

Licensing Sub Committee

Agenda

Date:Tuesday, 6th August, 2024Time:10.00 am

Venue: Committee Suite 1,2 & 3, Westfields, Middlewich Road, Sandbach CW11 1HZ

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 at the foot of each report.

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

PART 1 - MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. Appointment of Chair

To appoint a Chair for the meeting.

2. **Declaration of Interests**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary interests, other registerable interests, and non-registerable 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 the Variation of a Premises License - 1 High Street, Nantwich, CW5 5AW (Pages 7 - 48)

To consider the above application.

Membership: Councillors A Heler, R Moreton and L Smetham

This page is intentionally left blank

Agenda Annex

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.

1	Chairman	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)
2	Licensing Officer	Will introduce and summarise the application, highlighting areas of contention or dispute.
3	Committee Members	May ask questions of the Licensing Officer
4	Applicant	Will present his/her case, calling witnesses, as appropriate. (If necessary, applicant will produce any notices required by law. Legal Adviser will draw attention to this if required.)

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

18	Applicant	Or his representative will <u>briefly summarise the application</u> and comment on the observations and any suggested conditions.
19	Committee	<u>Will retire</u> to consider the application. The Committee may request the Legal Advisor to advise on legal issues.
20	Committee	 Will return to give its decision, 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.

<u>Notes</u>

- 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.

OFFICIAL

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.



Licensing Sub-Committee

6th August 2024

Application for a variation to a Premises Licence – 1 High Street, Nantwich, CW5 5AW

Report of: Peter Skates, Acting Executive Director – Place Ward(s) Affected: Nantwich North and 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:

1 High Street, Nantwich, CW5 5AW

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 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 11th June 2024 an application was received by the Licensing Team for the variation of a Premises Licence in respect of a premises known as 1 High Street, Nantwich, CW5 5AW.

The application was sent for consultation the same day (11th June 2024). The last date for representations to be made was 9th July 2024. 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 1 High Street, Nantwich CW5 5AW. The Premises Licence Number 332 refers, and a copy is attached to this report at **Appendix 2.**
- 5 A map of the area in which the premises is located is attached to this report at **Appendix 4.**
- 6 The applicant has requested changes to the following licensable activities.

The provision of live music, the provision of recorded music, Anything of a similar description to the above, Late night refreshment, The supply of alcohol, Hours the premises are open to the public and to update the plan associated with the licence.

7 The amended hours applied for are as follows:

The provision of live music on and off the premises

Monday to Sunday 12.00 - 02.00

Provisions of Recorded Music (Indoors & outdoors)

Monday to Sunday 10.00 - 02.00

Anything of a similar description to the above

Monday to Sunday 12.00 – 02.00

Late Night Refreshment

Monday to Sunday 23.00 - 02.00

The supply of alcohol

Monday to Sunday 09.30 - 02.00

Hours the premises are open to the public

Monday to Sunday 09.30 – 02.30

Consultation and Engagement

- 8 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 14th June 2024 and confirmed to be present, and met the requirements under the regulations. The Public Notice has also been duly advertised in the Crewe Chronicle, as required.
- 9 <u>Responsible Authorities:</u>

The Licensing Authority have not received any representations from the Responsible Authorities.

10 Other Persons:

The Council received two representations against the application, from members of the public. A copy of the representations is attached to this report at **Appendix 3.**

Reasons for Recommendations

- 11 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.
- 12 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

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

Implications and Comments

Monitoring Officer/Legal

- 14 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.
- 15 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.
- 16 Section 35 (4) provides that the authority may:
 - Modify the conditions of the licence
 - Reject the whole or part of the application
- 17 Members are reminded that should any conditions be added or amended, they should be practical, enforceable and appropriate to promote the Licensing Objectives.

- 18 Members may not extend the period for which the licence has effect.
- 19 Members may not vary substantially the premises to which the licence relates.
- 20 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.
- 21 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.
- 22 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.
- 23 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.
- 24 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.
- 25 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

26 There are no financial implications.

Policy

- 27 The Licensing Authority has adopted a Statement of Licensing Policy in accordance with section 5 of the Licensing Act 2003.
- 28 The Licensing Authority must also have due regard to the guidance issued under section 182 of the Licensing Act 2003.
- 29 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

30 There are no equality implications.

Human Resources

31 There are no human resources implications.

Risk Management

32 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

33 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).

34 There are no implications for children and young people.

Public Health

35 There are no direct implications for public health.

Climate Change

36 There are no implications for climate change.

Access to Information	on
Contact Officer:	Jennifer Rowney
	Jennifer.Rowney@cheshireeast.gov.uk
Appendices:	Appendix 1 – Application & Plan
	Appendix 2 – Existing Premises Licence
	Appendix 3 – Representations from members of the public
	Appendix 4 – Map of General area
Background Papers:	Revised Guidance issued under section 182 of the Licensing Act 2003 (publishing.service.gov.uk)
	Council's Statement of Licensing Policy published under section 5 of the Licensing Act 2003
	Licensing Act 2003
	The Licensing Act 2003 (Hearings) Regulations 2005

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 Louise Elizabeth Reade

(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

Premises licence number 332

Part 1 – Premises Details

	ss of premises or, if none, ordr fe bar limited t	nance survey map ref	erence or descr	ription
Post town	Nantwich		Postcode	CW5 5AW
Telephone nu	umber at premises (if any)	0270 626066		

£85000 Band C

Part 2 – Applicant details

Non-domestic rateable value of premises

Daytime contact telephone number			Y
E-mail address (optional)			
Current postal address if different from premises address			
Post town	х.	Postcode	

Part 3 - Variation

Please tick as appropriate
Do you want the proposed variation to have effect as soon as possible? XYes No
If not, from what date do you want the variation to take effect?
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
Please describe briefly the nature of the proposed variation (Please see guidance note 2) Change to Section E - performance of live music to be both indoors until 02.00 and outdoors until 23.00 Change to section F - recorded music timings to increase to 02.00 both indoors and outdoors. Change of section H - entertainment time to be extended to 02.00 in side and 23.00 outdoors. Change to section J - late night refreshment to be provided until 02.00 Change to section J - supply of alcohol to be extended from 09.30 until 02.00 both on & off the premises. Off premises sales primarily but not exclusively to delivery platforms including Deliveroo & Uber eats. Change to section L - hours of the premises open to the public to be extended to 09.30 to 02.30
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:

16

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.

Pro	vision of regulated entertainment (Please see guidance note 3)	Please tick all that apply
a)	plays (if ticking yes, fill in box A)	
b)	films (if ticking yes, fill in box B)	
c)	indoor sporting events (if ticking yes, fill in box C)	
d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	0
e)	live music (if ticking yes, fill in box E)	Х
f)	recorded music (if ticking yes, fill in box F)	Х
g)	performances of dance (if ticking yes, fill in box G)	
h)	anything of a similar description to that falling within (e), (f) or (g (if ticking yes, fill in box H)) X

Х

Х

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			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	
	ce note 8)			Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidant	ce note 5)	
Tue					
Wed			State any seasonal variations for performing plays (guidance note 6)	please read	
Thur					
Fri			Non standard timings. Where you intend to use the performance of plays at different times to those list on the left, please list (please read guidance note 7)	ed in the colum	
Sat					
Sun					

В

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

С

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 6)
Wed			
Thur	22.0000.0000.00		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 (please read guidance note 7)
Fri			
Sat	LI.		
Sun			

D

enterta	g or wrestl inments rd days ar	_	Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	
timing	s (please r ce note 8)	read	(preuse roug gardance note 1)	Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidan	ce note 5)	
Tue			и П		· .
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)		<u>nt</u>
Thur					
Fri			Non standard timings. Where you intend to use the boxing or wrestling entertainment at different times the column on the left, please list (please read guid	s to those listed	<u>ł in</u>
Sat					
Sun					

Е

	nusic ard days an s (please n		Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	
guidan	ice note 8)		Outdoors	
Day	Start	Finish		Both	X
Mon	12.00	02.00	<u>Please give further details here</u> (please read guidan Amplified live music to be played every Friday, Sa		ys &
			Mondays during bank holidays and also on special		
Tue	12.00	02.00	fest, Christmas, Bank holidays & other functions su anniversaries, birthdays etc	s such as weddings,	
			a construction of the second se		
Wed	12.00	02.00	State any seasonal variations for the performance or read guidance note 6)	<u>f live music</u> (p	lease
Thur	12.00	02.00			
					- 1
Fri	12.00	02.00	Non standard timings. Where you intend to use the performance of live music at different times to thos		
			<u>column on the left. please list</u> (please read guidance		. 1
Sat	12.00	02.00	Outdoor live music to only continue until 23.00 on occasions	any of the abo	ve
Sun	12.00	02.00		1.1	
				and the	_

F

Standa	led music rd days ar s (please r	nd	Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	
	ce note 8)			Outdoors	
Day	Start	Finish		Both	X
Mon	10.00	02.00	Please give further details here (please read guidan Amplified music including disco evenings on every		day
			Sundays & Mondays during bank holidays and also	on special	
. Tue	10.00	02.00	occasions EG Jazz fest, Christmas, Bank holidays a such as weddings, anniversaries, birthdays etc.		
			Background music in the outdoor area.		
Wed	10.00	02.00	State any seasonal variations for the playing of recorded music (plear read guidance note 6)		lease
Thur	10.00	02.00			
Fri	10.00	02.00	Non standard timings. Where you intend to use the playing of recorded music at different times to thos		the
1 ¹	T.		column on the left, please list (please read guidance note		. 1
Sat	10.00	02.00			
	10.00	02.00			
Sun	10.00	02.00	· · · · · · · · · · · · · · · · · · ·		
			and the second		

G

Standa	formances of dance ndard days and ings (please read		Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	
	ce note 8			Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guid	lance note 5)	
Tue					
Wed			State any seasonal variations for the performant read guidance note 6)	i <mark>ce of dance</mark> (p	lease
Thur					
Fri			Non standard timings. Where you intend to use the performance of dance at different times to t column on the left, please list (please read guidar	hose listed in t	
Sat	M				
Sun					

H

descri falling (g) Standa timing	ting of a s ption to t within (ard days a s (please : ace note 8	hat e), (f) or nd read	Please give a description of the type of entertainm providing Disc jockeys, in house sound system & mobile DJ		e
Day	Start	Finish	Will this entertainment take place indoors or	Indoors	
Mon	12.00	02.00	outdoors or both – please tick (please read guidance note 4)	Outdoors	
			and the second	Both	X
Tue	12.00	02.00	Please give further details here (please read guidance note 5) DJ's to play music indoors until 02.00 DJ's to play music outside until 23.00		
Wed	12.00	02.00	Background music to be played outside until 02.00 - fro 02.00 at a low level		с. К
Thur	12.00	02.00	State any seasonal variations for entertainment description to that falling within (e), (f) or (g) guidance note 6)		
Fri	12.00	02.00			
Sat	12.00	02.00	Non standard timings. Where you intend to use the entertainment of a similar description to tha (e), (f) or (g) at different times to those listed in	at falling with	in
			<u>left, please list</u> (please read guidance note 7) Mobile DJ's to play amplified music on the outdoor		
Sun	anly		errace 23.00-02	2.00	

Ι

Standa	night refr ard days a s (please i	nd	Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)Indoors		
	nce note 8)			Outdoors	
Day	Start	Finish		Both	X
Mon	23.00	02.00	Please give further details here (please read gui	dance note 5)	
Tue	23.00	02.00			
Wed	23.00	02.00	State any seasonal variations for the provision refreshment (please read guidance note 6)	<u>of late night</u>	
1			Terresinnent (prease read guidance note 0)		
Thur	23.00	02.00			
×					
Fri	23.00	02.00	Non standard timings. Where you intend to us the provision of late night refreshment at differ		
			listed in the column on the left, please list (pleas		
Sat	23.00	02.00	note 7) Extend hours to 03.00 on Christmas eve, boxing d	lay and new yea	ars
			eve		
Sun	23.00	02.00			

J

_					-
Standa	apply of alcohol andard days and nings (please read		Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	
	ice note 8)		-	Off the premises	
Day	Start	Finish	4	Both	X
Mon	0.930	02.00	State any seasonal variations for the supply of al guidance note 6)	<u>cohol</u> (please r	ead
Tue	0.930	02.00			
Wed	0.930	02.00			
Thur	0.930	02.00	Non-standard timings. Where you intend to use the supply of alcohol at different times to those li column on the left, please list (please read guidance	isted in the	<u>for</u>
Fri	0.930	02.00	Off sales are mainly but not exclusively to delivery including Deliveroo and Uber Eats.	platforms	
Sat	0.930	02.00			
Sun	0.930	02.00			

Κ

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 (please read guidance note 10). N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)		olic nd read	State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	09.30	02.30	
Tue	09.30	02.30	
Wed	09.30	02.30	
			Non standard timings. Where you intend the premises to be open
Thur	09.30	02.30	to the public at different times from those listed in the column on the left, please list (please read guidance note 7) Extended hours to 03.30 on Christmas eve, Boxing day and New Years eve.
Fri	09.30	02.30	i cais eve.
Sat	09.30	02.30	- 「「「「「「」」「「「」」「「「」」「「」」「「」」「「」」
Sun	09.30	02.30	

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. N/A

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. I will be sending to lice3nce through the post. This paperwork will also include the layout of the building9This has not changed since the last licence variation) 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)

The steps for meeting the 4 licensing objective are all being met. During times that live music and live DJ's will be playing outside on the terrace, the noise levels will be regularly monitored.

b) The prevention of crime and disorder

Security team will be provided on all occasions when live music is being played. We currently use Delta security for our door supervision on Friday & Saturday evenings - 1 supervisor from 20.00.

When live music is played until 02.00 we will provide 2 door supervisors. During evenings where live music is played and we have sold more than 100 tickets we will provide 3 door supervisors for the whole evening. We use Delta security as they have the contact at Studio night club and if there was ever to be any need for extra security they would be able to send immediate assistance.

c) Public safety

Security team will be provided on all occasions when live music is being played. We are in the process of becoming members of the Nantwich Town Radio (SCOOT Radio).

d) The prevention of public nuisance

Security team will be provided on all occasions when live music is being played.

e) The protection of children from harm

No further measures required.

Checklist:

Please tick to indicate agreen	nen
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.	X
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.	X

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	
Date	03-06-24
Capacity	DPS, Personbal licence holder & owner

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	

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

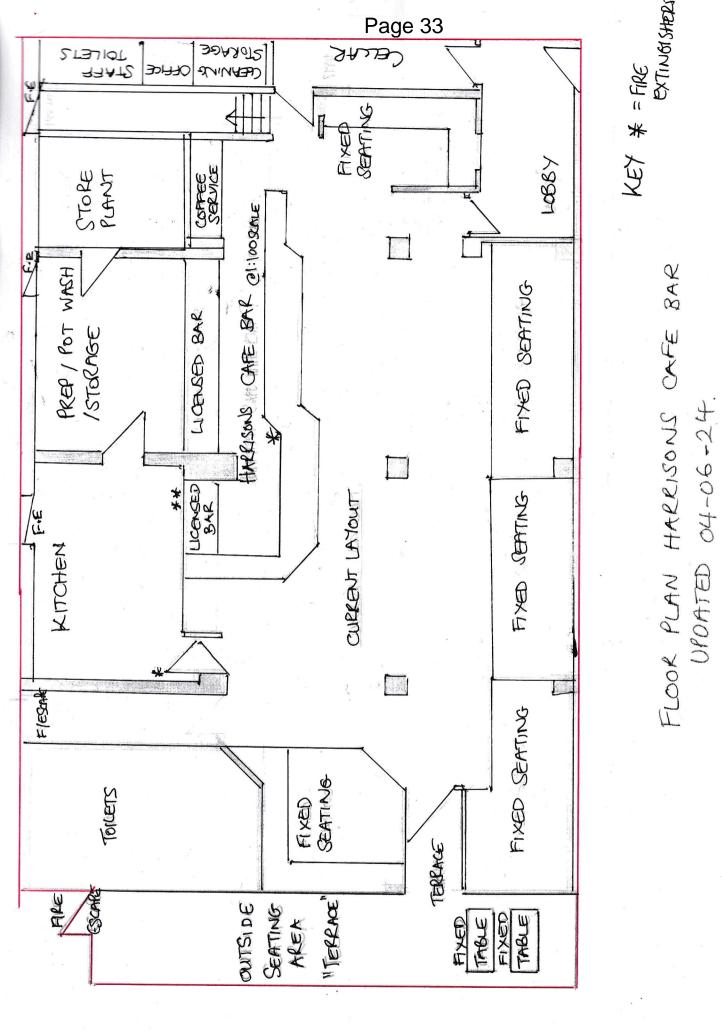
Notes for Guidance

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.



LICENSABLE AREA IN RED

This page is intentionally left blank



Premises Licence Summary

Premises Licence Number:

332

Premises Details

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

Harrison's Cafe Bar 1 High Street Nantwich Cheshire

Post Town: Nantwich

Post Code: CW5 5AW

Telephone Number: 01270 626066

Where the Licence is time limited, the dates:

Not applicable

Licensable activities authorised by the Licence:

Sale by retail of alcohol Provision of regulated entertainment Provision of late night refreshment

The time the Licence authorises the carrying out of licensable activities:

Monday)
Tuesday)
Wednesday)
Thursday) Please see tables on page 3.
Friday)
Saturday	
Sunday)

The opening hours of the Premises:					
Monday	10:00	to	02:00		
Tuesday	10:00	to	02:00		
Wednesday	10:00	to	02:00		
Thursday	10:00	to	02:00		
Friday	10:00	to	02:00		
Saturday	10:00	to	02:00		
Sunday	10:00	to	02:00		
Where the Licence authorises supplies of alcohol, whether these are on and/or off supplies:					

On

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

Louise Elizabeth Reade 7 Horton Way Stapeley Nantwich CW5 7GD

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

Not applicable

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

Louise Elizabeth Reade

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

No unaccompanied children under 16 are allowed in premises licensed to sell alcohol for consumption on the premises.

Accompanied children will be allowed access to licensed premises where alcohol is sold for consumption on the premises - subject to the Personal licence holder's discretion.

Children are not allowed to remain on the premises after food service has finished or after 23:00, whichever is the earlier.

Licence Issued: 31st March 2022

Signed by Tracey Billington On Behalf of Cheshire East Borough Council

Page 37

The times the licence authorises the carrying out of licensable activities

1 Livo musio in	dooro					
1. Live music - in		a vintian te	1 ° C indeere			
 2. Entertainment of a similar description to 1 & 6 - indoors 3. Provision of facilities for making music - indoors 4. Provision of facilities for dancing - indoors 						
5. Facilities for e						
Monday	12:00	to	01:00			
Tuesday	12:00	to	01:00			
Wednesday	12:00	to	01:00			
Thursday	12:00	to	01:00			
Friday	12:00	to	01:00			
Saturday	12:00	to	01:00			
Sunday	12:00	to	01:00			
C Decerd	ad music ind					
	ed music - indo		04.00			
Monday	10:00	to	01:00			
Tuesday	10:00	to	01:00			
Wednesday	10:00	to	01:00			
Thursday	10:00	to	01:00			
Friday	10:00	to	01:00			
Saturday	10:00	to	01:00			
Sunday	12:00	to	01:00			
7 Late ni	ght refreshmen	+				
Monday	23:00	to	01:00			
Tuesday	23:00	to	01:00			
Wednesday	23:00	to	01:00			
Thursday	23:00	to	01:00			
Friday	23:00	to	01:00			
Saturday	23:00	to	01:00			
Sunday	23:00	to	01:00			
Sunuay	23.00	10	01.00			
8. Sale of	alcohol					
Monday	10:00	to	01:00			
Tuesday	10:00	to	01:00			
Wednesday	10:00	to	01:00			
Thursday	10:00	to	01:00			
Friday	10:00	to	01:00			
Saturday	10:00	to	01:00			
Sunday	10:00	to	01:00			
F						
Non stan	dard timings:					

Non standard timings:

All licensable activities:

Extend hours to 02:00 on Christmas Eve, Boxing Day and New Year's Eve.

Opening hours:

Extend hours to 03:00 on Christmas Eve, Boxing Day and New Year's Eve.

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 no 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 fo 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: 1/2 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

- 1. No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises.
- 2. There shall be placed at all exits from the premises, in a place where they can be seen and easily read by the public (or member and their guests), notices requiring customers to leave the premises and the area quietly.
- 3. Refuse such as bottles shall be disposed of from the premises at a time (i.e. between 08:00 and 20:00) when it is not likely to cause a disturbance to residents in the vicinity of the premises.
- 4. CCTV in operation at the premises.
- 5. The Designated Premises Supervisor, or his representative, will be an active member of Pubwatch.
- 6. Proof of age scheme, Challenge 21, in operation where necessary.
- 7. The licensee or representatives shall not organise coaches or buses to transport patrons to or from the premises.
- 8 If an admission fee is charged at the premises, such payment must not include, or be in lieu of, payment for the sale or supply of intoxicating liquor to any person.
- 9. Persons under the age of 18 years old are not allowed to remain on the premises after food service has finished or after 23:00, whichever is the earlier.
- 10. The internal capacity of the premises is restricted to 260 persons.

Page 42

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

Not applicable.

Page 43



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)

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.

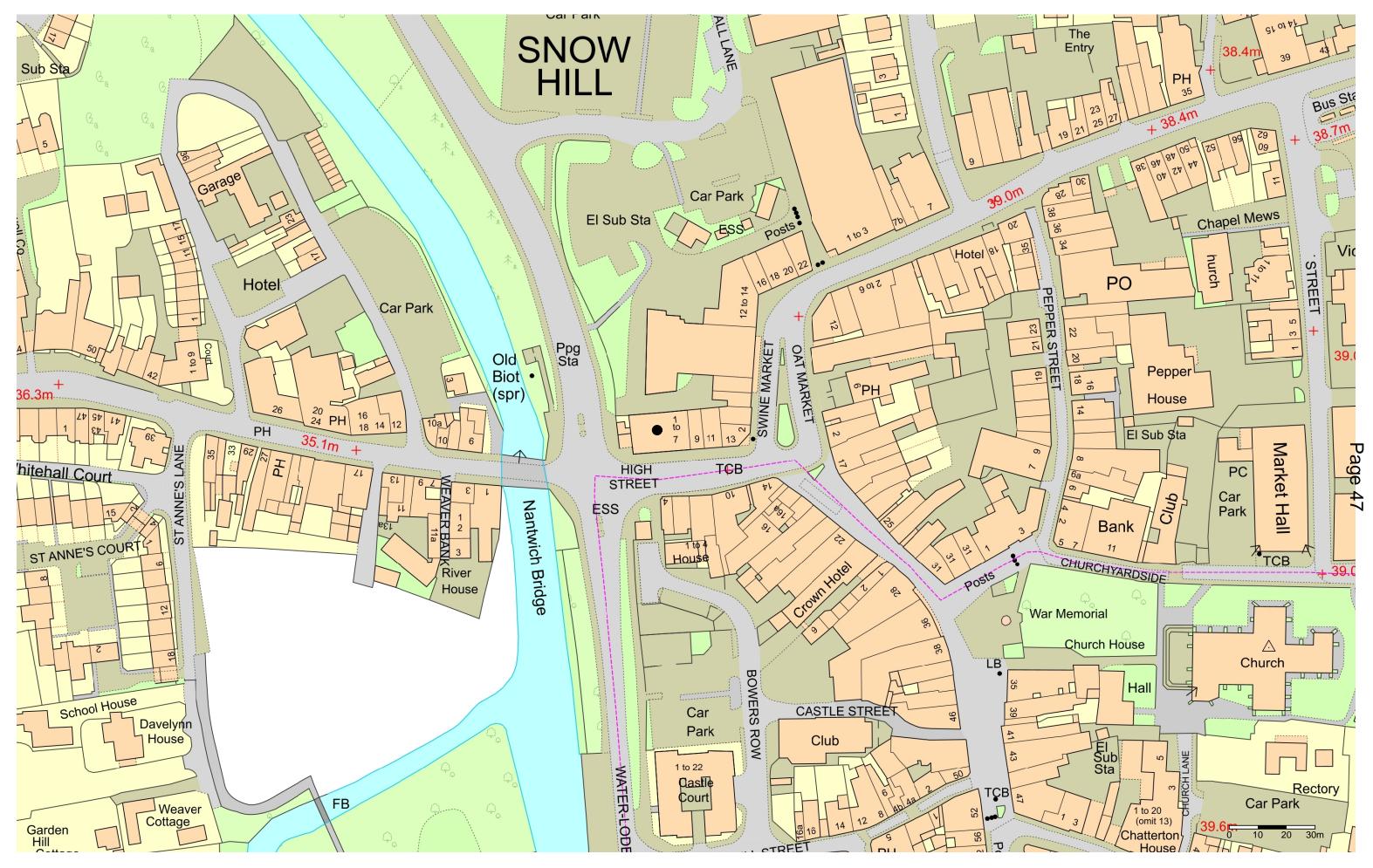
(4) The holder of a premises licence commits an offence if he fails, without reasonable excuse, to comply with subsection (2) or (3).

1 HIGH STREET NANTWICH Relevant Representations

Received on	From	
Friday, June 14, 2024	Objector 1	
In terms compliant with the o	criteria, our representation is that playing music outdoors until	
2am everyday constitutes a p	public nuisance to residents living within 200m. Additionally,	
having people drinking alcoh	ol outside until 2am everyday within 200m of a residence is	
likely to be a public nuisance	and puts the objective of maintaining public order at risk. As	
evidence there was a serious	assault at this very location only four days ago around 1:25am	
Man, 31, suffers 'serious injuries stokesentinel.co.uk	in town centre attack	
until 2am every day will unde for residents in the proximity public order and crime such a	ect of allowing people to drink alcohol and play music outside ermine the objective of preventing public disorder, especially v, i.e. 200m from Kennedy's. This location already suffers from as serious assault, and licensing drinking and playing music unti ne objective of preventing such crime.	

Received on	From
Friday, June 14, 2024	Objector 2
morning. The music they	d be allowed to play recorded music outside until 2 in the play is loud. It is not fair on people living within earshot. Especiall The music should be inside after 11 pm. They have shown little

This page is intentionally left blank



2/7/2024

Cheshire East Council

1 High Street Nantwich CW5 5AW

Appendix 4

@ Crown copyright and database rights 2024. Ordnance Survey AC0000807675 You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.



This page is intentionally left blank