

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee**
held on Wednesday, 7th July, 2010 in the Meeting Room, Macclesfield
Library, Jordangate, Macclesfield, Cheshire SK10 1EE

PRESENT

Councillors W S Davies, L Gilbert and P Whiteley

NON-COMMITTEE MEMBER IN ATTENDANCE:

Councillor F Keegan Ward Councillor

ADVISORY OFFICERS:

Mrs Kate Khan	Solicitor and Legal Adviser to the Sub-Committee
Mrs Nicky Cadman	Licensing Officer
Mrs Carol Jones	Democratic Services Officer
Mr Hamish Roscoe	Public Protection and Health

IN ATTENDANCE:

Mr J Akka	for Applicant
Mr A Horne	Licensing Legal Solicitors – representing the applicant
Local residents	Objectors to the application

1 ELECTION OF CHAIRMAN

RESOLVED:

That Councillor P Whiteley be elected Chairman for the meeting.

2 DECLARATIONS OF INTEREST

No declarations of interest were made.

3 APPLICATION FOR VARIATION OF A PREMISES LICENCE - PANACEA, LONDON ROAD, ALDERLEY EDGE, CHESHIRE

The Sub-Committee considered the report of the Licensing Officer which provided details in respect of an application by Playworks Ltd for a variation of a premises licence for Panacea, London Road, Alderley Edge, Cheshire.

The Sub-Committee also took into account –

- The Secretary of State's Guidance under Section 182 Licensing Act 2003
- Cheshire East Borough Council's Statement of Licensing Policy
- The four licensing objectives, namely –
 - (i) the prevention of crime and disorder;
 - (ii) public safety;
 - (iii) the prevention of public nuisance; and
 - (iv) the protection of children from harm
- All the evidence, including written and oral representations made at the meeting

Following on-site discussions with the Public Protection and Health Officer, the applicant had agreed a revision to the application. The proposal (as amended) was detailed in the report and sought to extend the terminal hour in relation to all licensable activities, with the exception of late night refreshment, from 03.00 to 04.00 Monday to Saturday and from 02.00 to 03.00 on Sundays. In relation to late night refreshment the application was for an extension of the terminal hour from 02.30 to 03.30 Monday to Saturday and from 01.00 to 02.30 on Sundays.

The application also included a request to permit certain forms of regulated entertainment outdoors and to vary Condition 17 within Annex 2 of the Premises Licence to remove the requirement that there should be no external speakers operated at the premises.

The **Licensing Officer** outlined the application for the Sub-Committee.

It was reported that representations had been received from occupiers of properties in Lynton Lane, Alderley Edge. Their representations had been made under the licensing objective of **prevention of public nuisance**.

The Police, whilst not objecting to the application, had expressed concerns in relation to the potential for anti-social behaviour which may be caused if regulated entertainment were allowed externally. Subject to the applicant making an agreement with Public Protection and Health, the Police had no objections.

Public Protection and Health had originally submitted an objection in respect of the use of regulated entertainment on the external terrace. However, following a site visit and discussion with the applicant, the objection had been withdrawn.

No other representations from responsible authorities had been made.

Mr Horne, on behalf of Playworks Ltd. presented the application, addressing objections raised by local residents. In support of the application, **Mr Akka** outlined the day-to-day operation of the business and emphasised its family-orientated nature. Although an extension was proposed, the applicant might not operate to the full extent of the hours

requested, but wished to have the option in the interests of commercial flexibility.

Mr Horne and Mr Akka were then questioned by all parties by way of clarification.

Mr Roscoe, for **Public Protection and Health** reported that he had made a site visit and had been given full access to all areas. He was satisfied that the proposals, as amended, and conditioned appropriately, would not give rise to concerns.

Mr Roscoe was questioned by Members of the Sub-Committee and the local residents, by way of clarification.

Councillor Frank Keegan, Ward Councillor, addressed the Sub-Committee on behalf of local residents who were in attendance and also made their own observations. The bases of their objections were –

- Noise nuisance was already at an unacceptable level and extension of the licensing hours would exacerbate the problem, particularly if outside speakers were permitted on the restaurant terrace.
- Incidences of anti-social behaviour by intoxicated patrons, such as urinating in the street, were cited.
- Parking in nearby residential streets: Noise nuisance from patrons returning to their cars in the early hours of the morning.

Councillor Keegan was questioned by Members of the Sub-Committee and the applicant's representative, by way of clarification.

Mr Horne then summed up the application and responded to the objections raised.

At this point in the proceedings, the Sub-Committee, together with the Legal Adviser, withdrew to consider the application.

Having reached a decision, the Sub-Committee re-convened the meeting and informed the applicant and those present of its decision.

RESOLVED:

1. That a variation of the licence be granted to Playworks Ltd. in respect of Panacea, London Road, Alderley Edge, Cheshire, as follows -

Live Music (to take place indoors and outdoors)
Monday to Saturday 10.00 to 04.00
Sunday 11.00 to 03.00

Seasonal variations: One additional hour on the night when the clocks move forward for British Summer Time each year; Annual New Year festivities - require start of permitted hours on 31st December to the terminal hour for licensable activities on 1st January. One additional hour for the Friday, Saturday, Sunday and Monday of a Bank Holiday weekend.

Recorded Music (to take place indoors and outdoors)
Monday to Saturday 10.00 to 04.00
Sunday 11.00 to 03.00

Seasonal variations: One additional hour on the night when the clocks move forward for British Summer Time each year; Annual New Year festivities - require start of permitted hours on 31st December to the terminal hour for licensable activities on 1st January. One additional hour for the Friday, Saturday, Sunday and Monday of a Bank Holiday weekend.

Performance of Dance (to take place indoors only)
Monday to Saturday 10.00 to 04.00
Sunday 11.00 to 03.00

Seasonal variations: One additional hour on the night when the clocks move forward for British Summer Time each year; Annual New Year festivities - require start of permitted hours on 31st December to the terminal hour for licensable activities on 1st January. One additional hour for the Friday, Saturday, Sunday and Monday of a Bank Holiday weekend.

Film Exhibitions (to take place indoors only)
Monday to Saturday 10.00 to 04.00
Sunday 11.00 to 03.00

Seasonal variations: One additional hour on the night when the clocks move forward for British Summer Time each year; Annual New Year festivities - require start of permitted hours on terminal hour for licensable activities. One additional hour for the Friday, Saturday, Sunday and Monday of a Bank Holiday weekend.

Sale and supply of alcohol (for consumption both on and off the premises)
Monday to Saturday 10.00 to 04.00
Sunday 11.00 to 03.00

Seasonal variations: One additional hour on the night when the clocks go forward for British Summer Time each year; Annual New Year festivities - require start of permitted hours on 31st December to the terminal hour for licensable activities on 1st January. One additional hour for the Friday, Saturday, Sunday and Monday of a Bank Holiday weekend.

Anything of similar description to live music, recorded music and dance

(to take place indoors and outdoors)

Monday to Saturday 10.00 to 04.00

Sunday 11.00 to 03.00

Seasonal variations: One additional hour on the night when the clocks go forward for British Summer Time each year; Annual New Year festivities - require start of permitted hours on 31st December to the terminal hour for licensable activities on 1st January. One additional hour for the Friday, Saturday, Sunday and Monday of a Bank Holiday weekend.

Provision of facilities for making music (to take place indoors and outdoors)

Monday to Saturday 10.00 to 04.00

Sunday 11.00 to 03.00

Seasonal variations: One additional hour on the night when the clocks go forward for British Summer Time each year; Annual New Year festivities - require start of permitted hours on 31st December to the terminal hour for licensable activities on 1st January. One additional hour for the Friday, Saturday, Sunday and Monday of a Bank Holiday weekend.

Provision of facilities for dancing (to take place indoors only)

Monday to Saturday 10.00 to 04.00

Sunday 11.00 to 03.00

Seasonal variations: One additional hour on the night when the clocks go forward for British Summer Time each year; Annual New Year festivities - require start of permitted hours on 31st December to the terminal hour for licensable activities on 1st January. One additional hour for the Friday, Saturday, Sunday and Monday of a Bank Holiday weekend.

Provision of facilities for entertainment similar to music and dance

(to take place indoors only)

Monday to Saturday 10.00 to 04.00

Sunday 11.00 to 03.00

Seasonal variations: One additional hour on the night when the clocks move forward for British Summer Time each year; Annual New Year festivities - require start of permitted hours on 31st December to the terminal hour for licensable activities on 1st January. One additional hour for the Friday, Saturday, Sunday and Monday of a Bank Holiday weekend.

Late Night Refreshment (to take place indoors only)

Monday to Saturday 23.00 to 03.30

Sunday 23.00 to 02.30

Seasonal variations: One additional hour on the night when the clocks move forward for British Summer Time each year; Annual New Year

festivities - require 23.00hrs on 31st December to 05.00 on 1st January. One additional hour for the Friday, Saturday, Sunday and Monday of a Bank Holiday weekend.

2. That the variation of the licence be subject to the following conditions –

- (1) There shall be only two external speakers;
- (2) The two speakers shall be mounted on the road-side elevation of the premises no more than 1 metre above existing door height openings and directed downwards;
- (3) There shall be a curfew of 23.00 on the use of the two external speakers;
- (4) To facilitate Condition 3 above, there shall be a separate volume and on/off control dedicated to the two external speakers under the sole control of senior management; and
- (5) The music from Panacea shall be inaudible at the boundary of noise-sensitive dwellings.

The meeting commenced at 9.30 am and concluded at 12.40 pm

Councillor P Whiteley
(Chairman)