

Licensing Sub-Committee

Agenda

Date:	Wednesday, 16th September, 2009
Time:	9.30 am
Venue:	East Committee Room - Municipal Buildings, Earle Steet, Crewe, CW1 2BJ

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.

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

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 personal and/or prejudicial interests and for Members to declare if they have pre-determined any item on the agenda.

3. **Application for a Premises Licence - Limelight Club, 1-7 Hightown, Crewe, CW1 3BP** (Pages 5 - 12)

To consider an application for a Premises Licence for the Limelight Club, 1-7 Hightown, Crewe, CW1 3BP.

For requests for further information

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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.

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. <i>(If necessary, applicant will produce any notices required by law. Legal Adviser will draw attention to this if required.)</i>
5	Responsible Authorities (who have made representations)	Each in turn may ask <u>questions</u> of the applicant, by way of clarification.

6	Local residents (ie. defined as “interested parties”)	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	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	Local residents (ie. defined as “interested parties”)	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 local residents should be stating their objections.)
12	Committee Members	May ask <u>questions</u> of the Responsible Authorities represented at the meeting
13	Local residents (ie. defined as “interested parties”)	The local residents who are objecting to the application will be invited <u>to 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 Local Residents, by way of clarification.
16	Committee Members	May ask <u>questions</u> of the Local Residents.
17	Chairman	To invite both Responsible Authorities and Local Residents 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 <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.
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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 **Local residents** (defined as interested parties) 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.

CHESHIRE EAST COUNCIL

LICENSING SUB-COMMITTEE

Date of meeting: 16 September 2009
Report of: Peter Simester, Licensing Officer
Title: Application for a Premises licence
Limelight Club, 1-7 Hightown, Crewe, CW1 3BP

1.0 Report Summary

- 1.1 The purpose of the report is to request that the Licensing Sub-Committee consider an application for a Premises licence at the Limelight Club, 1-7 Hightown, Crewe, CW1 3BP. The Council has received a letter of objection from a local resident who lives in the vicinity of the premises.

2.0 Recommendations

- 2.1 The Licensing Sub-Committee is requested to determine the application by Mrs Nicola Cope for a Premises licence at the Limelight Club.

3.0 Reasons for Recommendations

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

4.0 Wards Affected

- 4.1 Crewe North

5.0 Local Ward Members

- 5.1 Cllr T Beard
Cllr D Bebbington
Cllr J Jones

6.0 Policy Implications

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

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

- 7.1 Not applicable.

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

8.1 Not applicable.

9.0 Legal Implications (Authorised by the Borough Solicitor)

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

10.0 Risk Management

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

11.0 Background and Options

11.1 The Limelight Club has held a Premises licence since the Licensing Act 2003 came into effect on 24th November 2005. Prior to this, a Justices Certificate was issued by South Cheshire Magistrates' Court. The Premises licence was transferred to Paul Anthony Cope on 3rd May 2007.

11.2 On 23 July 2009 the Council's Licensing section became aware that the licence holder, Paul Cope, was declared bankrupt on 18th May 2009. Section 27 of the Licensing Act 2003 states that a Premises licence shall lapse with immediate effect when the licence holder is declared bankrupt. Mr Cope and his staff were made aware of this and the club was closed immediately on 23rd July.

11.3 An application for a new Premises licence was submitted by Mrs Nicola Cope on 24th July 2009.

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

- (a) Live music;
- (b) Recorded music;
- (c) Performances of dance;
- (d) Anything of a similar description to (a), (b) or (c);
- (e) Provision of facilities for making music;
- (f) Provision of facilities for dancing;
- (g) Provision of facilities for entertainment similar to (e) and (f);
- (h) Late night refreshment; and
- (i) Sale of alcohol.

All activities to take place indoors only.

11.5 The hours applied for are as follows:

Regulated entertainment (a) to (g):
Monday to Saturday: 12:00 to 01:00
Sunday: 12:00 to 00:30

Late night refreshment:
Monday to Saturday: 23:00 to 01:00
Sunday: 23:00 to 00:30

Sale of alcohol for consumption on and off the premises:
Monday to Saturday: 12:00 to 01:00
Sunday: 12:00 to 00:30

Hours premises are open to the public:
Monday to Saturday: 12:00 to 01:30
Sunday: 12:00 to 01:00

Apart from the addition of 'Late Night Refreshment' and an additional ten minutes at the end of the opening times, these times do not represent any increase in the activities/times allowed by the original Premises licence which lapsed on 18th May 2009.

11.6 Designated Premises Supervisor: Mrs Nicola Cope.

11.7 Relevant Representations:

Responsible Authorities

11.7.1 The applicant, Nicola Cope, has agreed to ten conditions requested by the Police Licensing Officer. These are listed in Appendix 1.

11.7.2 The applicant has also agreed to four conditions requested by the Council's Environmental Health team. These are listed in Appendix 1.

Interested Party

11.7.3 One letter of objection has been received from a resident who lives in the vicinity of the club. The text of his letter is reproduced in full as Appendix 2.

12.0 Overview of Year One and Term One Issues

12.1 Not applicable.

13.0 Access to information

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

Name: Peter Simester
Designation: Licensing Officer
Tel. no: 01270 537114
E-mail: peter.simester@cheshireeast.gov.uk

Appendices:

Appendix 1: List of conditions agreed by applicant and Police Licensing Officer/
Environmental Health team.

Appendix 2: Letter of objection from interested party.

Conditions required by Police Licensing Officer and agreed by the applicant.

1.	There shall be no entertainment provided of an adult nature on the premises.
2.	The premises licence holder shall have in place a system to monitor the number of people on each floor of the premises at any one time to ensure the maximum safe capacity of each area is never exceeded.
3.	The proof of age scheme 'Challenge 21' shall be operated for all sales of alcohol and the only photographic proof of identity which may be accepted are: <ol style="list-style-type: none"> 1. a photo card driving licence, or 2. a current passport, or 3. a national identity card containing a photograph of the holder, or 4. a 'Pass' accredited proof of age card.
4.	The Designated Premises Supervisor or another responsible member of staff shall be a member of and regularly attend meetings of the local Pubwatch group.
5.	All fire exits giving access to the outside of the premises shall, unless continually manned, be equipped with a device which will indicate by means of both an audible and visible means to the first floor reception/bar area that a specific fire exit door has been opened.
6.	No glass, bottle or other opened vessel may be taken outside the premises onto any public footpath, highway or car park.
7.	No person under 18 years of age may be permitted to remain on or enter the premises after midnight each night.
8.	Seating at tables will be provided throughout the premises at all times, but excluding the dance floor area.
9.	The premises licence holder, designated premises supervisor or any person acting under their direction shall not organise coaches or buses to transport patrons to or from the premises.
10.	A CCTV system will be maintained at the premises to the satisfaction of the Police Licensing Officer and all cameras will record at all times the premises are open to the public. Unedited recordings will be kept at the premises for a minimum of 14 days and made freely available on request to a constable or an employee of the local authority or police authority.

Please turn over.

Conditions required by the Environmental Health team and agreed by the applicant.

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 members and their guests), notices requiring customers to leave the premises and the area quietly.
3.	The placing of refuse, such as bottles, into receptacles outside the premises shall not take place outside the following hours: 08:00 to 20:00.
4.	Whilst regulated entertainment (i.e. live and recorded music) takes place on the first floor, the door to the smoking area shall only be opened to allow access and egress to the smoking area and it should not be held or propped open.

Letter of objection from interested party.

Dear Sir,

I recently received a note concerning the forthcoming licence application for the 'LIMELIGHT CLUB' in Hightown. It said that if there were any objections then you should receive them by 21/8/09. I hereby wish to object to the application on the following grounds -

- 1 (a) Noise - I have five children (one who is special needs) and they have been constantly disturbed between midnight and 2am due to noise of people leaving the establishment.
(b) Noise - During the time the establishment is open there is a constant noise from the beer garden and also a low thump/thump from the building making it impossible to leave windows open on that side of my house.
2. Car park - I have my own access onto the car park and have sometimes been blocked by cars. As my son's special needs require me to have 24 hour access I find this annoying. People leaving the club have in the past also revved engines, honked horns and played music loud. Also people from outside of the area have a habit of parking on the car park in camper vans so the noise continues.
3. Late night nuisance - As per the previous points there as being many instances of fighting, swearing etc and I do not wish to have my children listening or seeing this.
4. Rubbish - I have found on numerous occasions that people who visit the club have gone to the takeaways in Hightown and have left their rubbish on the path outside my house. Also they have broken glass bottles outside the gate and have also vomited on the wall on the side of the house!

I therefore wish to once again state I am against the application and trust you will not support it.

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