

# CHESHIRE EAST COUNCIL

## REPORT TO: LICENSING SUB-COMMITTEE

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**Date of Meeting:** Thursday 27<sup>th</sup> August 2009  
**Report of:** Mrs N Cadman, Licensing Officer  
**Subject/Title:** Application for a Premises Licence variation -  
**Kings Bar and Lounge, London Road South, Poynton**

### **1.0 Report Summary**

- 1.1 The report provides details of an application for a premises licence variation together with information as to representations received in relation to the application.

### **2.0 Recommendations**

The Licensing Sub-Committee is requested to determine the application for a Premises Licence variation by Punch Taverns Plc in respect of Kings Bar and Lounge, London Road South, Poynton, Cheshire.

### **3.0 Reasons for Recommendations**

- 3.1 The Licensing Sub-Committee has the power to determine this application in accordance with the provisions of the Licensing Act 2003.

### **4.0 Wards Affected**

- 4.1 Poynton

### **5.0 Local Ward Members**

Cllr C Beard  
Cllr H Murray  
Cllr R E West

### **6.0 Policy Implications**

- 6.1 The Licensing Authority has adopted a Statement of Licensing Policy in accordance with section 5 of the Licensing Act 2003 and Guidance issued under section 182 of the Act.

### **7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)**

- 7.1 Not applicable.

### **8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)**

- 8.1 Not applicable.

### **9.0 Legal Implications (Authorised by the Borough Solicitor)**

- 9.1 In accordance with the provisions of section 18 of the Licensing Act 2003 the Licensing Authority must, having regard to the representations, take such steps (if any) as it considers necessary for the promotion of the licensing objectives. Section 18(4) provides that the authority may (a) grant the licence subject to conditions; (b) exclude from the scope of the licence any of the licensable activities to which the application relates; (c) to refuse to specify a person in the licence as the premises supervisor; or (d) to reject the application.

## **10.0 Risk Management**

- 10.1 Section 181 and Schedule 5 of the Licensing Act 2003 make provision for appeal to the Magistrates' Court of any decision made by the Licensing Authority.

## **11.0 Background and Options**

- 11.1 The application is for the variation of a Premises Licence under section 34 of the Licensing Act 2003.

- 11.2 The operating schedule indicates that the relevant licensable activities applied for are:

Live Music

Recorded Music

Performance of Dance

Sale and supply of alcohol

Anything of similar desc to live music, recorded music and dance

Provision of facilities for making music

Provision of facilities for dancing

Provision of facilities to entertainment similar to music and dance

Late Night Refreshment

- 11.3 The hours applied for are as follows:

**Live Music** (to take place indoors only)

Monday to Wednesday 10.00 to 23.00

Thursday to Sunday 10.00 to 01.30

Christmas Eve extend hours to 02.00

**Recorded Music** (to take place indoors only)

Monday to Wednesday 10.00 to 23.00

Thursday to Sunday 10.00 to 01.30

Christmas Eve extend hours to 02.00

**Performance of Dance** (to take place indoors only)

Monday to Wednesday 10.00 to 24.00

Thursday to Sunday 10.00 to 01.30

Christmas Eve extend hours to 02.00

**Sale and supply of alcohol**

(for consumption both on and off the premises)

Monday to Wednesday 10.00 to 24.00

Thursday to Sunday 10.00 to 01.30

Christmas Eve extend hours to 02.00

**Anything of a similar description to live music, recorded music and dance**

(to take place indoors only)

Monday to Wednesday 10.00 to 24.00

Thursday to Sunday 10.00 to 01.30

Christmas Eve extend hours to 02.00

**Provision of facilities for making music** (to take place indoors only)

Monday to Wednesday 10.00 to 24.00

Thursday to Sunday 10.00 to 01.30

Christmas Eve extend hours to 02.00

**Provision of facilities for dancing** (to take place indoors only)

Monday to Wednesday 10.00 to 24.00

Thursday to Sunday 10.00 to 01.30

Christmas Eve extend hours to 02.00

**Provision of facilities to entertainment similar to music and dance**

(to take place indoors only)

Monday to Wednesday 10.00 to 24.00

Thursday to Sunday 10.00 to 01.30

Christmas Eve extend hours to 02.00

**Late Night Refreshment** (to take place indoors only)

Monday to Wednesday 23.00 to 24.00

Thursday to Sunday 23.00 to 01.30

Christmas Eve extend hours to 02.00

Other times the premises are proposed to be open:

Monday to Wednesday 09.00 to 00.030

Thursday to Sunday 09.00 to 02.00

Christmas Eve extend hours to 02.30

11.3.1 Designated Premises Supervisor: Mr Alan Roy Jackson

11.4 The operating schedule includes the following steps to promote the licensing objectives: As per existing Premises Licence, see appendices.

11.6 Relevant Representations

Responsible Authorities

11.6.1 The Police state in their response: Application received 3 July 2009 to Vary Premises Licence for Kings in order to extend the hours for all licensable activities from 10.am. to 1.30.am. the next morning Thursday through to Sunday and until 2.am. on Christmas Eve plus 30 minutes 'drinking up' time. Whilst the Police have concerns in relation to the application there are few actual incidents which can be brought to bear upon it but, as always, it is the nearby residents who will have to live with any changes in operation at the premises. Since the present DPS took over the premises in late 2007 and subsequent to the hearing on 5 November 2007 the main issues of complaint appear to be noise related especially when

Temporary Event Notices have been in force for events on the patio of the premises outside – a total of six such complaints.

There is, however, little evidence of disorderly behaviour which has been brought to Police attention during this period and Alan Jackson – DPS – has spent a large amount of his own money in bringing the interior of the premises up to standard with little assistance from Punch Taverns. Despite this I would be reluctant to subject the residents in the immediate area to the potential for any further late night/early morning incidents especially on working days and to that end I would suggest that if it is felt appropriate that licensable activities – other than LIVE Music – be curtailed at 12.30.am. on Thursday nights and 1.am. on Friday & Saturdays with the Sunday night prior to a Bank Holiday at 12.30.am. only. Other Sundays should remain as at present.

On Saturday & Sundays Police would like to see a 12.midnight 'curfew' for customers entering the premises with positive vetting by door staff on entry.

Police agree with the Environmental Health Officers recommendation that Live & Recorded amplified music should be restricted to the present times until substantial improvement is made to the acoustics of the premises and also that serious thought is given to having any form of entertainment outside the premises in future.

- 11.6.2 The Environmental Health Officers state in their response: The Premises concerned has recently been subject to complaint due to noise and disturbance caused by customers using outside areas, and the volume of live / recorded music. In particular, a recent series of events involving regulated entertainment outdoors and indoors at sensitive times has caused an increase in complaints. Monitoring undertaken by this office during one of these events (23rd – 24th May 2009) indicated the complaints were justified.

The premises has a substantial number of windows which are double glazed for thermal efficiency only and are considered to be acoustically weak. In addition, the premises does not benefit from air conditioning and in an effort to control noise breakout the wall mounted mechanical extract fans have been sealed with fibreglass, such that the only effective means of ventilation is to open the doors to the premises exacerbating the noise breakout.

It is noted this office made objection to a similar application in 2007 and there is no evidence at this time to suggest anything has changed at the premises allowing the decision at that time to be reconsidered.

In conclusion this office would object to the application to vary the premises licence in respect of regulated entertainment. I would therefore recommend that live and recorded amplified music should be restricted to the hours contained within the current licence, namely;

Live Music (to take place Indoors)  
Monday to Sunday 10:00 – 23:00  
Christmas Eve 10:00 – 23:00  
New Years Eve 10:00 – 01:00

Recorded Music

Sunday to Thursday: 10:00 – 23:00  
Friday and Saturday 10:00 – 00:00

11.6.3 Cheshire Fire Service state in their response: The application for The Kingfisher London Road South, Poynton is a variation of hours, so no observations to make.

11.6.4 Local Planning Authority – No response received.

11.6.5 Area Child Protection Committee – No response received.

11.6.5 Health and Safety Officer – No comments.

11.6.6 Trading Standards – No response received.

### Interested Parties

The Licensing Authority has received 15 representations from neighbour objectors and details of these are appended to this report.

## **12.0 Overview of Year One and Term One Issues**

12.1 Not applicable

## **13.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

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## **APPENDICES**

Appendices 1 – 15 Representations from neighbour objectors.

Appendix 16 - Summary of existing Premises Licence and conditions.

Appendix 17- Plan of area.