

LICENSING SUB-COMMITTEE

3 MAY 2022

PRESENT

Councillor D. Jarman (in the Chair).
Councillors D. Butt and S. Thomas

In attendance

J. Parry Locum Litigation Lawyer,
C. Whittle Regulatory Services Mgr (Trading Standards & Licensing),
J. Pickup Senior Licensing Officer,
N. Owen Governance Officer.

12. APPLICATION FOR THE GRANT OF A FULL VARIATION TO A PREMISES LICENCE UNDER S34 LICENSING ACT 2003 AT KENNEDY'S, 30 - 32 GREENWOOD STREET (GROUND FLOOR), ALTRINCHAM, WA14 1RZ

The Head of Regulatory Services submitted a report informing Members of an application for the grant of a full variation to a premises licence for Kennedy's, 30-32 Greenwood Street (Ground Floor), Altrincham, WA14 1RZ which had attracted a representation from Environmental Health and Pollution Control, Trafford Council. All parties present at the hearing were invited to address the Sub-Committee.

Representations were made in support of the application by Mr. R. Williams, Keystone Law, Solicitors on behalf of Kennedy's and against the application by Mr. R. Pollitt, from Trafford Council's Environmental Protection section.

RESOLVED –

- 1) That the application by M. Gayle, Keystone Law on behalf of Kennedy's for the grant of a full variation to a premises licence for Kennedy's, 30-32 Greenwood Street (Ground Floor), Altrincham, WA14 1RZ be granted subject to compliance with the conditions outlined in the decision notice.
- 2) That the issue of the Licence be delegated to the Head of Regulatory Services.

LICENSING SUB-COMMITTEE DECISION NOTICE

Sub Committee Members: Councillor D. Jarman (Chairperson)
Councillor D. Butt
Councillor S. Thomas

Applicant: Marilyn Gayle, Keystone Law, Solicitors on behalf of Kennedy Hospitality Ltd

Type of Licence: Grant of a full variation to a Premises Licence: Kennedy's, 30-32 Greenwood Street (Ground Floor), Altrincham, WA14 1RZ

Licensing Sub-Committee
3 May 2022

Representors: Environmental Health & Pollution Control
Ms N. Ali

Parties Present: On behalf of Applicant – in attendance
Mr. R Williams – Keystone Law, Solicitors on behalf of Kennedy's
Ms R. Watts – Manager, Kennedy's
Mr. A. Richardson – DPS, Kennedy's

On behalf of Representor – in attendance
Mr. R. Pollitt – Team Leader, Environmental Protection

Officers
James Parry – Litigation Lawyer (Locum)
Clare Whittle – Regulatory Services Manager (Trading Standards & Licensing)
Jade Pickup – Senior Licensing Officer
Natalie Owen – Governance Officer

Date of Hearing: 03 May 2022
Time Commence: 6.30 p.m.
Time Terminated: 7.21 p.m.

LICENSING SUB-COMMITTEE DECISION

The Sub-Committee decided that the representation received from Environmental Health & Pollution Control was a valid representation as it related to public nuisance.

To grant a full variation of the premises licence as follows:-

Alcohol – Off Sales
Sunday - Thursday 09:00 – 23:00
Friday – Saturday 09:00 – 01:00
Christmas Eve, New Year's Eve, St. Patrick's Day, Boxing Day and any day preceding a bank holiday 09:00 – 01:00

Alcohol – On Sales
Sunday - Thursday 09:00 – 23:00
Friday – Saturday 09:00 – 01:00
Christmas Eve, New Year's Eve, St. Patrick's Day, Boxing Day and any day preceding a bank holiday 09:00 – 01:00

Recorded Music (Indoors)
Friday – Saturday 09:00 – 01:00

Licensing Sub-Committee
3 May 2022

Christmas Eve, New Year's Eve, St. Patrick's Day, Boxing Day and any day preceding a bank holiday 23:00 – 01:00

Opening Hours

Sunday - Thursday 09:00 – 23:00

Friday – Saturday 09:00 – 01:00

Christmas Eve, New Year's Eve, St. Patrick's Day, Boxing Day and Sundays preceding bank holidays 09:00 – 01:00

CONDITIONS

Any mandatory conditions which must be included under the Licensing Act 2003.

ADDITIONAL CONDITIONS

1. All staff will be given training in relation to the licensing objectives and any risks assessed in line with the premises and their duties, including their responsibilities, health and safety, age verification and licensing offences. Licensing Act 2003 Premises Licence PL080242.
2. Training will be regularly refreshed and recorded in a log book. Staff will be responsibly managed and supervised by the designated premises supervisor. The following of best practice and the joining of any local schemes and initiatives (reduce the strength, pub watch) to ensure safe and responsible day to day management and adherence to licensing objectives.
3. A CCTV system shall be maintained at the premises with cameras pointing at key areas (tills, outside area, entrance and bar area). The public will be made aware of recording on the premises and area surrounding. Recordings will be retained for at least 31 days and available for police inspection should they be required.
4. All staff will be given training (and regularly revised) on best practice and licensing objectives including age challenge 25 / proof of age, drug awareness and prevention and dealing with any anti-social behaviour.
5. There will always be a responsible and capable manager / supervisor on shift to ensure staff are supervised and supported.
6. An incident book will be maintained to record any details / incidents on the premises relating to the licensing objectives, including refusals of sales of alcohol.
7. We will be signing up to local initiatives reduce the strength and pub watch to better manage prevention of crime and disorder, working with other local licensees in the area.

Licensing Sub-Committee
3 May 2022

8. Signage will be displayed for customers in relation to any relevant measures including responsibly and quietly leaving the premises, glass control - not taking glass off site, and any other relevant safety and crime prevention. We will refuse to serve any customers not adhering to these measures. Staff will also be prompted to guide / advice customers leaving and access to transport home and quietly leaving the premises.

9. All staff will be trained (and revised) on safety and risks and effectively managed to those risks. A new fire alarm system is being professionally installed to ensure fire safety (see details on plan) along with an effective plan and other health and safety procedures under The Health and Safety at Work (etc) Act 1974.

10. Best practice will be followed and local initiatives joined, working alongside other local businesses to ensure public safety. CCTV will also be installed as well as relevant safety signs for guidance / advice to customers in relation to safety, glass control.

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. Licensing Act 2003 Premises Licence PL080242.

12. Any other business related noise or other nuisance such as odour will be controlled to keep to a reasonable level, such as waste collections / deliveries out back at reasonable times, maintenance and servicing of kitchen ventilation unit, fenced off control of bin area along with pest control measures.

13. Best practice will be followed and local initiatives joined to effectively manage underage drinking. A challenge 25 scheme will be adopted in compliance with the age verification scheme, with all staff trained on this and effectively managed by the shift manager / supervisor, and refusal records kept. Only forms of identification recognised by the licensing authority will be accepted such as passport / driving licence.

14. There will be NO adult entertainment of any sort on the premises.

15. We will adopt the policy that any child under the age of 18 must be accompanied by an adult / parent, with no children under the age of 16 allowed at the premises beyond 10pm.

Licensing Sub-Committee
3 May 2022

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

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

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

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

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

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

LICENSING SUB-COMMITTEE'S REASONS FOR REACHING ITS DECISION

The Sub-Committee considered the Licensing Act 2003 and regulations, the Guidance and the Council's Licensing Policy and the application, together with the information provided by all parties at the hearing.

The Sub-Committee heard from the Licensing Officer who presented her report.

The Sub-Committee was satisfied that the statutory requirements regarding notices, advertisements and time limits had been complied with.

The Sub-Committee heard from the applicant's representative and from a representative on behalf of the Environmental Health Authority.

The Sub-Committee was satisfied that the application had been modified by agreement between the applicant and the statutory authorities in respect of all the variations sought, save and accept for an issue in respect of the use of the outside licensed area to the front of the premises which is regulated by clause 19 of the proposed conditions of the licence.

The Sub-Committee was satisfied that the objection raised was relevant to and did engage one of the objectives within the Licensing Act 2003, namely the requirement to prevent public nuisance.

Licensing Sub-Committee
3 May 2022

The Sub-Committee heard that the licensed premises had been open for over twelve months and that during that time the external licensed area had been regularly used, particularly in the light of restrictions imposed during the Covid 19 pandemic. The Sub-Committee was informed that there had been no complaints of noise nuisance in respect of the licensed premises and in particular the use of the external part of the premises. The Sub-Committee also heard that there are no objections made to the application by any local resident, the application having been properly advertised.

The Sub-Committee heard that there were other licensed premises situated on Greenwood Street, Altrincham in close proximity to the licensed premises which operated outside licensed areas without restriction and that there had been no complaint of noise nuisance emanating from those premises.

The Sub-Committee concluded that on the basis of the available evidence, there was nothing to suggest that permitting the use of the outside licensed area of the licensed premises in the manner sought within the modified application would create a public nuisance and accordingly the Sub-Committee determined to grant the application in its modified form as sought by the Applicant.

The meeting commenced at 6.30 pm and finished at 7.21 pm