

# Licensing Act Sub-Committee

## Agenda

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**Date:** Tuesday, 10th October, 2023

**Time:** 10.00 am

**Venue:** The Capesthorpe Room - Town Hall, Macclesfield SK10 1EA

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The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and in the report.

It should be noted that Part 1 items of Cheshire East Council decision-making meetings are audio recorded and the recordings are uploaded to the Council's website.

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT** (Pages 3 - 6)

1. **Appointment of Chairman**

To appoint a Chairman for the meeting.

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda and for Members to declare if they have pre-determined any item on the agenda.

3. **Application for a variation to a Premises Licence - Capital Walk, High Street, Congleton CW12 1WB** (Pages 7 - 52)

To consider the above application.

**Membership:** Councillors D Edwardes, C Hilliard and x 1 Councillor to be confirmed.

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For requests for further information

**Contact:** Sam Jones

**E-Mail:** [Samuel.jones@cheshireeast.gov.uk](mailto:Samuel.jones@cheshireeast.gov.uk)

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## CHESHIRE EAST COUNCIL

**Procedure for Hearings – Licensing Act 2003****The Licensing Committee**

The full Licensing Committee consists of fifteen elected Members of the Council. From this full Committee will be drawn sub-committees of three members to deal with licensing functions under the Licensing Act 2003. The Chairman and Vice Chairman of the Licensing Committee shall have the discretion to refer a matter up to a hearing of the full Licensing Committee.

**Officers at Hearings**

- **The Committee Officer** introduces all parties and records the proceedings
- **The Legal Adviser** provides independent advice to the Members on legal matters and procedure.
- **The Licensing Officer** will introduce the matter and outline the application; the officer will also answer any questions Members may have.

**PROCEDURE**

NOTE: If the Sub-Committee has not already elected a Chairman, that will be the first item of business.

<b>1</b>	<b>Chairman</b>	The Chairman will: (i) call the matter to be considered (ii) call for any declarations of interest (iii) ask all parties to introduce themselves (iv) summarise the procedure to be followed at the hearing (v) will consider any request made by a party for another person to appear at the hearing (v) will advise the parties of any maximum period of time in which it has to present its case (if a maximum is imposed this shall be equal for all parties)
<b>2</b>	<b>Licensing Officer</b>	Will introduce and summarise the application, highlighting areas of contention or dispute.
<b>3</b>	<b>Committee Members</b>	May ask questions of the Licensing Officer
<b>4</b>	<b>Applicant</b>	Will present his/her case, calling witnesses, as appropriate.  <i>(If necessary, applicant will produce any notices required by law. Legal Adviser will draw attention to this if required.)</i>

5	<b>Responsible Authorities</b>  (who have made representations)	Each in turn may ask <u>questions</u> of the applicant, by way of clarification.
6	<b>Other Persons</b>  (who have made representations)	To be invited to ask <u>questions</u> of the applicant, by way of clarification.  <i>It is normal practice for a spokesperson only to speak on behalf of a group of residents.</i>
7	<b>Committee Members</b>	Each in turn may ask <u>questions</u> of the applicant.
8	<b>Applicant</b>	May make a <u>statement</u> or ask his witnesses to clarify any matters which he feels are unclear, or may have been misunderstood.
9	<b>Responsible Authorities</b>	Will make their representations.
10	<b>Applicant</b>	Or his representative or witnesses to ask <u>questions</u> of Responsible Authorities represented at the meeting, by way of clarification.
11	<b>Other Persons</b>  (who have made representations)	May ask <u>questions</u> of the Responsible Authorities represented at the meeting, by way of clarification.  <b>(Note: This is not the point at which they should be stating their objections.)</b>
12	<b>Committee Members</b>	May ask <u>questions</u> of the Responsible Authorities represented at the meeting
13	<b>Other Persons</b>  (who have made representations)	Those who have objected to the application will be invited <b><u>to make observations on the application</u></b> and present the bases of their objections.
15	<b>Applicant</b>	Or his representative or witnesses may ask <u>questions</u> of the other persons, by way of clarification.
16	<b>Committee Members</b>	May ask <u>questions</u> of the other persons.
17	<b>Chairman</b>	To invite both <b>Responsible Authorities</b> and <b>Other Persons</b> to make their closing addresses.

18	<b>Applicant</b>	Or his representative will <u>briefly summarise the application</u> and comment on the observations and any suggested conditions.
19	<b>Committee</b>	<u>Will retire</u> to consider the application. The Committee may request the Legal Advisor to advise on legal issues.
20	<b>Committee</b>	Will return to <u>give its decision</u> , with reasons, which will be announced by the Chairman and subsequently confirmed in writing to the applicant and to all the parties that made representations.  In cases where a decision cannot be given at the end of the hearing, parties will be advised of the decision within five working days.

**Notes**

1. The hearing shall normally be held in public. There may be occasions on which the Committee find it necessary to exclude members of the press and public; any such decision will be taken on the basis that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing taking place in public.
2. The Chairman may require any person behaving in a disruptive manner to leave the hearing and may (a) refuse to permit that person to return, or (b) permit him/her to return only on such conditions as the authority may specify, but any such person may submit in writing any information which they would have been entitled to provide orally if they had not been required to leave.
3. Prior to the hearing each party shall have given notification and served documentation (eg statements of witnesses or reports of experts) as required. Late representations and evidence will only be considered with the agreement of all parties.
4. Anyone entitled to be heard may be represented by any person, whether or not that person is legally qualified.
5. Hearsay will be permitted but the Sub-Committee will be reminded to give it appropriate weight.
6. Due note shall be taken of the provisions of the Hearings Regulations 2005.
7. The Chair may, in the interests of expediency or convenience of the parties, vary the procedure from time to time, provided notice is given to the parties and the rules of natural justice are observed.

## Summary of Procedure

1. Chairman appointed (if this has not been done previously).
2. Chairman to call for declarations of interest and request that all parties introduce themselves.
3. Chairman summarises the procedure for the hearing
4. The Licensing Officer summarises the application
5. Applicant to present his/her case.
6. Applicant to be questioned by all parties (to clarify points only) following which, he/she can clarify any other matters which he/she feels may have been misunderstood when the application was presented.
7. Applicant to be questioned by the Committee.
8. Responsible Authorities to make their representations following which they can be questioned by all parties by way of clarification.
9. Other Persons will be invited to present the bases of their objections, following which they can be questioned by all parties by way of clarification.
10. The applicant will be invited to sum up his/her case
11. Committee/Sub-Committee withdraws to make its decision
12. Committee/Sub-Committee returns to announce its decision to all present.

OPEN

## Licensing Act Sub-Committee

10 October 2023

**Application for a variation to a Premises  
Licence – Capital Walk, High Street,  
Congleton CW12 1WB**

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**Report of: Jayne Traverse, Executive Director – Place  
Ward(s) Affected: Congleton West**

### **Purpose of Report**

- 1 To allow Members of the Sub-Committee to determine a contested application for the variation of a premises licence made under the Licensing Act 2003 for the following premises:

**Capital Walk, High Street, Congleton CW12 1WB**

### **Executive Summary**

- 2 The report provides details of an application for a Premises Licence, under section 34 of the Licensing Act 2003, sets out the relevant representations made, and outlines the evidence presented by the parties in relation to the application.

### **RECOMMENDATIONS**

The Licensing Act Sub-Committee is requested to consider the application and any relevant representations and determine what steps, if any, it considers are appropriate to promote the Licensing Objectives.

## Background

3 On 15<sup>th</sup> August 2023 an application was received by the Licensing Department for the variation of a Premises Licence in respect of a premises known as Capital Walk, at High Street, Congleton CW12 1WB. The application was sent for consultation the same day (15<sup>th</sup> August 2023). The last date for representations to be made was 12<sup>th</sup> September 2023. A copy of the full application and plan is attached to this report at **Appendix 1**.

4 Licensing records show that a Premises Licence currently exists in relation to Capital Walk at High Street, Congleton CW12 1WB. The Premises Licence Number PREM1386 refers, and a copy is attached to this report at Appendix 2.

5 The application seeks to extend the times of the licensable activities (as set out in paragraph 6.6 below).

6 A map of the area in which the premises is located is attached to this report at **Appendix 4**.

7 The operating schedule indicates that the relevant licensable activities that will be subject to change if this application is successful are; the supply of alcohol and the provision of recorded music.

8 The amended hours applied for are as follows:

Supply of alcohol (for consumption on & off the premises)

Friday to Saturday – 09:00hrs to 01:00hrs

Provisions of Recorded Music (Indoors & outdoors)

Friday to Saturday – 09:00hrs to 01:00hrs

## Consultation and Engagement

9 Licensing records show that the Public Notice that is required to be displayed at or near the proposed premises in accordance with the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005, has been inspected by a Licensing Officer on 18<sup>th</sup> August 2023 and confirmed to be present, and met the requirements under the regulations. The Public Notice has also been duly advertised in the Congleton Chronicle, as required.

10 Responsible Authorities:

The Licensing Authority has received representations from Cheshire Fire & Rescue Services and Planning Services (Building Control). A copy of the representations are attached to this report at **Appendix 3**.

11 Other Persons:

The Council received no representations against the application, from members of the public.

### **Reasons for Recommendations**

12 The Licensing Act Sub-Committee has the power to determine this application in accordance with the provisions of the Licensing Act 2003 and the Council's Constitution.

13 Acting in the capacity of the Licensing Authority, Members must seek to promote the Licensing Objectives and where Members consider that matters have engaged one or more of the Objectives, they may exercise their discretion. The Licensing Objectives are:

- The prevention of crime and disorder
- Public Safety
- The prevention of public nuisance
- The protection of children from harm

### **Other Options Considered**

14 No other options have been considered because the process for determining contested applications is set by legislation.

### **Implications and Comments**

#### ***Monitoring Officer/Legal***

15 The Sub Committee must determine this application in accordance with section 35 of the Licensing Act 2003. To do so otherwise would render its determination unlawful and invalid.

16 In accordance with the provisions of section 35 (3)(b) of the Licensing Act 2003 the Licensing Authority Sub Committee must, having regard to the

representations, made in this application take such steps (if any) as it considers appropriate for the promotion of the licensing objectives.

- 17 Section 35 (4) provides that the authority may:
  - Modify the conditions of the licence
  - Reject the whole or part of the application
- 18 Members are reminded that should any conditions be added or amended, they should be practical, enforceable and appropriate to promote the Licensing Objectives.
- 19 Members may not extend the period for which the licence has effect.
- 20 Members may not vary substantially the premises to which the licence relates.
- 21 Members may vary the premises licence so that it has effect subject to different conditions in respect of different parts of the premises or different licensable activities.
- 22 Members are reminded that they are to determine the variation application before them and cannot change parts of the licence that are not part of the application.
- 23 Members of the Licensing Sub-Committee are reminded that they may not exercise discretion in any case, merely because it considers it desirable to do so. Careful consideration should be given to the application and the evidence presented by the parties in relation to the application.
- 24 Members are also reminded of the statutory obligation placed on the Local Authority under section 17 of the Crime and Disorder Act 1998 to through all of its various functions, and Licensing is one of those functions to do all that it can to prevent Crime and disorder, Anti-social Behaviour, behaviour adversely affecting the environment and reoffending.
- 25 Members must give reasons for their determination and notice of it must be communicated to the parties to this application. If Members depart from the Statutory Guidance or the Council's Statement of Licensing Policy then their decision notice must set out the reasons for doing so.
- 26 Finally, Members are also reminded that in determining the application, consideration also needs to be given to:
  - The rules of natural justice
  - The provisions of the Human Rights Act 1998

**Section 151 Officer/Finance**

27 There are no financial implications

**Policy**

28 The Licensing Authority has adopted a Statement of Licensing Policy in accordance with section 5 of the Licensing Act 2003.

29 The Licensing Authority must also have due regard to the guidance issued under section 182 of the Licensing Act 2003.

30 Members should provide reason(s) for any decision taken and should set out the reasoning where they determine to depart in any way from the Policy or Guidance.

**Equality, Diversity and Inclusion**

31 There are no equality implications

**Human Resources**

32 There are no human resources implications

**Risk Management**

33 The Licensing Sub-Committee will hear representations made on behalf of both the applicant and the 'relevant person' who has submitted their representation and will make a decision on the basis of the evidence presented to it. The Licensing Act 2003 makes provision for appeal to the Magistrates' Court of any decision made by the Licensing Authority

**Rural Communities**

34 There are no implications for rural communities

*Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)*

35 There are no implications for children and young people

**Public Health**

36 There are no direct implications for public health

**Climate Change**

37 There are no implications for climate change

<b>Access to Information</b>	
Contact Officer:	Amanda Andrews – Licensing Enforcement Officer Licensing@Cheshireeast.gov.uk 0300 123 5015
Appendices:	Appendix 1 – Application & Plan Appendix 2 – Existing Premises Licence Appendix 3 – Representations from Responsible Authorities Appendix 4 – Map of General area
Background Papers:	<a href="#">Revised Guidance issued under section 182 of the Licensing Act 2003 (publishing.service.gov.uk)</a> <a href="#">Council's Statement of Licensing Policy published under section 5 of the Licensing Act 2003</a> <a href="#">Licensing Act 2003</a> <a href="#">The Licensing Act 2003 (Hearings) Regulations 2005</a>

**Application to vary a premises licence under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Vsalentino Paulo Marteno  
*(Insert name(s) of applicant)*

**being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below**

<b>Premises licence number PREM1386</b>
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**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description Capital Walk, High Street, Congleton CW12 1WB			
Post town	congleton	Postcode	CW12 1WB

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£

**Part 2 – Applicant details**

Daytime contact telephone number	07514 697498		
E-mail address (optional)	andrew@capitalwalk.co.uk		
Current postal address if different from premises address			
Post town		Postcode	

**Part 3 - Variation**

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?  Yes x  No

If not, from what date do you want the variation to take effect? DD MM YYYY  

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Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1)  Yes  No x

**Please describe briefly the nature of the proposed variation** (Please see guidance note 2)  
**We wish to extend our opening hours, sale and supply of alcohol, recorded music for 2 hours on a Friday and Saturday taking it from 23:00 to 01:00**

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend: 

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**Part 4 Operating Schedule**

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

- | <b>Provision of regulated entertainment (Please see guidance note 3)</b>                                    | <b>Please tick all that apply</b> |
|---|-----------------------------------|
| a) plays (if ticking yes, fill in box A)  | <input type="checkbox"/>          |
| b) films (if ticking yes, fill in box B)  | <input type="checkbox"/>          |
| c) indoor sporting events (if ticking yes, fill in box C)   | <input type="checkbox"/>          |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/>          |
| e) live music (if ticking yes, fill in box E)   | <input type="checkbox"/>          |
| f) recorded music (if ticking yes, fill in box F)   | <input type="checkbox"/>          |
| g) performances of dance (if ticking yes, fill in box G)  | <input type="checkbox"/>          |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/>          |

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Tue			
Wed			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri	09.00	01.00			
Sat	09.00	01.00			
Sun					

G

<b>Performances of dance</b> Standard days and timings (please read guidance note 8)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 5)			
Mon						
			<b><u>Please give further details here</u></b> (please read guidance note 5)			
Tue						
			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 6)			
Wed						
			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 6)			
Thur						
			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7)			
Fri						
			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7)			
Sat						
			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7)			
Sun						

H

<p><b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 8)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><b><u>Please give further details here</u></b> (please read guidance note 5)</p>		
Wed					
Thur			<p><b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 6)</p>		
Fri					
Sat			<p><b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7)</p>		
Sun					

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 8)			<b><u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Tue					
Wed			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 6)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 7)		
Sat					
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<p><b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 6)</p> <p><b><u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7)</p>		
Mon					
Tue					
Wed					
Thur					
Fri	09.00	01.00			
Sat	09.00	01.00			
Sun					

K

<p><b>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children</b> (please read guidance note 10).</p>
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L

<p><b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)</p>			<p><u>State any seasonal variations</u> (please read guidance note 6)</p>
Day	Start	Finish	
Mon			<p><b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 7)</p>
Tue			
Wed			
Thur			
Fri		01.00	
Sat		01.00	
Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.  
previously sent

**M** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)**

**b) The prevention of crime and disorder**

**c) Public safety**

**d) The prevention of public nuisance**

**e) The protection of children from harm**

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 5 – Signatures** (please read guidance note 12)

**Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	Valentino Martone
Date	15/8/2023
Capacity	Director

**Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent** (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

<b>Contact name (where not previously given) and address for correspondence associated with this application</b> (please read guidance note 15)			
<b>Post town</b>		<b>Post code</b>	
<b>Telephone number (if any)</b>			

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

### Notes for Guidance

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

- Recorded Music: no licence permission is required for:
    - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
  - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
  - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
  6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
  8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
  9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
  10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
  11. Please list here steps you will take to promote all four licensing objectives together.

12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

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## Premises Licence

**Premises Licence Number:**

**PREM1386**

### Part 1 - Premises Details

<b>Postal address of Premises or, if none, ordnance survey map reference or description:</b>	
Capital Walk High Street Congleton Cheshire	
<b>Post Town:</b> Congleton	<b>Post Code:</b> CW12 1WB
<b>Telephone Number:</b>	

<b>Where the Licence is time limited, the dates:</b>
Not applicable

<b>Licensable activities authorised by the Licence:</b>
Live Music Recorded Music Sale and supply of alcohol

<b>The times the Licence authorises the carrying out of licensable activities:</b>
<b>Live Music</b> - Indoors and Outdoors Monday to Sunday 12:00 - 23:00
<b>Recorded Music</b> - Indoors and Outdoors Monday to Sunday 09:00 - 23:00
<b>Sale and supply of alcohol</b> Monday to Sunday 12:00 - 23:00

<b>The opening hours of the Premises:</b>
Monday to Sunday 09:00 - 23:00 New Year's Eve/New Year's Day closing at 1am New Year's Day morning.

**Where the Licence authorises supplies of alcohol, whether these are on and/or off supplies:**

Both on and off supplies

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of Premises Licence:**

CW HOUSE LTD  
Banks House  
Market Street  
Congleton  
Cheshire East  
CW12 1BP

**E-Mail:** edwardridding@gmail.com

**Registered number of holder, for example company number, charity number (where applicable):**

13494938

**Name, address and telephone number of designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol:**

Mr Valentino Paolo Martone  
4 Heydon Close  
Congleton  
Cheshire  
CW12 4UR

**Personal Licence number and issuing authority of Personal Licence held by designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol:**

**Personal Licence Number:** LAPER/0307/10

**Issuing Authority:** Cheshire East

**Issued on:** 17<sup>th</sup> November 2021

*N. Murphy*

Signed By Mr Nathan Murphy  
On Behalf Of Cheshire East Council

**Annex 1 - Mandatory Conditions (as applicable)**

1. No supply of alcohol may be made under this Premises Licence –
  - a) at a time when there is no designated premises supervisor in respect of the Premises Licence, or
  - b) at a time when the designated premises supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under this Premises Licence must be made or authorised by a person who holds a Personal Licence.

**Where a Village Hall is exempt from needing DPS under s.19 Licensing Act 2003**

Every supply of alcohol under the premises licence must be made or authorised by the Management Committee.

**Mandatory condition where the licence authorises the exhibition of films**

The admission of children to the exhibition of any film must be restricted in accordance with section 20 of the Licensing Act 2003. Admission of children must be restricted in accordance with any recommendation made by the British Board of Film Classification or the Licensing Authority.

**Prohibited conditions: plays**

1. In relation to a premises licence which authorises the performance of plays, no condition may be attached to the licence as to the nature of the plays which may be performed, or the manner of performing plays, under the licence.
2. But subsection (1) does not prevent a licensing authority imposing, in accordance with section 18(2)(a) or (3)(b), 35(3)(b) or 52(3), any condition which it considers necessary on the grounds of public safety.

**Mandatory condition: Door supervision**

Each individual engaged in security activities at the premises must either:

- a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- b) be entitled to carry out that activity by virtue of Section 4 of the Private Security Industry Act 2001.

**LICENSING ACT 2003 (MANDATORY LICENSING CONDITIONS)( AMENDMENT) ORDER 2014**

**MANDATORY CONDITIONS**

**Condition 1**

1. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:
  - a) Games or other activities which require or encourage, or are designed to require or encourage individuals to –
    - i. Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - ii. Drink as much alcohol as possible (whether within a time limit or otherwise);

- b) Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- c) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- d) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- e) Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

### **Condition 2**

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

### **Condition 3**

1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
  - a) A holographic mark, or
  - b) An ultraviolet feature

### **Condition 4**

The responsible person must ensure that –

- a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
  - i. Beer or cider: ½ pint;
  - ii. Gin, rum, vodka or whisky: 25ml or 35ml; and
  - iii. Still wine in a glass: 125ml;
- b) These measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- c) Where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

**The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014**

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—

- a) 'duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- b) 'permitted price' is the price found by applying the formula—

$$P = D + (D \times V)$$

Where —

- i. P is the permitted price,
- ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

c) 'relevant person' means, in relation to premises in respect of which there is in force a premises licence—

- i. the holder of the premises licence,
- ii. the designated premises supervisor (if any) in respect of such a licence, or
- iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;

d) 'relevant person' means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

e) 'valued added tax' means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Annex 2 - Conditions consistent with the Operating Schedule**

### **Prevention of Crime and Disorder**

1. A CCTV system shall be used and shall be designed and installed in accordance with the Cheshire Constabulary's CCTV guidance document called 'CCTV in Licensed Premises - An Operational Requirement'. This system shall be in operation at all times when licensable activities are taking place.
2. Recorded CCTV images will be maintained and stored for a period of twenty-eight days.
3. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show a Police officer or an authorised officer of the licensing authority data or footage upon request.
4. Designated supervisors will need to demonstrate that their CCTV system complies with their Operational requirements. They will need to be able to demonstrate the following:-
  - a. Recordings are fit for their intended purpose,
  - b. Good quality images are presented to the officer in a format that can be replayed on a standard computer
  - c. The supervisor has an understanding of the equipment/training,
  - d. Management records are kept,
  - e. Maintenance agreements and records are maintained,
  - f. Data Protection principles and signage are in place.
5. A "Challenge 25" policy shall be operated at the premises at all times.
6. The only forms of ID that shall be accepted (at the discretion of the Management) as proof of age are a valid passport, a valid photographic driving licence, a PASS approved proof of age card, HM Services Warrant Card or other reliable photo ID (that has been approved for acceptance by the Police or an Officer of the Local Authority)
7. Publicity materials notifying customers of the operation of the "Challenge 25" scheme shall be displayed at the premises.
8. The Designated Premises Supervisor or Premises Licence Holder shall operate and maintain an up-to-date Register of Refusals of Sale of Alcohol, indicating the date, time and reason for refusal which shall be made available for inspection by Local Authority Officers and the Police.
9. The DPS or other responsible person shall check and sign the register once a week.
10. Alternatively an electronic point of sale refusals log shall be kept.

### **Public Safety**

11. A suitable Fire Risk Assessment will be produced at the premises.
12. All fire exits and means of escape are signed in accordance with BS5499: Part 1: Specification for Fire Safety Signs : 1990.
13. Fire drill and emergency lighting tests are to be conducted weekly, with test records being held on site for inspection.
14. First Aid equipment and materials are available on the premises.

15. A trained First Aider will be on duty when the public are present.
16. The premises will have current certificates of inspection for all portable fire fighting equipment.

### **Prevention of Public Nuisance**

17. A noise management plan will be in operation at the premises.
18. Prominent, clear and legible notices will be displayed at all exits requesting patrons to respect local residents and leave the premises quietly.
19. The playing of live or recorded music in garden and outside seating will cease at a time agreed with the local authority.
20. The garden and outside seating area are to close at a time agreed with the local authority.
21. Staff will undertake a daily litter pick around the exterior of the premises.

### **Protection of Children from Harm**

22. Outside areas will offer a "no smoking" area of such a size that it provides a suitable, comfortable area for children and their families.

### **General – All Licensing Objectives**

23. When the DPS is away from the site an appropriate deputy will be in charge of the premises.
24. A documented training programme shall be introduced for all staff in a position to sell, serve or deliver alcohol. A written record for each member of staff shall be kept of the content of such training and shall be made available for inspection at the request of Local Authority Officers and Police.
25. The DPS or Premises Licence Holder shall conduct regular training reviews with all members of staff authorised to sell, serve or deliver alcohol in order to reinforce the training and to promote best practice. A written record for each member of staff shall be kept of the content of such reviews and shall be made available for inspection at the request of Local Authority Officers and Police.
26. A list of persons authorised to sell alcohol shall be kept on site and made available for inspection at the request of Local Authority Officers and Police.
27. On Thursday, Friday & Saturday evenings from 18:00 - 23:00 a minimum of two SIA registered door supervisors will be on duty.
28. When such Door supervision is employed A written record shall be kept on the premises by the Designated Premises Supervisor of every person employed on the premises as a door supervisor in a register kept for that purpose. That record shall contain the following details:-
  - a. The door supervisor's name, date of birth and home address;
  - b. His/her Security Industry Authority licence number;
  - c. The time and date he/she starts and finishes duty;
  - d. The time of any breaks taken whilst on duty;
  - e. Each entry shall be signed by the door supervisor.

f. Record of all incidents taking place in the venue

29. That register shall be available for inspection on demand by an Authorised Officer of the Council, the Security Industry Authority or a Police Constable.

**Annex 3 - Conditions attached after a hearing by the Licensing Authority**

Not applicable.

**Annex 4 - Plans**

Drawing No: CWC 2021 00

Revision/Issue: A

## Premises Licence Summary

**Premises Licence Number:**

**PREM1386**

### Premises Details

**Postal address of Premises or, if none, ordnance survey map reference or description:**

Capital Walk  
High Street  
Congleton  
Cheshire

**Post Town:** Congleton

**Post Code:** CW12 1WB

**Telephone Number:**

**Where the Licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the Licence:**

Live Music  
Recorded Music  
Sale and supply of alcohol

**The times the Licence authorises the carrying out of licensable activities:**

**Live Music** - Indoors and Outdoors  
Monday to Sunday 12:00 - 23:00

**Recorded Music** - Indoors and Outdoors  
Monday to Sunday 09:00 - 23:00

**Sale and supply of alcohol**  
Monday to Sunday 12:00 - 23:00

**The opening hours of the Premises:**

Monday to Sunday 09:00 - 23:00  
New Year's Eve/New Year's Day closing at 1am New Year's Day morning.

**Where the Licence authorises supplies of alcohol, whether these are on and/or off supplies:**

Both on and off supplies

**Name, (registered) address of holder of Premises Licence:**

CW HOUSE LTD  
Banks House  
Market Street  
Congleton  
Cheshire East  
CW12 1BP

**Registered number of holder, for example company number, charity number (where applicable):**

13494938

**Name of designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol:**

Mr Valentino Paolo Martone

**State whether access to the Premises by children is restricted or prohibited:**

Not applicable

**Issued on:** 17<sup>th</sup> November 2021

*N. Murphy*

Signed By Mr Nathan Murphy  
On Behalf Of Cheshire East Council



## Licensing Act 2003 – Premises Licence

### Duration of a Premises Licence

A premises licence has effect until such a time that it is suspended, revoked or surrendered.

### Duty to notify change of name or address

The holder of a premises licence must, as soon as is reasonably practicable, notify the relevant licensing authority of any change of name or address.

Where the designated premises supervisor (DPS) under a premises licence is not the holder of the licence, he should notify the licensing authority of a change in name or address as soon as possible. The DPS must also notify the holder of the premises licence.

*Failure without reasonable excuse to comply with the above is an offence, and a person will be liable on summary conviction to a fine not exceeding level 2 on the standard scale (ie£500)*

### Duty to keep and display licence

The holder of a premises licence must ensure that the licence or a certified copy of it is kept at the premises in the custody of or under the control of the holder of the licence or a person who works at the premises whom the premises licence holder has nominated in writing. A notice should be prominently displayed at the premises specifying the position of any such nominee.

The premises licence holder has a duty to ensure that a summary of the licence or a certified copy of that summary is prominently displayed at the premises.

*Failure without reasonable excuse to comply with the above is an offence, and a person will be liable on summary conviction to a fine not exceeding level 2 on the standard scale (ie £500)*

### Duty to produce licence

A constable or an authorised person may require production of the premises licence for examination. An authorised person must, if requested, produce evidence of his authority to exercise the power.

*Failure without reasonable excuse to comply with the above is an offence, and a person will be liable on summary conviction to a fine not exceeding level 2 on the standard scale (ie £500)*

### Theft or loss of premises licence

Where a premises licence or summary is lost, stolen, damaged or destroyed, the holder of the licence may apply to the relevant licensing authority for a copy of the licence or summary. A fee of £10.50 is payable in relation to such an application.

Where an application is made for a replacement licence or summary the licensing authority must issue the holder of the licence with a licence or summary if it is satisfied that –

- (a) the licence or summary has been lost, stolen, damaged or destroyed; and
- (a) where it has been lost or stolen, the holder has reported that loss or theft to the police.

### Surrender of premises licence

Where the holder of a premises licence wishes to surrender his/her licence he/she may give the licensing authority a notice to that effect. The notice must be accompanied by the premises licence, or where that is not practicable, by a statement of the reasons for the failure to provide the licence. Where a notice of surrender is given, the premises licence lapses on receipt of the notice by the licensing authority.

### Death, incapacity, insolvency of licence holder

A premises licence lapses if the holder of the licence –

- (a) dies,
- (a) becomes mentally incapable (within the meaning of section 13(1) of the Enduring Powers of Attorney Act 1985)
- (b) becomes insolvent,
- (c) is dissolved, or
- (d) if it is a club, ceases to be a recognised club

(subject to provision for re-instatement in certain circumstances).

**Custody of Premises Licence  
Licensing Act 2003 – S.57 (3)(b)**

In accordance with Section 57 (2)(b) of the Licensing Act 2003

I/We ..... being the  
holder(s) of/Director of the company holding

Premises Licence number.....

relating to the premises known as .....

.....  
.....

hereby nominate .....

as custodian of the said Premises Licence.

To conform with Section 57 (3)(b) of the Licensing Act 2003 this authorisation is hereby displayed.

.....  
Signed

.....  
Position

**S.57 Duty to keep and produce licence**

*(2) The holder of the premises licence must secure that the licence or a certified copy of it is kept at the premises in the custody or under the control of-*

*(b) a person who works at the premises and whom the holder of the licence has nominated in writing for the purposes of this subsection*

*(3) The holder of the premises licence must secure that-*

*(b) a notice specifying the position held at the premises by any person nominated for the purposes of subsection (2), are prominently displayed at the premises.*

*(4) The holder of a premises licence commits an offence if he fails, without reasonable excuse, to comply with subsection (2) or (3).*

Relevant Representations

Received on	From
11 September 2023	XXXXXXXXXXXXXXXXXXXX
<p>The information supplied in support of an application for a variation of licence dated 15th August 2023 has been examined by the Cheshire Fire Authority. We wish to make a representation to the Licensing Authority because we are of the opinion that the public safety objective has not been adequately addressed.</p> <p>The area(s) of concern are as follows:</p> <p>The premises is subject to an Enforcement Notice and a Prohibition Notice from Cheshire Fire and Rescue Service. The premises is prohibited for use by the public due to concerns for the safety of persons within the premises. It is clear that the premises is unsafe for use and the premises is unable to address public safety when the premises is used for an extended period of opening as requested in this licence variation.</p> <p>Should the Enforcement notice and Prohibition notice be satisfactorily complied with then we would remove our objections to this licence variation.</p> <p>Please would you advise us, at your earliest convenience, the date and time of the Licensing Committee hearing.</p> <p>This letter is without prejudice to any enforcement action that Cheshire Fire Authority may take under fire safety legislation.</p> <p>Please contact the inspecting officer named above should you wish to discuss this matter.</p> <p>Yours faithfully,</p> <p>XXXXXXXXXXXXXXXXXXXX</p>	

Received on	From
25 August 2023	XXXXXXXXXXXXXXXXXXXX
<p>Good afternoon,</p> <p>I have been made aware of an application submitted to Cheshire East Council to extend the operating hours of the licence at Capital Walk, High Street, Congleton by a further 2 hours, providing the sale and supply of alcohol and recorded music. I would like to take this opportunity to object not only to the extension of the existing licence but would also recommend a formal review of the original licence.</p> <p>With reference to the extension of the licence, my concerns are raised as the extended hours could affect the occupants ability to recognise hazards and reaction times. As you will be aware, the behaviours associated with alcohol may be detrimental to how occupants exit the building in the event of a fire. Where the building cannot provide a compliant layout and exit strategy in terms of fire safety, then these issues may be compounded during an emergency evacuation of the building.</p>	

I have serious concerns regarding public safety within the property, with particular regards to fire safety. We (Cheshire East Council) have served an enforcement notice under section 36 of the Building Act following a number of site visits where contraventions of the building regulations have been identified at the property. The contraventions include breaches to fire compartmentation, lack of fire resistance to elements of structure and lack of a fire strategy to justify the means of escape and occupancy levels to the property, as well as the construction of a non-compliant extension to the rear of the building. The areas of greatest concern are located within the Dublin Bar and the unit above, this location within the building obviously has particular relevance to the licence with it specifically being a bar area.

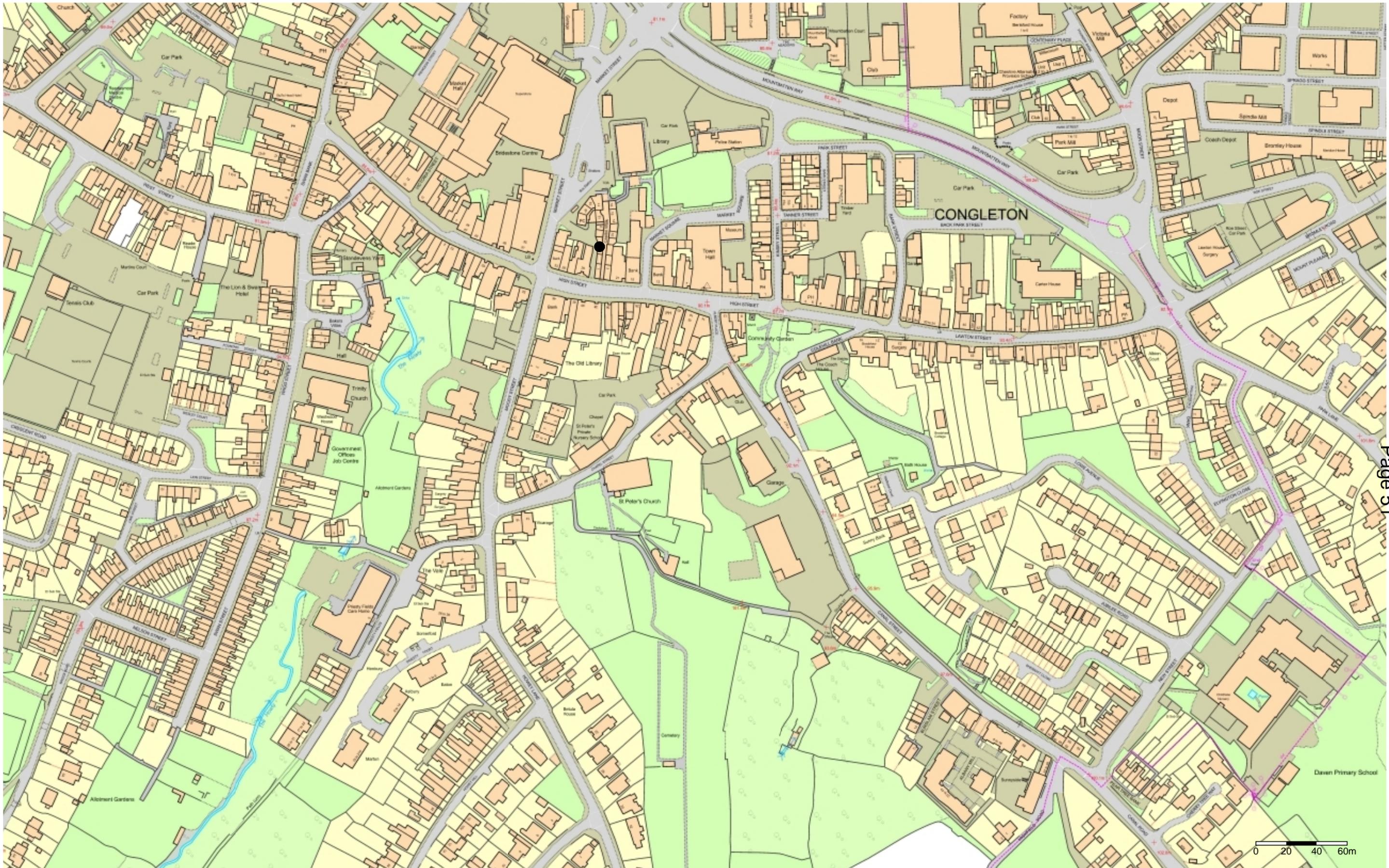
Following the issue of the section 36 notice the owners started to undertake minor works in an attempt to commence the required remedial works, they have since undone these measures and the building remains in a state of non-compliance in relation to fire safety. I am aware that Cheshire Fire Service have also issued enforcement notices against the owners and that the owners are continuing to fail to put the necessary measures in place to make the building safe. As such I have great concerns that the owners are not willing to take responsibility for the building and the safety of its occupants.

I understand that the original licence has a condition applied to ensure that they have a fire risk assessment in place. They cannot have a satisfactory FRA currently due to the amount of fire safety issues identified by Cheshire East Council and Cheshire Fire Service.

I would be grateful if you could advise if there is a formal process for recommending a review of the licence and how I may go about this, or if this email is sufficient to initiate a review. Please let me know if you need any further information regarding the issues identified at Capital Walk.

Kind regards

XXXXXXXXXXXXXXXXXXXXXXXXXX



14/9/2023



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