

Licensing Act Sub-Committee

Agenda

Date:	Wednesday, 7th July, 2010
Time:	9.30 am
Venue:	Meeting Room, Macclesfield Library, Jordangate, Macclesfield, Cheshire SK10 1EE

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 Variation of a Premises Licence - Panacea, London Road, Alderley Edge, Cheshire (Pages 5 - 58)**

To consider an application for the variation of a Premises Licence by Playworks Ltd in respect of Panacea, London Road, Alderley Edge, Cheshire.

PART 2 – THERE ARE NO PART 2 ITEMS

For requests for further information

Contact: Julie Zientek

Tel: 01270 686466

E-Mail: julie.zientek@cheshireeast.gov.uk

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CHESHIRE EAST COUNCIL

PROCEDURE FOR HEARINGS – LICENSING ACT 2003

The Licensing Committee

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

Officers at Hearings

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

PROCEDURE

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

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

REPORT TO: LICENSING SUB-COMMITTEE

Date of Meeting:	Wednesday 7 th July 2010 at 09.30am
Report of:	Mrs N Cadman, Licensing Officer
Subject/Title:	Application for Variation of a Premises Licence Panacea, London Road, Alderley Edge, Cheshire.

1.0 Report Summary

- 1.1 The report provides details of an application for a premises licence variation, together with information as to representations received in relation to the application.

2.0 Recommendations

The Licensing Sub-Committee is requested to determine the application for the variation of a Premises Licence by Playworks Ltd in respect of Panacea, London Road, Alderley Edge, Cheshire.

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 Alderley Ward

5.0 Local Ward Members

Cllr Frank Keegan
Cllr Carolyn Andrew
Cllr Elizabeth Gilliland

6.0 Policy Implications

- 6.1 The Licensing Authority 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 Where relevant representations are received in relation to an application for the variation of a Premises Licence under section 34, the Licensing Authority must hold a hearing within 20 working days (of the end of the consultation period) to consider both the application and the relevant representations.
- 9.2 Section 35 of the 2003 Act provides that before determining the application, the authority must hold a hearing to consider it and any relevant representations. In accordance with the provisions of section 35 of the 2003 Act, the authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives. Sub-section 35(4) provides that the authority may: (a) modify the conditions of the licence; or (b) reject the whole or part of 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 application is for the variation of a Premises Licence under section 34 of the Licensing Act 2003.
- 11.2 The operating schedule indicates that the proposed variation is:
- i. to extend the existing times for licensable activities
 - ii. permit regulated entertainment on the external terrace of the premises
 - iii. to remove and replace condition 17 in Annex 2 of the existing Premises Licence (i.e. there shall be no external speakers operated at the premises).

(copies of the plan showing the external area will be made available at the meeting)

- 11.3 The hours applied for are 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 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.

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 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.

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 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.

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 go 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 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.

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 go 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.

11.3.1 Designated Premises Supervisor: Mr Andrew Dutton

11.4 The operating schedule includes the following steps to promote the licensing objectives:

General – all four licensing objectives

As existing with new replacement condition 17. Regulated Entertainment in the external area shall be limited to a level agreed with the Environmental Health Officer. The provision of such regulated entertainment in this area shall cease at 01.00hrs.

11.6 Relevant Representations:

Responsible Authorities

11.6.1 The Police state in their response: Application received 20th May 2010 to extend the hours for licensable activities by one hour and to allow regulated entertainment in an external area until 01:00 hours. Whilst the Police have no objections to the increase of the terminal hour, there are concerns in relation to the anti social behaviour that may be caused should regulated entertainment be allowed externally until 01:00 hours, therefore, subject to a satisfactory agreement with the Environmental Health there are no Police objections.

11.6.2 The Environmental Health Officer states: The representation we wish to submit for consideration regarding this variation relates to the use of regulated entertainment on the external terrace. This department strongly disapproves of this aspect of the proposal. In practice there is very little control available to the council when such uses are permitted. It is acknowledged that as part of this submission the applicant has requested that we set a limit to the noise that can be agreed. Unfortunately we have found difficulty in policing such requests as there is not the ability to use a sound limiting device outside (as is the practice inside) as the acoustic environment is not conducive to such equipment. We would not be able to set a volume control to the equipment eg number 5 of 10 on the equipment as this can be tampered with and because music has such very different characteristics. What is a reasonable setting for one light base track would be wholly unsuitable for another heavy bass track.

It is understood that the premises is as new following refurbishment and as such the design specification should have taken the acoustic amelioration into account, thus we have no comments to make about the additional internal use time frames. It must be noted that the use from this “new” premises has not been a significant time frame and as such we cannot comment on the current use impact on the wider community. However, we reserve the right as laid down in the environmental protection act 1990 to investigate for nuisance any such complaints that are made. The reason for representation is that there is the strong potential for external entertainment to cause a public nuisance, and that there are no adequate, reliable, enforceable controls available. Therefore I recommend that there should be no external regulated entertainment and that there shall be no external speakers, together with the usual controls of all doors and windows to remain closed during periods of regulated entertainment to prevent the outbreak of noise, etc.

11.6.3 Cheshire Fire Service – No representation received.

11.6.4 Local Planning Authority – No representation received.

11.6.5 Local Safeguarding Children Board – As Police response.

11.6.5 Health and Safety Officer – No comments.

11.6.6 Trading Standards - I confirm receipt of the following application for a licence variation: Panacea on London Road, Alderley Edge, Cheshire. SK9 7JS, I make no representation.

Interested Parties

The Licensing Authority has received a number of representations in the form of letters and petitions from interested parties. Details of these are appended to this report.

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 report writer:

Name: Mrs N Cadman
Designation: Licensing Officer
Tel No: 01625 504206
Email: nikki.cadman@cheshireeast.gov.uk

APPENDICES

Appendices 1 to 7 – representations from local residents/interested parties.
Appendix 8 – Existing Premises Licence Summary and conditions.
Appendix 9 – Map of area
Appendix 10 – Photographs of Panacea to be referred to at the Hearing.

Alderley Edge,
Cheshire
SK9 7QS

Nicky Cadman,
Licensing Department,
Cheshire East Council,
Town Hall,
Market Place,
Macclesfield
SK10 1DX

4th. June 2010

Dear Madam,

THE PANACEA RESTAURANT, ALDERLEY EDGE

We have noted with alarm that this restaurant has applied to be granted a further extension of one hour for the Licensing of Alcohol & Entertainment. This seems to mean that alcohol could be served to **4 a.m.** on Mondays to Saturdays and to **3 a.m.** on Sundays, whilst entertainment on their **outside** terrace could apparently continue until **1 a.m. for seven nights a week, with a possible extension on Bank Holidays.**

From previous bitter experience with Brisingamen, the predecessor of this restaurant, we and all those living in Lynton Lane (who are largely elderly persons) know that this will render the night hours still more intolerable. Quite apart from the noise from the outside entertainment (sic), there is bound to be an increase in the consequential appalling drunken and rowdy behaviour which we already have to suffer.

Quite apart from the noise from those premises themselves, there is also the problem of cars being parked (illegally) all along the west-side pavement of Lynton Lane (the east side being occupied by cars belonging to residents of Lynton Court). There is almost always a car parked in this way right at the junction with Davey Lane, actually on the corner, so that other drivers trying to enter Lynton Lane from the A34 via Davey Lane are totally unable to see whether they are able to turn into Lynton Lane without possibly hitting another car which is on its way out. The chances of a fire engine or large ambulance being able to turn into Lynton Lane without damaging a parked car are slim - and there are two Care Homes further down the lane which such vehicles frequently need to visit at any time of day or night.

The danger of this parking is aggravated for the local residents by the noise of the revellers returning to their cars at an ungodly hour in the morning. The restarting of the cars is one thing, but the owners often seem unable to leave without having long conversations at the tops of their voices. It is no wonder that sleep is at a premium in this residential area.

In short, we vehemently oppose the granting of this extension licence, and copies of this letter are being sent to the police and to our Member of Parliament. In view of the concern of the Government about the dangers of excessive alcoholic consumption, we trust that they will take urgent steps to contact you on this matter.

In conclusion, we should make it clear that the address given above is, in practice, merely a postal address. Our principal entrance and our garages are on the Lynton Lane side of this property, so our residents are subject to the same problems as the residents of Lynton Court on the east side of Lynton Lane.

Yours faithfully,

1/4

Dear Madam.

Please find enclosed
Petitions for extension of
Licensing hour at the
Panacea.

These are apparently more
to come in from local
residents in Lynton Lane,
Brook Lane, & Dawley Lane.

Yours' sincerely.

the local residents.

APPENDIX - 3

Lynton Court.

Licensing Dept,
Nicky Cadman,
Dear Madam,

As residents of Lynton Lane, Alderley Edge, we strongly object to 'Entertainment' consisting of dancing and music, both recorded and live, on the external terrace of the Panacea Restaurant, Wilmslow Road, Alderley Edge, until 1 am, 7 nights a week, with possible extensions on Bank Holidays, as it is a 'Residential Area'.

We experienced very disturbing noise several years ago, and we do not wish it to return. This application is still to be approved by Environment Health.

Yours sincerely,

APPENDIX - 4

Lynton news.

Licensing Dept,
Nicky Cadman,
Dear Madam,

As residents of Lynton Lane, Alderley Edge, we strongly object to 'Entertainment' consisting of dancing and music, both recorded and live, on the external terrace of the Panacea Restaurant, Wilmslow Road, Alderley Edge, until 1 am, 7 nights a week, with possible extensions on Bank Holidays, as it is a 'Residential Area'.

We experienced very disturbing noise several years ago, and we do not wish it to return. This application is still to be approved by Environment Health.

Yours sincerely,

APPENDIX - 5

Lynton Mews
Alderley Edge
Cheshire

30/5/10

To whom it may concern

Sirs

It has been brought to my attention, following a tiny and barely readable announcement in the Wilmslow Express, that Panacea Bar is applying to extend its licence by a further 1 hour to 4am and to have live music outside the premises every night of the week and during bank holidays..

Lynton Mews is a small cul de sac off Lynton Lane and is only 100 yards or so from this establishment. Sound carries far in the early hours and we already have a slight bass sound from Panacea Bar when trying to sleep, with the window open, which is our preference and far from unusual.

More irritatingly, the final 'guests' of the establishment sometimes noisily return to their inconsiderately parked cars, parking both sides of this narrow road, to travel back to who knows where.

The issue of bad parking has been recognised by the police who have placed notices on Lynton Lane asking drivers to park considerately and not to block the road. Of course, these have been completely ignored, not only by staff arriving early at Panacea, but by their customers leaving noisily in the early hours.

This establishment appears to offer little benefit to the village, the staff drive here so one must assume they live outside the village and the customers similarly seem far from local given the propensity to park their cars on the grass 'green' to the rear of Lynton Mews and on Lynton Lane where they often leave them for at least 24 hours, presumably enabling them to sober up before bothering to collect them.

It is ironic that having waited for so many years for the by-pass to be built, relieving the village and A34 of noisy, increasingly overweight trucks which now shake our houses, to have them immediately replaced by booming outside music performances to the detriment of the villagers who have fought for so long for a quieter village environment.

Sincerely

A resident of Lynton Mews

P.S. I am surprised we were not notified by letter of this application as it will so directly affect us.

APPENDIX - 6

4.6.2010

Dear Madam,

I, along with other residents of Lynton Lane object to the proposals you intend to make at Panacea. We have had to suffer the noise level which will certainly increase, & to have to put up with this for a longer period seems to me to be an invasion of my privacy & of the other residents. Please bear in mind that there are two care homes at the junction of Lynton Lane & Horneshe Lane.

As it is we cannot park our cars in Lynton Lane & even our private garages have had cars parked by visitors to Panacea. We get the noise from Panacea & noisy revellers on their way home.

13th June 2010.

Dear Sir/Madam,

I wish to register a strong objection to the licensing application of Paracea regarding the further extension of hours. There is already a problem with noise, particularly from the live entertainment. Patrons of the premises also use residential roads for parking overnight regularly causing obstructions. The staff also use ~~feels~~ residents' spaces as the parking is wholly inadequate for such an establishment. This is an accident waiting to happen & will only get worse if the hours are extended.

Yours Faithfully,

CADM

From:
Sent: 17 June 2010 16:03
To: CADMAN, Nikki
Subject: Licensing of Panacea

tinternet.com]

APPENDIX -7

Dear Nikki,

I would like to register my objection to the further extension of Panacea's license for alcohol & entertainment. Already the noise from both patrons & live music is intolerable, it is especially apparent during the spring & summer months. Since the re-opening of this venue late last year I have personally experienced verbal abuse from patrons of this establishment over parking issues at Lynton Court. My occupation as cabin crew requires me to work shifts & on two occasions I have been unable to park. Although parking is not your issue the people concerned were patrons of Panacea & intoxicated - male and female. As the parking is wholly inadequate for such a venue, both staff & patrons use residential roads to park, often overnight. Due to the nature of some of Panacea's clientele there are a number of high performance cars which create additional noise causing a public nuisance & safety issues as they speed up & down the road. Obstructions are regularly caused by patrons parking at junctions which is an accident waiting to happen. Pedestrians also have to walk on the road due to the parking issues which is a health & safety risk.

Drunks can also be heard swearing & arguing in the street. A further extension of hours will simply encourage more of this behaviour. Live music will mean having to close windows even during hot days/nights which is not acceptable. Even though my property has double glazing the music can still be heard especially at week-ends.

Regards,



Premises Licence Summary

Premises Licence Number:

MBC/PR/0341

Premises Details

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

Panacea
London Road
Alderley Edge
Cheshire

Post Town: Alderley Edge

Post Code: SK9 7JS

Telephone Number: Not known

Where the Licence is time limited, the dates:

Not applicable.

Licensable activities authorised by the Licence:

Live Music
Recorded Music
Performance of Dance
Film Exhibitions
Sale and supply of alcohol
Anything of a similar description to live music, recorded music and dance
Provision of facilities for making music
Provision of facilities for dancing
Provision of facilities for entertainment similar to music and dance
Late Night Refreshment

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

Live Music (to take place indoors)
Monday to Saturday 10.00 to 03.00
Sunday 11.00 to 02.00
Non Standard Timings:
From 10.00 until 03.00 on Good Friday and any Sunday forming part of a Bank Holiday weekend including Easter.
From 11.00 until 02.00 on Christmas Day.
From 10.00 on New Years Eve until 03.00 on 2 January each year.
An additional 1 hour on the day when British Summer Time commences.

Recorded Music (to take place indoors)

Monday to Saturday 10.00 to 03.00

Sunday 11.00 to 02.00

Non Standard Timings:

From 10.00 until 03.00 on Good Friday and any Sunday forming part of a Bank Holiday weekend including Easter.

From 11.00 until 02.00 on Christmas Day.

From 10.00 on New Years Eve until 03.00 on 2 January each year.

An additional 1 hour on the day when British Summer Time commences.

Performance of Dance (to take place indoors)

Monday to Saturday 10.00 to 03.00

Sunday 11.00 to 02.00

Non Standard Timings:

From 10.00 until 03.00 on Good Friday and any Sunday forming part of a Bank Holiday weekend including Easter.

From 11.00 until 02.00 on Christmas Day.

From 10.00 on New Years Eve until 03.00 on 2 January each year.

An additional 1 hour on the day when British Summer Time commences.

Film Exhibitions (to take place indoors)

Monday to Saturday 10.00 to 03.00

Sunday 11.00 to 02.00

Non Standard Timings:

From 10.00 until 03.00 on Good Friday and any Sunday forming part of a Bank Holiday weekend including Easter.

From 11.00 until 02.00 on Christmas Day.

From 10.00 on New Years Eve until 03.00 on 2 January each year.

An additional 1 hour on the day when British Summer Time commences.

Sale and supply of alcohol

Monday to Saturday 10.00 to 03.00

Sunday 11.00 to 02.00

Non Standard Timings:

From 10.00 until 03.00 on Good Friday and any Sunday forming part of a Bank Holiday weekend including Easter.

From 11.00 until 02.00 on Christmas Day.

From 10.00 on New Years Eve until 03.00 on 2 January each year.

An additional 1 hour on the day when British Summer Time commences.

Anything of a similar description to live music, recorded music and dance (to take place indoors)

Monday to Saturday 10.00 to 03.00

Sunday 11.00 to 02.00

Non Standard Timings:

From 10.00 until 03.00 on Good Friday and any Sunday forming part of a Bank Holiday weekend including Easter.

From 11.00 until 02.00 on Christmas Day.

From 10.00 on New Years Eve until 03.00 on 2 January each year.

An additional 1 hour on the day when British Summer Time commences.

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

Monday to Saturday 10.00 to 03.00

Sunday 11.00 to 02.00

Non Standard Timings:

From 10.00 until 03.00 on Good Friday and any Sunday forming part of a Bank Holiday weekend including Easter.

From 11.00 until 02.00 on Christmas Day.
 From 10.00 on New Years Eve until 03.00 on 2 January each year.
 An additional 1 hour on the day when British Summer Time commences.

Provision of facilities for dancing (to take place indoors)

Monday to Saturday 10.00 to 03.00
 Sunday 11.00 to 02.00
 Non Standard Timings. From 10.00 until 03.00 on Good Friday and any Sunday forming part of a Bank Holiday weekend including Easter.
 From 11.00 until 02.00 on Christmas Day.
 From 10.00 on New Years Eve until 03.00 on 2 January each year.
 An additional 1 hour on the day when British Summer Time commences.

Provision of facilities for entertainment similar to music and dance (to take place indoors)

Monday to Saturday 10.00 to 03.00
 Sunday 11.00 to 02.00
 Non Standard Timings:
 From 10.00 until 03.00 on Good Friday and any Sunday forming part of a Bank Holiday weekend including Easter.
 From 11.00 until 02.00 on Christmas Day.
 From 10.00 on New Years Eve until 03.00 on 2 January each year.
 An additional 1 hour on the day when British Summer Time commences.

Late Night Refreshment (to take place indoors)

Monday to Saturday 23.00 to 02.30
 Sunday 23.00 to 01.00
 From 23.00 on New Years Eve to 05.00 on New Years Day

The opening hours of the Premises:

Monday to Sunday 00.00 to 23.59

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

The supply of alcohol will be for consumption both on and off the premises.

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

Playworks Limited
 4th Floor, Ridgefield House
 14 John Dalton Street
 Manchester
 M2 6JR

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

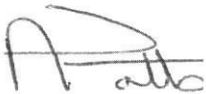
Not known

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

Mr Andrew Dutton

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

Persons under the age of 18 shall only be permitted into the premises when accompanied by an adult.

A handwritten signature in black ink, appearing to read 'A Potts', with a horizontal line drawn through the middle of the letters.

Signed by Mr A Potts
On behalf of Cheshire East Borough Council

Annex 1 - Mandatory Conditions

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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.
3. 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.

Annex 2 - Conditions consistent with the Operating Schedule

General – All Licensing Objectives

1. An effective CCTV system will be designed and installed as outlined in an agreement dated 23/03/07 following consultation with Cheshire Constabulary Force Architectural Liaison Officer with strategically located cameras both internal and external to include the entrance and with 7 day retention of recordings. There will always be a member of management staff employed by the Premises Licence Holder trained in downloading images to respond to a request by Cheshire Constabulary. Sufficient management staff will be trained in the operation of the equipment in relation to their ability to download images to disc.
2. Effective lighting shall be maintained and operated on all entrances and exits.
3. There shall be an appropriate number of SIA registered door staff on duty to manage entrance and exit to the premises and minimise disorder.
4. Any person found using drugs shall be removed from the premises. Any person found dealing drugs shall be removed from the premises and the Police informed immediately. All drugs seized shall be handed over to the police.
5. All staff and management shall be provided with adequate and suitable training to enable them to identify customers who have consumed excessive alcohol and to deal with incidents of disorder within the premises.
6. Persons who are visibly drunk shall not be permitted entrance to the premises.
7. A safety plan shall be implemented that includes fire safety and maintenance inspections.
8. All management shall be trained in emergency procedures.
9. Fire fighting equipment shall be maintained and serviced according to the manufacturers instructions.
10. The maximum number of persons accommodated at any one time will be calculated by the applicant as part of their fire risk assessment.
11. Secure facilities shall be provided for the disposal of empty glass containers.
12. Persons under the age of 18 shall only be permitted into the premises when accompanied by an adult.

APPENDIX - 8

13. Anyone who appears to be under the age of 18 and who is attempting to purchase alcohol must be required to produce satisfactory proof of age that they are over 18 before such sale is made.

14. All members of management and staff shall be provided with adequate training to identify acceptable forms of identification to be requested from any person who appears to be under the age of 18 attempting to purchase alcohol. Acceptable forms of identification shall include a passport, phot card driving licence and citizen card.

15. All staff and management shall be provided with adequate and suitable training in issues of drug awareness.

16. Noise or vibration will not emanate from the premises so as to cause a nuisance to nearby properties.

17. There shall be no external speakers operated at the premises.

18. A tamper proof noise limiting device shall be fitted to the sound system within the premises.

19. There shall be an adequate supply of clearly signed litterbins at the premises which shall be emptied on a regular basis.

20. Vermin proof bins shall be used at the premises.

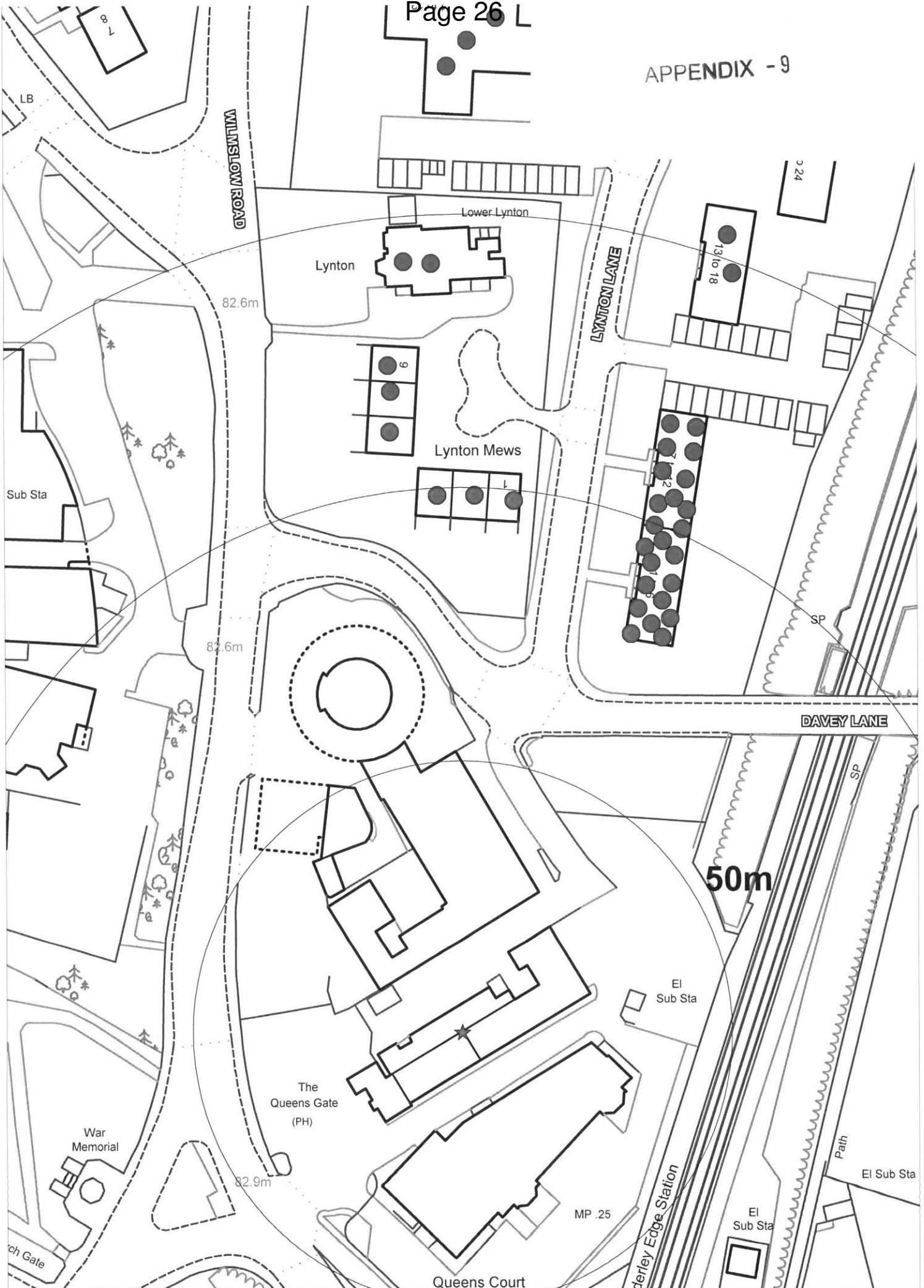
21. Persons under the age of 18 shall only be permitted into the premises between the hours of 11.00 and 22.00 hours.

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

1. Notices shall be placed at the exits from the premises encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night.

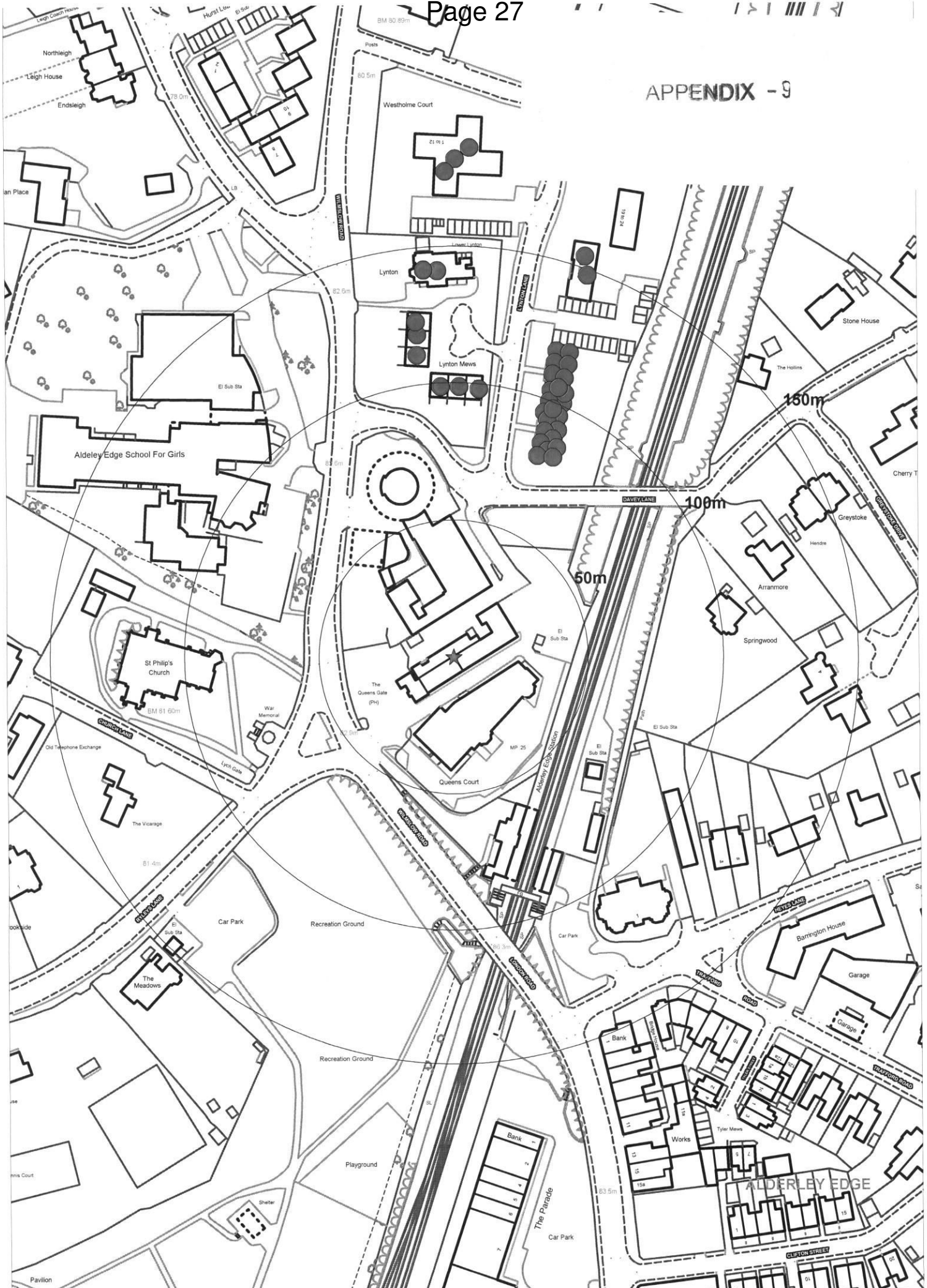
Annex 4 - Plans

See attached.



PANACEA, LONDON ROAD, ALDERLEY EDGE, CHESHIRE

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PANACEA, LONDON ROAD, ALDERLEY EDGE, CHESHIRE

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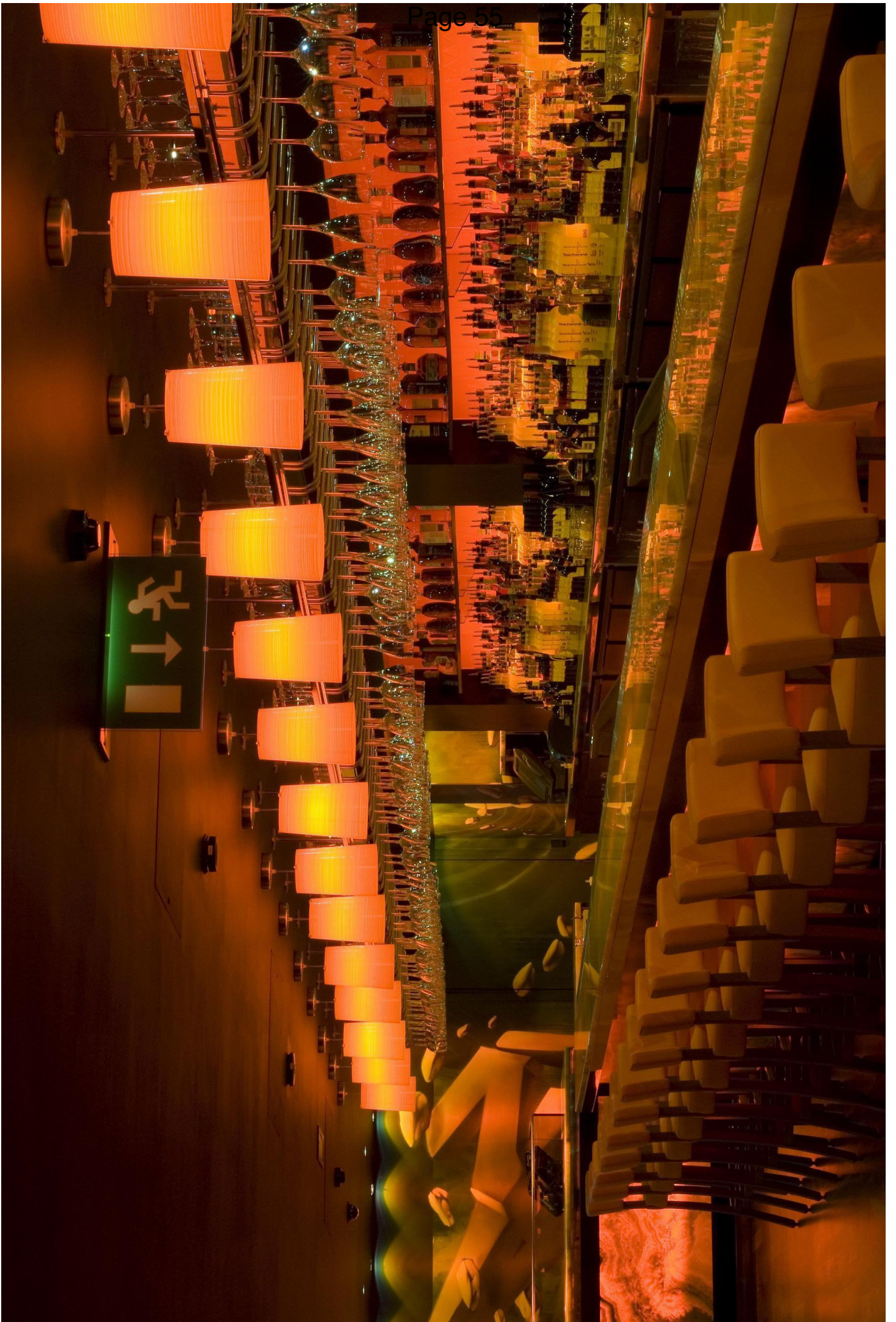
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APPENDIX 11 – REPORT TO LICENSING SUB-COMMITTEE - PANACEA

The Licensing Authority has received a revised representation from the Environmental Health Officer, which is an agreement with the applicants as follows:

'Please see below our revised comments which supersede any previous made regarding the Panacea licence variation.

These have been agreed by the applicant and as such should be conditions of the revised licence if the Committee see fit.

- 1. There will be only 2 external speakers;*
- 2. The 2 speakers will be mounted on the road-side elevation of the premises no more than 1 meter above existing door height openings and directed downwards;*
- 3. There shall be a curfew of 23:00 on the use of the 2 external speakers;*
- 4. To facilitate Condition 3 above, there shall be a separate volume **and** on/off control dedicated to the 2 external speakers under the sole control of senior management;*
- 5. That the music from Panacea shall be inaudible at the boundary of noise-sensitive dwellings.*

We have adjusted our comments following a comprehensive inspection of the above premises and local area. It is clear that the area most at risk from the proposed variation using outside speakers is to the front. This area is bounded by the panacea car park and the busy A34 London road and the A535 Ryleys lane. The nearest dwelling to this aspect is across the above roads some 100+ metres away. The panacea building itself should protect the residents to the rear from the proposed use. Together with the above controls we believe that the use of speakers outside can be accommodated.

This decision should not be considered as a carte blanche for all such premises as the issues were considered having regard to the above controls and proximity to sensitive receptors.

We reserve the right to investigate any complaints received both via the licensing regime and the Environmental protection Act 1990'.

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