

CHESHIRE EAST COUNCIL

REPORT TO: Licensing Sub Committee

Date of Meeting: 26th November 2009
Report of: Carole Kerr
Subject/Title: APPLICATION FOR VARIATION TO PREMISES
LICENCE, UNION VAULTS, HIGH STREET, NANTWICH
Exempt/Confidential NO

1.0 Report Summary

- 1.1 The report provides details of an application to vary the Premises licence for the Union Vaults public house at 15 High Street, Nantwich. Representations to the variation have been received from Environmental Health and one interested party.

2.0 Recommendations

- 2.1 The Licensing Sub-Committee is requested to:
- 2.1.1 consider the representations received; and
- 2.1.2 determine the application for the variation of the premises licence.

3.0 Reasons for Recommendations

- 3.1 The Licensing Sub-Committee has the power to determine this application. The Sub-Committee is asked to make the decision within 2.1 above taking into consideration the promotion of the Licensing objectives and must also have regard to the Councils Statement of Licensing Policy and Guidance published under section 182 of the Licensing Act 2003.

4.0 Wards Affected

- 4.1 Nantwich Ward

5.0 Local Ward Members

- 5.1 Cllr Brian Dykes, Cllr Andrew Martin and Cllr Arthur Moran

6.0 Policy Implications

- 6.1 The Council has adopted a Statement of Licensing Policy under the Licensing Act 2003 relating to its functions as a licensing authority under the Act.

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

7.1 None

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

8.1 None

9.0 Legal Implications (Authorised by the Borough Solicitor)

9.1 In accordance with the provisions of Section 35 of the Licensing Act 2003, in determining the application 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 35(4) provides that the authority may (a) modify the conditions of the licence, or (b) reject in whole or part of the application.

10.0 Risk Management

10.1 The Licensing Committee will hear representations made on behalf of both the Premises Licence holder and the objectors and will make a decision on the basis of the evidence presented to it. The Act provides a right of appeal to the Magistrates Court against the decision of the Licensing Authority.

11.0 Background and Options

11.1 The Union Vaults is licensed to sell alcohol and to provide entertainment on five evenings per week until 1.00am Friday and Saturday evenings. The closing time of the premises is 00.30am and 1.30am respectively. These hours are extended until 2.00am (closing at 2.30am) during Bank holiday weekends and on Christmas Eve and Boxing Day.

11.2 The premises are a small Public House in a row of terraced properties in Nantwich town centre. The rear yard of the premises forms the outdoor drinking area. A copy of the plan is attached for information at **Appendix A**.

11.3 A licence for the premises was granted in 2005 following a hearing of the Sub-Committee. The Sub-Committee attached the following conditions to the licence in order to promote the licensing objective of the prevention of public nuisance;

No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the building.

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

The placing of refuse such as bottles into receptacles outside the premises shall not take place outside the following times: 08.00 – 20.0 hrs

The inner entrance doors at the front of the premises shall not be kept or held in an open manner after 20.00 hours each evening.

Regulated entertainment shall not be provided in the beer garden/outdoor drinking area.

The beer garden/outdoor drinking area shall be closed to customers by 23.30 hours each evening.

- 11.4 The current application is to vary the Licence by removal of the condition requiring the beer garden to be closed to customers by 23:00hrs. The application indicates that the variation is sought to enable customers in the premises to go outside into the beer garden to smoke at all times the premises are open.

11.5 Environmental Health Objections.

Environmental Health have made the following representation on the ground of public nuisance:

That the variation be not granted on the grounds that the increase in the use of the outdoor area would be likely to cause a public nuisance to neighbouring dwellings.

11.6 Public Objections

- 11.6.1 Representations have been received from the occupants of a residential dwelling adjacent to the premises.

- 11.6.2 The writers express concern about the potential for increased disturbance from the extended use of the outside area. The representations have been made under the Licensing objective of the prevention of public nuisance. **Letter appended to the report at B.**

- 11.7 In making its decision, the sub-committee must have regard to the observations of Environmental Health, neighbouring residents and any representations made by the holder of the Premise licence.

12.0 Overview of Year One and Term One Issues.

- 12.1 Not applicable.

13.0 Access to information.

There are no background papers associated with this report.

Name: Carole M Kerr
Designation: Licensing Officer
TEL No: (01270) 537124
Email: carole.kerr@cheshireeast.gov.uk