into the point Frank raised apropos no music after 11pm.

5 Frank raised the fact of the flood lighting being very bright into their house and the restrictions of there use.

6 Parking issues - Graham said the Club members have been made aware of using the library car park. We wished members not to park on the residents side of the road where possible and not on the footpath. We are fully aware it is a public highway but request for consideration when we wish our visitors to be able to park outside our house.

7 The addition of a "beer cooling fan" by the door on the roof is an eyesore. The tree branches use to cover that area!

8 Although we appreciate it is the club's colours, we did think the posts in red/black/white did not improve the environment.

Thank you again for listening to our complaints with sympathy and we give the club our continual support.

Kind Regards,

Liz Morris.

2 of 4

25/08/2012 1:

Chairman of the Committee & Community Liaison Officer  
Tel: 07989402133



Numbers 5 & 11 Stelfox Avenue  
 Timperley  
 Altrincham  
 Cheshire  
 WA15 6UL

4<sup>th</sup> May 2006

To:- All residents in Stelfox Avenue

Dear Neighbour,

Here is the latest update regarding the issues with Altrincham Kersal RFC, as promised.

On Wednesday 19<sup>th</sup> April, a meeting was held at the Club with Club officials, Trafford MBC Licensing staff and ourselves representing the residents to discuss the anti-social behaviour which occurs from functions held at the Club, whether this constituted a breach of the current license and what options were open to the residents. (In summary, the new Licensing Act 2003 states that a licensee must address issues of (1) prevention of crime and disorder, (2) public safety, (3) prevention of public nuisance and (4) protection of children from harm).

A summary of the meeting is as follows:-

- The Licensing Officer for Trafford explained that currently the Club are operating within their license. Other Council departments e.g. environment, Police etc., have not received a significant number of complaints.
- We were given the opportunity – and did so openly, honestly and vigorously – to explain that functions at the Club were not managed and controlled to an acceptable standard, causing the issues in our previous letter.
- We also explained that we were very supportive of the Club and local rugby/sport, and that these concerns were related to public order issues, not rugby. This was understood and accepted.
- The Club's license allows for 12 non-members' functions during the year to assist with fund-raising. We have given the Club the dates when problems have occurred to enable an analysis.
- The Club as a measure of goodwill are refusing to take future bookings for 18<sup>th</sup> or 21<sup>st</sup> birthday functions, both by outsiders and Club members.
- The Licensing Committee will consider putting conditions and amendments on the Club's license if problems occur and are formally reported.
- There was an agreement that this route should be preceded by the Club accepting there is a problem, and doing something about it. It was interesting that the Licensing Officer commented that this was formally noted.

We will ensure a copy of the minutes are sent to you once received. The hope is that the Club will address this without the need for licensing due process, appeals etc. However, if the current unacceptable situation does not improve, this route will be used.

For the moment, the issue is with the Club committee and we have said that we are very happy to work with the Club to improve life for us all. In the meantime, should any further disturbances occur, would you please report these directly to the Environmental Protection Department at Trafford Council or the Police, in order that the position based on fact is monitored for the future? Please let us know if you have any questions; thank you.

Kind regards,

Greg and Sue Freeman, 5 Stelfox  
 Brian and Jenny Johnston, 11 Stelfox

Noise During Private Functions and Anti Social Behaviour

The noise emanating from the premises during private parties is at an acceptable level when the doors and windows remain closed, and the patrons remain inside.

The problems arise when the main doors and fire exits are propped open, and when the patrons drink outside in the car park, which occurs every time there is a party.

The open doors cause a disturbance to the residents and results in unnecessary anxiety. The open doors also encourage the patrons to take their drinks outside which dramatically increases the volume levels.

It seems the doors are propped open to allow cool air in to the building, but it is not acceptable to let the residents suffer because the club hasn't installed adequate air-conditioning units

On Saturday 10<sup>th</sup> September the club held an 18<sup>th</sup> Birthday Party. There were at least 30 teenagers (additional to the guests inside) drinking alcohol, laughing and shouting outside the building, on the playing fields, and also spilling on to the road. This level of noise and disturbance is unacceptable to the residents.

There was absolutely no supervision from the staff outside the premises, so in addition to the rowdiness, some of the teenagers were urinating against the building, and smashing bottles in the car park

We are also concerned members of the general public can freely enter the premises and purchase alcohol, which we believe, is against the terms of the license. On two separate occasions, both my wife and myself entered the function unchallenged via the main doors and the rear fire exit.

Noise From Departing Guests

Noise and anti-social behaviour is also an issue when the patrons leave the premises at the end of the evening. The patrons are merely ushered out of the grounds on to Stelfox Avenue. No attempts are made by the staff to keep the noise levels down. There have been instances this summer where guests have been using their car horn and flashing the car lights while people sing and dance in front of the car. This has all taken place on the property grounds in the car park. The steward did nothing to stop this. The club doesn't take responsibility for the patrons behaviour on the club grounds, nor when they leave them standing outside the club on Stelfox Avenue. As long as they are off their grounds they are no longer interested in their conduct and are left to continue the raucous behaviour on the street while they wait for taxis to pick them up (for over an hour most nights, and on a number of occasions past 12.30am).

#### Provision Of Supervisory Staff At Functions

As previously mentioned, there is little or no supervision on the premises. We feel a lot of issues could be resolved with the provision of supervisors both inside the property and outside on the grounds. The supervisors can monitor who enters the club to ensure they are part of the function, and ensure the guests keep inside the building to minimise the noise. They can also monitor the number of people in the club and ensure the fire doors are not propped open.

When patrons do step outside the building they could be reminded by the supervisors to keep the noise to a minimum. If they become rowdy they should be asked to go back inside.

When the guests leave they should again be asked to respect the residents and leave quietly, if they need to wait for a taxi they should be asked to wait at the end of the road.

The club can provide this service through volunteers from the club. This is a simple and inexpensive way to ensure the club keeps to the conditions of the license; maintains correct fire regulations; and reassures the residents that the club is responding to our needs.

There also needs to be prominent and clear notices displayed at all exits, requesting the patrons respect the needs of the local residents and leave the premises and the area quietly.

#### Parking

The club needs to acknowledge the parking issues on Stelfox Avenue, Kelvindale Drive and Kersal Drive, and accept they only exist when there is a fixture at the club. With this in mind, the club needs to accept a degree of responsibility for the parking problems at home fixtures. The following issues have been identified in respect to the parking at the club.

- There is insufficient parking on the premises for the number of members.
- When cars park in the rear car park, they do not park in a manner to best utilise the space available.
- At home fixtures the members, opposition teams and supporters usually park on the street before even seeing if there is space available on the car park.
- When cars park on the street, they park thoughtlessly and many times they block the residents in.
- Cars also park on the public footway and regularly block pedestrian access.

These are some simple and obvious suggestions that could be implemented by the club to help alleviate the parking issues..

## APPENDIX I

### **PUBLIC PROTECTION SERVICE**

Head of Public Protection - Iain  
Veitch

Trafford Town Hall  
Talbot Road Stretford  
Greater Manchester  
M32 0YJ

Telephone 0161 912 4599  
Fax 0161 912  
1113  
Email  
rachael.hall@trafford.gov.uk  
Web Site  
www.trafford.gov.uk

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Altrincham (Kersal) RFC  
Stelfox Avenue  
Timperley, Altrincham  
Cheshire  
WA15 6UL

When calling or telephoning on this matter  
please ask for Mrs Rachael Hall

Our Ref: 126538

Your Ref:

Date: 4<sup>th</sup> March 2014

Dear Mr Dunne,

#### **Licensing Act 2003**

Altrincham (Kersal) RFC, Stelfox Avenue, Timperley, Altrincham, Cheshire, WA15  
6UL.

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

1. Use of the patio area (as outlined in the plan submitted with the application  
for variation) should cease at 1900hours on match days only. (NB. This does  
not allow for amplified music /voices, live music or recorded music to be  
played at any time from the patio area.)
2. Noise from music and associated sources (including DJ's and amplified  
voices) from within the premises must not be audible to such an extent that it  
constitutes a nuisance at any noise sensitive property.
3. All external doors and windows shall be kept closed when regulated  
entertainment is being provided except in the event of an emergency.
4. 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.
5. There shall be placed at all exits from the premises in a place where they  
can be seen and easily read by the member and their guests, notices  
requiring customers to leave the premises and the area quietly.

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

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

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,

Mrs Rachael Hall  
Environmental Health Officer

## ***EXTRACT : Secretary of States Guidance***

### ***The Licensing Objectives***

#### **PUBLIC NUISANCE**

- 2.32 The 2003 Act requires licensing authorities (following receipt of relevant representations) and responsible authorities, through representations, to make judgements about what constitutes public nuisance and what is necessary 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 impacts of the licensable activities at the specific premises on persons living and working (including doing business) in the vicinity that are disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.33 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 interested parties (as defined in the 2003 Act) in the vicinity of licensed premises.<sup>2v</sup>
- 2.34 Conditions relating to noise nuisance will normally concern steps necessary 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 in the evening to more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions necessary to promote the prevention of public nuisance should be tailored to the style and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid unnecessary 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.
- 2.35 As with all conditions, it will be clear that conditions relating to noise nuisance may not be necessary in certain circumstances where the provisions of the Environmental Protection Act 1990, the Noise Act 1996, or the Clean Neighbourhoods and Environment Act 2005 adequately protect those living in the vicinity 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 necessary.
- 2.36 Where applications have given rise to representations, any necessary and 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 in the immediate vicinity of the premises may also prove necessary to address any disturbance anticipated as customers enter and leave.
- 2.37 Measures to control light pollution will also require careful thought. Bright lighting outside premises considered necessary 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.
- 2.38 In the context of preventing public nuisance, it is again essential that conditions are focused on measures within the direct control of the licence holder or club. Conditions relating to

public nuisance caused by the anti-social behaviour of customers once they are beyond the control of the licence holder, club or premises management cannot be justified and will not serve to promote the licensing objectives.

2.39 Beyond the vicinity of the premises, these are matters for 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 and to respect the rights of people living nearby to a peaceful night.

2.40 The cumulative effects of litter in the vicinity of premises carrying on licensable activities can cause public nuisance. For example, it may be appropriate and necessary for a condition of a licence to require premises serving customers from take-aways and fast food outlets from 11.00pm to provide litter bins in the vicinity of the premises in order to prevent the accumulation of litter. Such conditions may be necessary and appropriate in circumstances where customers late at night may have been consuming alcohol and be inclined to carelessness and anti-social behaviour.

**EXTRACT :**

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

**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 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.

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