

TRAFFORD COUNCIL

Report to: Licensing Sub-Committee
Date: Tuesday 25th April 2023 at 18.30
Report for: Decision: Determination of Application
Report of: Head of Regulatory Services

Report Title

APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE UNDER S17 LICENSING ACT 2003 AT: KENNEDY'S, 28 – 32 GREENWOOD STREET, ALTRINCHAM, WA14 1RZ

Summary

Under S18(4) of the Licensing Act 2003, Members are requested to determine an application for a new premises licence in respect of Kennedy's, 28-32 Greenwood Street, 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 New Premises Licence
B) Photograph of Blue Notice & Copy of Newspaper Advert
C) Current Premise licence for PL080242
D) Agreement with Elizabeth Pritchard, Trading Standards and John Lloyd, Greater Manchester Police
E) Representations from Nasreen Ali, Environmental Health

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: Keystone Law, on behalf of Kennedy Hospitality Ltd, Kennedy's, 28-32 Greenwood Street, Altrincham WA14 1RZ.

1.2 The applicant has applied for the following hours:

Live Music – Indoors

Thursday 23:00 – 00:00

Friday – Saturday 23:00 – 01:00

Christmas Eve, New Years Eve, St Patricks Day, Boxing Day, Good Friday, Easter Sunday and any day preceding a bank holiday 23:00 – 01:00 hours.

Recorded Music – Indoors

Thursday 23:00 – 00:00

Friday – Saturday 23:00 – 01:00

Christmas Eve, New Years Eve, St Patricks Day, Boxing Day, Good Friday, Easter Sunday and any day preceding a bank holiday 23:00 – 01:00 hours

Alcohol – On & Off

Sunday - Wednesday 09:00 - 23:00

Thursday 09:00 – 00:00

Friday – Saturday 09:00 – 01:00

Christmas Eve, New Years Eve, St Patricks Day, Boxing Day, Good Friday, Easter Sunday and any day preceding a bank holiday 09:00 – 01:00 hours

Opening Hours

Sunday - Wednesday 09:00 - 23:30

Thursday 09:00 – 00:30

Friday – Saturday 09:00 – 01:30

Christmas Eve, New Years Eve, St Patricks Day, Boxing Day, Good Friday, Easter Sunday and any day preceding a bank holiday 09:00 – 01:30 hours

1.3 The application has been properly made and all procedures correctly followed. The application including 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**.

2.0 BACKGROUND AND HISTORY OF PREMISES

2.1 The applicant has described the premises as: "Irish bar (including live music venue) and restaurant. It is our intention to surrender the current Premises Licence number PL080242 upon grant of the new Premises Licence." Premise Licence PL080242 is attached as **Appendix C**.

3.0 OPERATING SCHEDULE

3.1 The operating schedule is completed by the applicant and contains additional measures to illustrate how they propose to promote the four licensing objectives as required by provision of the Licensing Act 2003. They are listed below and will be attached as conditions to any licence as may be granted:

1. All staff will be given induction and refresher training in relation to the licensing objectives including age verification, Challenge 25, drug awareness and prevention and dealing with anti-social behaviour and/or disorder.
2. Staff training will be refreshed quarterly and all training will be recorded in a logbook.
3. The premises will operate the Challenge 25 scheme to ensure that alcohol is not sold to individuals aged under 18.
4. A refusals book will be maintained at the premises and a record will be kept (including the time and date of the refused sale and staff member's name) of all alcohol sales refusals.
5. Where available, the premises will actively participate in local licensing schemes, such as Pubwatch.
6. A CCTV system shall be maintained at the premises with cameras covering all key trading areas (including the tills, outside area, entrance and bar area). Notices will be displayed to inform the public that CCTV recording is taking place at the premises.
7. CCTV recordings will be retained for a period of at least 30 days and will be made available to the police or other responsible authorities on request.
8. There will always be a responsible and capable manager/bar supervisor on shift at peak times of trading, to ensure staff are fully supervised and supported.
9. An incident book will be maintained, and a record (including the time, date and nature of the incident) will be made of all major incidents that take place at the premises.
10. Signage will be displayed stating that glasses/bottles must not be removed from the premises or the external area.
11. Staff will use their best endeavours to ensure that glasses/bottles are not taken outside the external area of the premises.

12. No drinking will be permitted in the street.
13. There will be no adult entertainment of any sort on the premises.
14. Any individual under the age of 18 on the premises must be accompanied by an adult at all times.
15. Noise from music and associated sources (including DJ's and amplified voices) emanating from the premises will not constitute a public nuisance at any noise sensitive residential property.
16. All external doors and windows shall be kept closed when regulated entertainment is taking place, except in the event of an emergency.
17. There shall be placed at all exits from the premises in a place where they can be easily seen, notices requiring customers to leave the premises and the area quietly and respecting residents living nearby.
18. A noise management plan is in place for the external area. The noise management plan will be implemented at all times that the external area is in use.
19. No amplified music/sound/speakers shall be permitted in the external area.
20. The Premises Licence holder will risk assess the need for SIA registered door supervisors at the premises. Where such risk assessment concludes that door supervisors are required, only SIA registered door supervisors will be employed.
21. A logbook will be maintained at the premises showing the date, time, name and badge number of all SIA door supervisors employed at the premises.

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, two representations were received, one from Nasreen Ali, an Environmental Health Officer, one from Elizabeth Pritchard, a Trading Standards Officer. The representation from Elizabeth Pritchard was satisfied by agreement of the following conditions. This is attached as **Appendix D**.
 1. A 'Challenge 25' policy shall be operated on the premises at all times. The policy must be understood by all employees. The policy will be documented, read and signed by all individuals working at the business to indicate that they understand it. The policy must require all staff to check the identification of all persons who appear to be less than 25 years of age. The check shall be made by examining either a passport, photographic driving licence or PASS approved proof of age card. These checks must be made for every sale of this nature regardless of previous checks. Any

individual who works at the premise must be aware of the 'Challenge 25' policy. Challenge 25 posters to be clearly and prominently displayed.

There was also an amendment of conditions following from discussions with John Lloyd, Greater Manchester Police. This is attached as **Appendix D**.

1. Replace condition 14 with, "We will adopt a policy that any child under 18 must be accompanied by an adult/parent. With no children under 16 allowed at the premises beyond 22:00 hours"
2. Add the following to conditions 20, "The venue will have minimum 1 x SIA registered door supervisor from 19:00 hours on every Friday and Saturday evening and on Christmas Eve, New Years Eve, St Patricks Day, Boxing Day and any day preceding a bank holiday."

- 4.3** Nasreen Ali's representation is attached as **Appendix E** and is outstanding.
- 4.4** A copy of the report and the representations received have been sent to the applicant.
- 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.

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.