

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Sub-Committee**  
held on Thursday, 29th April, 2010 at Middlewich Civic Hall, Civic Way,  
Middlewich CW10 9AS

### **PRESENT**

Councillor P Whiteley (Chairman)

Councillors D Bebbington and M Hardy

### **OFFICERS IN ATTENDANCE**

Ms S Edge, Environmental Health Officer  
Ms M Hopley, Environmental Health Officer  
Mrs K Khan, Solicitor  
Mrs V Robson, Licensing Officer  
Mrs J Zientek, Democratic Services Officer

### **74 APPOINTMENT OF CHAIRMAN**

RESOLVED – That Councillor P Whiteley be appointed Chairman.

### **75 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **76 THE CHESHIRE VIEW, MOW COP**

The Sub-Committee considered a report regarding an application to vary the premises licence for The Cheshire View, Mow Cop under section 34 of the Licensing Act 2003.

An Environmental Health Officer, a representative of local residents, the applicant and the applicant's representative attended the hearing and made representations with respect to the application.

After a full hearing of the application and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of:

- The Secretary of State's Guidance under section 182 of the Licensing Act 2003
- Cheshire East Borough Council's Statement of Licensing Policy
- The four licensing objectives (namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm)

- All the evidence, including the oral representations made at the meeting and the written representations of further interested parties, the police and the Environmental Health Service

the following course of action had been agreed:

RESOLVED – That the application to vary the Premises Licence for The Cheshire View, Mow Cop be granted as follows:

- (a) that the operating schedule be amended by the imposition of the following terminal hours:

Regulated entertainment (with the exception of live music) and sale of alcohol

|                    |                |
|--------------------|----------------|
| Monday to Saturday | 11.00 to 02.00 |
| Sunday             | 12.00 to 02.00 |

Live music

|                      |                |
|----------------------|----------------|
| Monday to Wednesday  | 11.00 to 23.00 |
| Thursday to Saturday | 11.00 to 01.30 |
| Sunday               | 12.00 to 23.30 |

Late night refreshment

|                  |                |
|------------------|----------------|
| Monday to Sunday | 23.00 to 02.00 |
|------------------|----------------|

Hours of opening

|                    |                |
|--------------------|----------------|
| Monday to Saturday | 11.00 to 02.30 |
| Sunday             | 12.00 to 02.30 |

- (b) that the following agreed conditions be imposed:

1. There shall be no entry or re-entry allowed into the premises after midnight each night, until after 11.00 hours the following day, unless as a consequence of observing the ban on smoking in public places;
2. The proof of age scheme 'Challenge 25' will be operated for all sales of alcohol and the Premises Licence Holder shall ensure all people making sales at the premises are to be trained in its operation. This requires that where the purchaser, or a person intended to consume the alcohol, appears to be under 25 years of age the person making the sale must require photographic evidence that they are aged at least 18 years of age. This evidence shall be only a passport, photographic driving licence or 'PASS' approved proof of age card. Where a purchaser, or person intending to consume the alcohol, appears to be under 25 years of age a sale of alcohol shall not be made unless such evidence is produced.

3. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby residents.
  4. Refuse such as bottles shall be disposed of from the premises at a time (i.e. between 08.00 to 20.00) when it is not likely to cause a disturbance to residents in the vicinity of the premises.
  5. There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly.
  6. During those hours which are beyond those authorised by the original Premises Licence, whilst regulated entertainment is taking place all windows and doors shall remain closed [except for access and egress].
- (c) that the variation to condition 5 of Annex 2 be approved as requested, thereby allowing children accompanied by an adult to remain on the premises until 22.00.

## **77 THE KING'S ARMS, QUEEN STREET, MIDDLEWICH**

The Sub-Committee considered a report regarding an application for the review of a premises licence under Section 51 of the Licensing Act 2003 in respect of the King's Arms, Queen Street, Middlewich.

An Environmental Health Officer, a local resident, representatives of the review applicant, the premises licence holder and representatives of the premises licence holder attended the hearing and made representations with respect to the application.

After a full hearing of the application and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of:

- The Secretary of State's Guidance under section 182 of the Licensing Act 2003
- Cheshire East Borough Council's Statement of Licensing Policy
- The four licensing objectives (namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm)
- All the evidence, including the oral representations made at the meeting and the written representations of a local resident, the Environmental Health Service and the Cheshire Fire Authority

the following course of action had been agreed:

**RESOLVED** – That the conditions of the licence be modified to include the following conditions:

1. There shall be two SIA registered door supervisors on duty from 8pm until the premises close to the public every Friday and Saturday, on the Sunday and Monday of all Bank Holiday Mondays and the Sunday of Middlewich Boat Festival, the Thursday of Easter Weekend, on Christmas Eve, on Boxing Day and on New Years Eve.
2. A register of SIA staff working at the premises shall be maintained, kept at the premises and made available for examination upon request to a constable or an employee of the Police Authority, Local Authority or the SIA. It will record details of all SIA registered staff working at the premises and it will include for each day they work:  
(i) the full name of each door supervisor; (ii) the full SIA badge number of each door supervisor; (iii) the time they arrive at and leave the premises; (iv) their home address; and (v) the person holding an SIA licence by whom they are employed
3. A CCTV system will be installed at the premises to the satisfaction of the Police Licensing Officer and it must record at all times the premises are open to the public. Unedited images must be retained for at least 14 days and copies made freely available upon request to a constable or an employee of the Police Authority, Local Authority or the SIA.
4. At all times the premises are open to the public there will be a member of staff on duty who is competent to operate the CCTV system and to provide any copies requested.
5. The proof of age scheme 'Challenge 25' will be operated for all sales of alcohol and a record kept of all age related refusals to sell or age related challenges. The only means of identification which may be accepted are a photo card driving licence, a passport or a recognised proof of age card which includes the 'PASS' hologram on it.
6. The premises licence holder shall take all reasonable steps to ensure that no open vessel may be taken out of the premises onto any public footway or adopted highway.
7. The Designated Premises Supervisor, or another responsible member of staff, will regularly attend Pubwatch meetings and actively support its aims.
8. A comprehensive and detailed register will be maintained and kept at the premises of all incidents of crime or disorder which occur either at or in the immediate environs of the premises and which occur whilst the premises are open to the public.
9. Any member of staff not already the holder of a personal licence must receive training in the operation of the proof of age scheme

'Challenge 25' responsible alcohol retailing and receive a copy of Part 'A' of the premises licence which includes all the conditions before they are authorised to sell alcohol. The same matters must be covered again at intervals of not more than six months by refresher training to all staff members who do not hold a personal licence. A detailed individual training record must be maintained for every member of staff, be kept at the premises, be retained for at least 12 months after they leave and be made available for inspection upon request to a constable or an employee of the Police or Local Authority.

The meeting commenced at 10.00 am and concluded at 5.50 pm

Councillor P Whiteley (Chairman)