

## TRAFFORD COUNCIL

**Report to:** Licensing Sub-Committee  
**Date:** 03 May 2022  
**Report for:** Decision: Determination of Application  
**Report of:** Head of Regulatory Services

### Report Title

**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**

### Summary

Under S35(3) of the Licensing Act 2003, Members are requested to determine an application for a variation to a premises licence in respect of Kennedy's, 30 – 32 Greenwood Street (Ground Floor), Altrincham, WA14 1RZ having regard to representations received and the requirement to promote the four licensing objectives.

### Recommendation(s)

The following options are open to the Licensing Sub-Committee;

- (i) To grant the application in full and on the terms and conditions contained within the application to include any applicable mandatory conditions.
- (ii) To grant the application as above, modified to such an extent as considered appropriate to satisfy any relevant representations and promote the licensing objectives; or
- (iii) To reject the application.

### Contact person for access to background papers and further information:

**Name:** Katie Armstrong, Licensing Officer.  
**Contact:** Licensing@trafford.gov.uk

**Background Papers:** None.

**Appendices:**  
A) Application for a Full Variation  
B) Blue Notice and Newspaper Advert  
C) Current Premises Licence and Plan  
D) Representation  
E) Amendments to the application

## **1.0 APPLICATION**

**1.1** A premises licence is required in respect of any premises where it is intended to conduct one or more of the four licensable activities, these being:

- The sale of alcohol
- The supply of alcohol (in respect of a club)
- Regulated entertainment
- The provision of late night refreshment

This application was submitted by Marilyn Gayle, Solicitors for and on behalf of Kennedy Hospitality Ltd in respect of: Kennedy's, 30 – 32 Greenwood Street (Ground Floor), Altrincham, WA14 1RZ.

**1.2** The application has been properly made and all procedures correctly followed. The application including the operating schedule has been attached as **Appendix A**. Photographs of the blue notice in place and copy of newspaper advert are attached as **Appendix B**.

**1.3** The applicant has applied to, extend the opening hours and sale of alcohol, to add non-standard timings for sale of alcohol and, recorded music. Additionally, they have applied to vary three conditions, add an additional condition and to vary the plan.

**1.4** The current licensable hours are:

### **Alcohol (Off)**

Sunday – Thursday 09:00 – 23:00  
Friday – Saturday 09:00 – 01:00

Christmas Eve, New Year's Eve, St. Patricks Day 09:00 – 01:00

### **Alcohol (On)**

Sunday – Thursday 09:00 – 23:00  
Friday – Saturday 09:00 – 01:00

Christmas Eve, New Year's Eve, St. Patricks Day 09:00 – 01:00

### **Recorded Music (Indoors)**

Friday – Saturday 09:00 – 01:00

Christmas Eve, New Year's Eve, St. Patricks Day 23:00 – 01:00

### **Opening Hours**

Sunday – Thursday 09:00 – 23:00  
Friday – Saturday 09:00 – 01:00

**1.5** The proposed variation to licensable activities and timings.

### **Alcohol (Off)**

Friday – Saturday 09:00 – 02:00

Christmas Eve, New Year's Eve, St. Patricks Day (and Sundays preceding Bank Holidays) 09:00 – 02:00

**Alcohol (On)**

Friday – Saturday 09:00 – 02:00

Christmas Eve, New Year's Eve, St. Patricks Day (and Sundays preceding Bank Holidays) 09:00 – 02:00

**Opening Hours**

Friday – Saturday 09:00 – 02:00

Christmas Eve, New Year's Eve, St. Patricks Day (and Sundays preceding Bank Holidays) 09:00 – 02:00

**Recorded Music (Indoors)**

Christmas Eve, New Year's Eve, St. Patricks Day (and Sundays preceding Bank Holidays) 23:00 – 01:00

**2.0 BACKGROUND AND HISTORY OF PREMISES**

2.1 The current premises licence and plan is attached as **Appendix C**.

**3.0 OPERATING SCHEDULE**

3.1 The operating schedule is completed by the applicant and contains an amendment to the current schedule. The current conditions on the operating schedule are listed below:

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 practise 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.

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 practise 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 of control of bin area along with pest control measures.

13. Best practise 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 license.

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.

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

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

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

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

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

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

**3.2** The below amendments to the current conditions have been outlined in part 3 of the application and shall be attached to the licence if granted:

1. Amend condition 11 to now read "Any live music within the premises to finish by 23:00".
2. Amend condition 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".
3. Amend condition 19 to now read "Use of external drinking area will not be permitted beyond 23:00 hours Sunday to Thursday and 01:00 on Fridays and Saturdays (and 01:00 on NYE, Christmas Eve, St Patrick's Day and Sunday's preceding bank holidays)".
4. To add the following condition: "Alcohol will not be sold from the kiosk after 21:00".

#### **4.0 CONSULTATION**

- 4.1** The responsible authorities included in consultation are; Greater Manchester Police, Greater Manchester Fire & Rescue, Environmental Health & Pollution Control, Building Control, Health and Safety Team, Home Office Immigration Enforcement, Planning Department, Safeguarding Children Team, Trading Standards and Public Health.
- 4.2** Of those consultees identified in paragraph 4.1, one representation was received. The representation was from Nasreen Ali, an Environmental Health Officer in relation to prevention of public nuisance. The representation is attached as **Appendix D**.
- 4.3** The below amendments to licensable activities timings were proposed by the applicant after correspondence with Responsible Authorities during the consultation period, attached as **Appendix E**.

To remain as existing:

**Alcohol (Off)**

Sunday – Thursday 09:00 – 23:00

Friday – Saturday 09:00 – 01:00

Christmas Eve, New Year’s Eve, St. Patricks Day 09:00 – 01:00

**Alcohol (On)**

Sunday – Thursday 09:00 – 23:00

Friday – Saturday 09:00 – 01:00

Christmas Eve, New Year’s Eve, St. Patricks Day 09:00 – 01:00

**Recorded Music (Indoors)**

Friday – Saturday 09:00 – 01:00

Christmas Eve, New Year’s Eve, St. Patricks Day 23:00 – 01:00

**Conditions to be amended:**

Re-instate condition 11 as per original licence.

Re-instate condition 17 as per original licence.

Withdraw additional condition “Alcohol will not be sold from the kiosk after 21:00.”

Revised Plan to be supplied.

- 4.4** Whilst there has been some agreement, there is still an issue based on condition 19 which they wish to amend to now read “Use of external drinking area will not be permitted beyond 23:00 hours Sunday to Thursday and 01:00 on Fridays and Saturdays (and 01:00 on NYE, Christmas Eve, St Patrick’s Day and Sunday’s preceding bank holidays)”.

- 4.5** Those that have made a representation have been informed of the time and date of the Licensing Sub-Committee meeting and have been informed of their right to attend.
- 4.6** A copy of the report and the representations received have been sent to the applicant.

## **5.0 LEGAL CONSIDERATIONS**

- 5.1** Conditions may only be attached to a Premises Licence where they are deemed appropriate for the promotion of the licensing objectives. They must be proportionate and not duplicate any existing provisions contained in other legislation. The justification behind a refusal or the attachment of conditions must be given to the applicant.
- 5.2** The Sub-Committee is advised that any findings on any issues of fact should be on the balance of probabilities 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.
- 5.4** There is a right of appeal to the Magistrates Court within 21 days from the date the Applicant is notified of the decision of the Licensing Sub-Committee.