

Licensing Act Sub-Committee

Agenda

Date: Monday, 1st November, 2010
Time: 9.30 am
Venue: The Capesthorne Room - Town Hall, Macclesfield SK10 1DX

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 - Livesey's Delicatessen & Coffee House, 15 High Street, Bollington, Macclesfield, Cheshire** (Pages 5 - 12)

To consider an application for a Premises Licence in respect of Livesey's Delicatessen & Coffee House, 15 High Street, Bollington, Macclesfield, Cheshire.

4. **Application for a Premises Licence - Poynton Sports Club, London Road North, Poynton** (Pages 13 - 36)

To consider an application for a Premises Licence in respect of Poynton Sports Club, London Road North, Poynton, Stockport, Cheshire, SK12 1AG.

PART 2 – THERE ARE NO PART 2 ITEMS

For requests for further information

Contact: Julie Zientek
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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 ACT SUB-COMMITTEE

Date of Meeting:	Monday 1 st November 2010 at 09.30am
Report of:	Mrs N Cadman, Licensing Officer
Subject/Title:	Application for a Premises Licence Livesey's Delicatessen & Coffee House, 15 High Street, Bollington, Macclesfield,Cheshire.

1.0 Report Summary

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

2.0 Recommendations

The Licensing Act Sub-Committee is requested to determine the application for a Premises Licence by Miss Joanne Weselby in respect of Livesey's Delicatessen & Coffee House, 15 High Street, Bollington, Macclesfield, Cheshire.

3.0 Reasons for Recommendations

- 3.1 The Licensing Act 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 Bollington & Disley

5.0 Local Ward Members

Cllr Mrs D Thompson
Cllr H Davenport
Cllr M Davies

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 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) to refuse to specify a person in the licence as the premises supervisor; or (d) to 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 application is for Premises Licence under section 17 of the Licensing Act 2003.
- 11.2 The operating schedule indicates that the relevant licensable activities applied for are:
Recorded Music
Sale and supply of alcohol
- 11.3 The hours applied for are as follows:

Recorded Music (to take place indoors only)

Monday to Saturday 08.00 to 22.30

Sunday 10.00 to 18.30

Sale and supply of alcohol (for consumption both on and off the premises)

Monday to Saturday 08.00 to 22.00

Sunday 10.00 to 18.00

Other times the premises are proposed to be open:

Monday to Saturday 08.00 to 22.30

Sunday 10.00 to 18.30

- 11.3.1 Designated Premises Supervisor: Miss Joanne Weselby

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

(a) Prevention of crime and disorder

There shall be a security camera system and the CCTV recording unit shall record continuously for 28 days.

There shall be an age verification policy and staff shall sign to confirm that they have read and understood the policy.

There shall be a PASS symbol poster, imposing no pass, no sale for anyone who appears to be under 21 years of age.

(b) Public safety

Health & Safety regulations shall be adhered to, checks shall be made and notification of hazards shall be displayed and incidents recorded.

Entrances and exits shall be maintained unobstructed.

(c) Prevention of public nuisance

Staff shall conduct litter searches in the surrounding location on a daily basis.

Consideration shall be given to the public during loading and unloading at the premises.

(d) Protection of children from harm

All staff shall be trained in the use of PASS cards.

(e) General – all four licensing objectives

Staff shall be trained in licensing issues, all areas of customer protection including Health & Safety and Food Hygiene.

There shall be a refusal of sale log maintained at the premises.

There shall be a staff training log maintained at the premises.

The Designated Premises Supervisor shall be available at all times during opening hours, either in person or contactable by phone.

11.6 Relevant Representations:

Responsible Authorities

11.6.1 The Police state in their response: Application received 13th September 2010, for a Premise Licence at Livesey's Delicatessen & Coffee House, 15 High Street, Bollington, SK10 5PH. The premises were formerly a Travel Agents and are currently undergoing conversion in line with the application. The applicant Joanne Weselby, intends to be the Designated Premises Supervisor and is in the process of obtaining a Personal Licence. The shop intends to open its doors on Sunday 3rd October 2010, and will operate initially with a Temporary Event Notice in place. CCTV is to be installed and Police would require it to record for a minimum of 28 days, which the applicant verbally agreed to. All other recommendations in line with the Licensing Objectives are acceptable. If the above is agreed then there are no Police objections.

(Since the Police made this representation, the applicant has formally agreed in writing to the Police recommendations relating to CCTV requirements as in the operating schedule, the applicant, Miss Weselby is now a Personal Licence Holder).

11.6.2 The Environmental Health Officer – No response received.

11.6.3 Cheshire Fire Service state in their response: I have no objection to this licence, although a full written fire risk assessment will be required. I will program to audit it in the future.

11.6.4 Local Planning Authority – No response received.

11.6.5 Local Safeguarding Children Board – As Police response.

11.6.5 Health and Safety Officer – No response received.

11.6.6 Trading Standards – No response received.

Interested Parties

Bollington Town Council state in their response: Premises Licence Application - Livesey's Delicatessen & Coffee House, 15 High Street, Bollington - At the Council meeting on the 5th October the Council was supportive of this application and recommends approval.

The Licensing Authority received 3 representations from interested parties, however two of the objectors have withdrawn their objections. Details of the remaining 1 objection 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

Appendix 1 - Representation from interested party.

Appendix 2 - Plan of area.

For the Attention of Nikki Cadman,
Cheshire East Licensing Department,
Macclesfield Town Hall

6 October 2010

Dear Mrs Cadman,

Licence Application: Livesey's Delicatessen, 15 High Street, Bollington, SK10 5PH

I own the property known as High Street, which is on the opposite side of the road, and not further than 20 yards away from the applicant's property.

I wish to object to the proposals on the grounds set out and numbered below.

1. The proposed licence is inappropriate for use of the premises as a delicatessen. It is proposed that the applicant may sell alcohol for consumption on the premises until 10pm. Such a licence would be appropriate for a café, wine bar, pub or restaurant. If, as the applicant claims, a licence is required to facilitate the selling of wine at a wine tasting, surely a licence for consumption off the premises is what is required. If the applicant is minded to sell alcohol for consumption on the premises from time to time during wine tastings, as is claimed, then the applicant may apply for temporary event notices, as and when required. However, if the applicant wishes to sell alcohol for consumption on the premises regularly until 10pm then the establishment ceases to become a delicatessen and becomes a restaurant, pub or wine bar or, at the very least, is remains a delicatessen but with the additional use as a café, restaurant or wine bar.

If you are minded to grant this licence, you open the door to the probable use of the premises as such and, whilst you may not be concerned with planning use, I think it should be borne in mind whilst considering this application that it is open to the applicant to apply for temporary event notices from time to time, if the applicant is being honest in what it claims it requires the licence for. I would have thought that, with that in mind, it would be prudent for the committee to refuse the application as it stands, which would not, if the applicant is being honest, prejudice the applicant in any way.

2. I am concerned that the proposal would be a danger to public safety if the licence is granted, as there appears to be no provision for emergency lighting.
3. I am concerned that the proposal would be a danger to public safety if the licence is granted, as there appears to be no provision for an approved fire alarm to be installed to the correct British Standard.
4. I am concerned that the proposal would be a danger to public safety if the licence is granted, as the WC appears to open directly onto the rear yard without any division and, as the rear yard is to be licensed for the consumption

- of food (wine being classed as food for the purposes of environmental health) this presents a risk of contamination.
5. I am concerned that the proposal would be a danger to public safety if the licence is granted, as there appears to be no proper fire escape for the rear yard area of the property, which is a potential death trap. The fire escape at the side of the property appears to be in a kitchen. One may also question why the licence application includes the rear yard area unless it is to become a "beer garden".
 6. I am concerned that the proposal would be a danger to public safety if the licence is granted, as the proposal does not appear to adhere to the provisions of the Disability Discrimination Act (latest version), as there does not appear to be a disabled WC provided for and there seems to be restricted access to sufficient parts of the property to be at odds with the provisions of the Act. Use of the premises as a café, wine bar, restaurant or pub would require a change of use and, whilst you are not concerned with the planning use of the premises, you are concerned with public safety and, should the premises be operated as one of the aforementioned establishments, I would have thought the licensing committee would be concerned that the relevant legislation should be adhered to for the sake of such public safety.
 7. I am concerned also that the premises will create a public nuisance, if a licence is granted, as the premises are too small to be a pub, wine bar, café or restaurant and, should such a licence be granted, the public will spill out on to the pavement, thereby creating increased noise for local property owners.
 8. I am concerned that the premises will create a public nuisance, if a licence is granted, as the premises are situated on the narrow corner of the street, where there is restricted parking and that customers who may visit the premises by car will choose to park illegally or randomly thereby causing a nuisance in a congested area. So far, I have seen visitors and people connected to the premises parking on my private car park across the road without my permission. This is already causing a problem for me even before the premises were open or any licence is granted and I expect it to become worse should more people wish to visit the premises.
 9. I am concerned that the premises will create a public nuisance, if a licence is granted, as in addition to the issues listed at paragraph 8 above, there appears to be nowhere for any loading or unloading to the premises to take place without any such vehicles parking illegally or causing a nuisance by blocking High Street or the side road, which leads to the commercial premises operated by Bob Rigby. As you will see, if you visit the area, there is very little on street parking available, as most of the houses in the area have no provision for off-road parking.
 10. I am concerned that the premises will create a public nuisance, if a licence is granted, as there appears to be nowhere for commercial waste bins to be stored within the premises and that, if they are stored outside the premises, they will be on land not belonging to the applicant and, therefore, creating a public

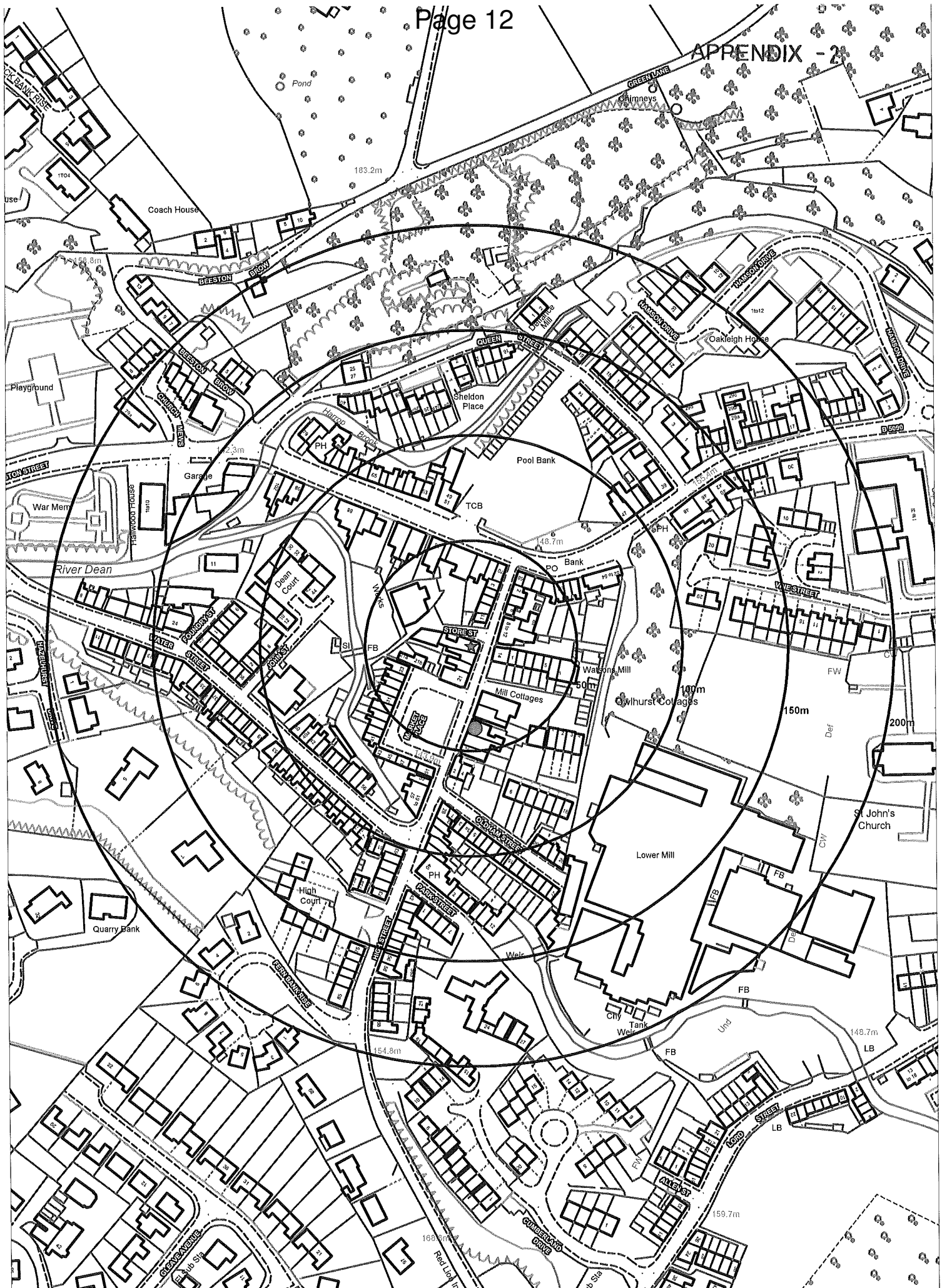
nuisance in terms of blockage, smell and appearance. This is particularly relevant if a licence is granted until 10pm for alcohol for consumption on the premises, as more waste will be created.

I would not have the same level of concern if the application was for a licence for the consumption of alcohol off the premises, as some, but not all, of the issues raised above would fall away and it would be more in keeping with the use of the premises as a delicatessen.

It is important to note that my objections are not founded in a fear of competition, as may be suggested, as part, but not all, of my premises High Street has a tenant, which operates a restaurant with a licence for the consumption of alcohol on the premises. I am merely concerned that there are issues of public safety arising from an application for a licence, which would allow a restaurant to be operated without the same safety procedures, which my tenant and others in the area have correctly had to adhere to and that, due to the nature and location of the premises, there will be significant nuisance issues, as outlined above. Added to that I am concerned that the licence application is inappropriate for the use of the premises as a delicatessen and it should be refused and the applicant encouraged to re-apply for a more appropriate licence.

Yours sincerely,

High Street, Bollington,
Cheshire, SK10 5PH.



LIVESEY'S DELICATESSEN & COFFEE HOUSE, 15 HIGH STREET, BOLLINGTON

CHESHIRE EAST COUNCIL

REPORT TO: LICENSING ACT SUB-COMMITTEE

Date of Meeting:	Monday 1 st November 2010 at 11.00am
Report of:	Mrs N Cadman, Licensing Officer
Subject/Title:	Application for a Premises Licence Poynton Sports Club, London Road North, Poynton

1.0 Report Summary

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

2.0 Recommendations

The Licensing Act Sub-Committee is requested to determine the application for a Premises Licence by Poynton Sports Club in respect of Poynton Sports Club, London Road North, Poynton, Stockport, Cheshire, SK12 1AG.

3.0 Reasons for Recommendations

- 3.1 The Licensing Act 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 Poynton

5.0 Local Ward Members

Cllr C Beard
Cllr H Murray
Cllr R West

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 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) to refuse to specify a person in the licence as the premises supervisor; or (d) to 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 application is for Premises Licence under section 17 of the Licensing Act 2003.
- 11.2 The operating schedule indicates that the relevant licensable activities applied for are:
Indoor Sporting Events
Live Music
Recorded Music
Provision of entertainment facilities for making music
Provision of entertainment facilities for dancing
Provision of late night refreshment
Sale by retail of alcohol
- 11.3 The hours applied for are as follows:

Live Music (to take place indoors only)

Sunday to Thursday 10.00 to 24.00

Friday and Saturday 10.00 to 01.00

From 10.00 on Christmas Eve until 24.00 on Christmas Day.

From 10.00 on New Years Eve until 24.00 on New Years Day.

Recorded Music (to take place indoors only)

Sunday to Thursday 10.00 to 24.00

Friday and Saturday 10.00 to 01.00

From 10.00 on Christmas Eve until 24.00 on Christmas Day.

From 10.00 on New Years Eve until 24.00 on New Years Day.

Indoor Sports

Sunday to Thursday 10.00 to 24.00

Friday and Saturday 10.00 to 01.00

Sale and supply of alcohol (for consumption on the premises only)

Sunday to Thursday 10.00 to 24.00

Friday and Saturday 10.00 to 01.00

From 10.00 on Christmas Eve until 24.00 on Christmas Day.

From 10.00 on New Years Eve until 24.00 on New Years Day.

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

Sunday to Thursday 10.00 to 24.00

Friday and Saturday 10.00 to 01.00

From 10.00 on Christmas Eve until 24.00 on Christmas Day.

From 10.00 on New Years Eve until 24.00 on New Years Day.

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

Sunday to Thursday 10.00 to 24.00

Friday and Saturday 10.00 to 01.00

From 10.00 on Christmas Eve until 24.00 on Christmas Day.

From 10.00 on New Years Eve until 24.00 on New Years Day.

Late Night Refreshment (to take place indoors only)

Sunday to Thursday 23.00 to 24.00

Friday and Saturday 23.00 to 01.00

From 23.00 on Christmas Eve until 05.00 on Christmas Day.

From 23.00 on New Years Eve until 05.00 on New Years Day.

11.3.1 Designated Premises Supervisor: Simon Neil Reeder

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

(a) Prevention of crime and disorder

There shall be external lighting installed around the clubhouse and car park to deter crime and disorder.

There shall be regular discussions held with PCSOs regarding young people visiting the club grounds.

Plastic drinking glasses shall be used for large social events.

(b) Public safety

There shall be a fire alarm system installed and staff shall be trained in fire evacuation procedures.

There shall be car park lighting installed near the club house.

There shall be licensed door supervisors for social events when it is believed that young people may be attracted to the event.

(c) Prevention of public nuisance

Staff shall monitor external noise during functions with live music to ensure noise levels are acceptable.

External car park lighting shall be timed to prevent all night operation.

(d) Protection of children from harm

Recognised forms of identification shall be required for determining the age of young persons.

(e) General – all four licensing objectives

The Club shall employ a Club Manager who shall be responsible for the efficient day to day running of the bar and club house to ensure compliance with club policy and statutory legislation.

Monthly meetings shall be held to ensure the ongoing management, general maintenance and control of the club house facilities.

The Club shall be managed by the Club Officers who shall meet on a monthly basis and shall review house and bar activities to ensure overall compliance with legislation.

The Challenge 25 Scheme shall be in operation at the premises.

11.5 Relevant Representations:

Responsible Authorities

11.5.1 The Police state in their response: Application received 19 September 2010 for the Grant of a Premises Licence to Poynton Sports Club, London Road North, Poynton. The premises, for many years, have had the benefit of firstly a Club Registration Certificate and since 2005 a Club Premises Certificate. The club has Football (Senior & Junior), Cricket, Bowls, Tennis, Table Tennis & Lacrosse Sections and has a membership in excess of 700. This application is to ensure that income from 'private hires' can assist to keep the club running.

There have been recent issues where some events involving younger adults held at the premises have caused problems especially when live music events have been held and the club are now fully aware of their responsibilities to their immediate neighbours to which end Challenge 25 will be adopted with proper staff training in relation to the premises age verification policy.

Police would suggest that additional outside lighting be installed along with an adequate CCTV system which can store images for later perusal should there be incidents.

In addition Police would ask that NO glasses or bottles are allowed outside the clubhouse when 'outside' events are held there with notices displayed to that effect. Plastic or polycarbonate glasses only outside.

The club will always use SIA Registered door staff when 'outside' functions are held and this we recommend is made a 'Condition'. In addition Police would request that the Licensing Officer is notified when such 'outside' events are to take place in order that adequate arrangements may be made.

It may well be that Environmental Health will have observations on the hours for Live Music and the Police will fall in with any such recommendation made.

There are No other Police Representations

11.5.2 The Environmental Health Officer states: I would refer to the application for a new Premises Licence for the Poynton Sports Club, London Road North, Poynton and would wish to make the following comments in respect of the Premises Licence objective of the 'Prevention of Public Nuisance' :-

I am advised by the Hon General Secretary of the Club that entertainment which involves the playing of amplified live music and amplified recorded music - i.e. involving live bands and DJ's / discos - has been part of the entertainment for events held at the Club over a number of years. I would advise that historically, the Environmental Health Service has received a minimal number of complaints relating to loud music from the Poynton Sports Club and that incident of complaint has not necessitated a formal investigation at any time. However, it is noted that the fabric of the building has acoustic weaknesses and that if adequate noise control measures are not implemented, then there is potential for noise nuisance and disturbance to be caused to residents of the nearest dwellings.

I visited the club premises on Thursday 14th October 2010 and witnessed the proximity and orientation of the nearest residential dwellings in relation to the Club and also the fabric of the building. I discussed the issue of noise control with the Hon General Secretary.

I have therefore based my comments to the Premises Licence application on a combination of the facts that :-

- a) the Club building and function room has acoustic weaknesses
- b) the absence of a significant degree of complaints from local residents over the years despite amplified live and recorded music being played at the Club
- c) that the relatively small size of the function room is 'self-limiting' in terms of the control of patron numbers

I am therefore minded not to raise objection provided that the following noise control measures are employed and form conditions of a Premises Licence:-

1. Amplified live music should be terminated at 23.30 hours from Sunday to Thursday and at 00.30am on Fridays and Saturdays - as per the restriction on the current Club Licence for Poynton Sports Club
2. Doors to the function room shall be maintained in a closed position at times that amplified entertainment is taking place - this includes the double doors leading to the outside and also the internal double doors to the lounge / bar area.
3. Volume control both in relation to the overall volume level and the bass beat volume element shall be controlled at all times by the Club
4. Regular patrols shall be made around the perimeter of the Poynton Sports Club site by responsible persons associated with the Club during amplified entertainment to ensure that noise nuisance and disturbance is not caused from the playing of

amplified music to the surrounding residents. A 'log' of noise assessments shall be kept at the Club premises and made available for inspection by an Officer of this Authority at any time. The log should detail the type of amplified entertainment at the time, date and time of the assessment, the position of the assessment and a subjective description of the noise heard.

11.5.3 Cheshire Fire Service – No response.

11.5.4 Local Planning Authority – No response.

11.5.5 Local Safeguarding Children Board – As Police response.

11.5.6 Health and Safety Officer – No comments.

11.5.7 Trading Standards state in their response: I would like to confirm receipt of the application for a new Premises Licence for Poynton Sports Club. Would you please make it a condition on their licence that they operate an age verification policy such as Challenge 25 in terms of sale of alcohol to comply with the licensing objective, the protection of children from harm.

(The applicants have agreed to adopt the Challenge 25 scheme at the premises and relevant details of this scheme have been supplied to them direct from the Trading Standards Officer).

Interested Parties

The Licensing Authority has received a number of representations 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 – 9 Representations from interested parties.
Appendix 10 – Plan of area.

APPENDIX - 1

Poynton
Stockport
Cheshire
SK12 1QY
5th October 2010

Licensing Section
Cheshire East Council
Town Hall
Macclesfield
Cheshire
SK10 1DX

Dear Sir,

I write in respect of the application by Poynton Sports Club to extend its licensing period. As a resident of Park Avenue, adjacent to the club, I would wish the following considerations to be made:

1. At present, the club provides entertainment for events which at times lead to excessive noise for local residents. An example of this was at the last live music event that was held there, which went on till 1 am and could easily be heard from Park Avenue. Any extension of this time on a regular basis will increase the inconvenience and lack of sleep, with no foreseeable benefit to residents.
2. Similarly, an extension of weekday hours to midnight in a residential area is against the best interests of local residents should excessive noise occur.
3. The exit of the club on the Park Avenue aspect has long been unsecured. It would be inconsiderate to expect residents to have people leaving the club a few yards from houses, later than 1am after allowing for "drinking up time", especially after potentially consuming large amounts of alcohol. Prior to any review of the license, there must be an adequately secured gate at this site.
4. The area near the Park Avenue exit by the dugouts already attracts youths drinking alcohol and climbing on the dugouts and gates on most nights of the week, especially weekend nights. The club has shown little enthusiasm in ensuring that these youths are discouraged from creating disturbances on their land so long as it does not directly impact on the immediate vicinity of the clubhouse. This does not reflect well on the club's approach to prevention of public nuisance.

5. The nearest residential property to the sports club is a nursing home. I am greatly concerned that the residents of this nursing home may have an "unheard voice" in this consultation, as many of the residents may be too ill or too infirm to be made aware of the proposals. This does not mean, however, that these vulnerable persons should be inconvenienced because they have been unable to raise their concerns personally.

I feel that the application cannot be supported under section 5.4.2 of the Cheshire East Council Statement of Licensing Policy (2003). Furthermore, referring to Section 8.2, I do not believe this adds any significant value to the local economy, but does contravene the local residents right to peace and quiet.

I am proud to be associated with the club through my own use of the facilities and my children's membership. However, I do feel that it should remember its primary function – namely that of a Sports Club for the populace of Poynton, as requested in the covenant when the land was bequeathed by the Lord Vernon, rather than seeking to become a late night entertainment venue.

Yours faithfully

Poynton

Cheshire

SK12 1QY

4 October 2010

Dear Sir/Madam,

Licencing Application 18 September 2010 - Poynton Sports Club,
London Road North, Poynton, Cheshire.

I am writing to register a strong objection to the above application for extended licencing hours and late night music for the following reasons:-

1. The roads surrounding Poynton Sports Club are residential and include an old persons care home. It is not appropriate to turn the sports club into a nightclub with the consequent increase in noise from people and cars leaving the premises up to 2am on Fridays and Saturdays!
2. The land provided to the sports club by Lord Vernon's Trust was supplied for recreational facilities but it was not intended to upset local residents with increased noise levels at night and the likelihood of anti-social behaviour, i.e. it was supposed to be a sports club for day time activities.
3. I already object to the fact that the sports club have built two shelters ~~de~~ along the touchline of the football field almost opposite my house. These attract youths who congregate at night and extended licencing hours will only exacerbate the problems of anti-social behaviour. Since these shelters are brick built

why did they not require planning permission? APPENDIX - 2

4. Poynton was and still should be a quieter village/town without the disturbances of a city centre - to create a late night drinking club and loud music until 1am is extremely selfish when older local residents go to bed much earlier. Is there going to be a police presence in Poynton until 2am like there is in other city centre nightclub areas? What will be the cost impact on my council tax?

As I point out in this letter the sports club do not appear to care about their local neighbours. I have already had to repair tiles on my roof from stray footballs - now they want to keep me awake at night as well!

I object to this particular application as it appears to be completely changing the nature of the sports club's activities and will have an adverse impact on the surrounding area.

It is totally unreasonable and unnecessary to have these extended licencing hours every week of the year.

Yours faithfully,

POYNTON
SK12 1QY.

12th October 2010.

Licensing Section .
Cheshire East Council
Town Hall
MACCLESFIELD
SK10 1DX.

Dear Sirs,

POYNTON SPORTS CLUB: APPLICATION FOR A
PREMISES LICENCE

I wish to register my objection to the above on the following grounds:

Prevention of Crime and Disorder : Prevention of Public Nuisance

The Sports Club Bar is already a notorious underage drinking den and extending its opening hours can only serve to increase its popularity with the local youth and will undoubtedly attract others from outside the area.

This problem is well known to both local residents and local law enforcement officers as there are regular gatherings of young people drinking around the rear of the Library and the Doctors Surgery.

Furthermore a failure in Poynton Sports Clubs duty of care is a substantial hole in the Sports Clubs perimeter fencing directly adjacent to the rear of the Doctors Surgery which has become a "rat run" used by school children in the daytime and all manner of people at night.

I am sure you are aware of the disorder and fist fights that took place at Poynton Sports Club during the recent World Cup.

In conclusion Poynton Sports Club is already a problem and extending its licensing hours can only serve to worsen the situation.

I sincerely hope that this is not the only letter of objection you receive to this proposal.

Regards

1
2

Licensing Section
Cheshire East Council
Town hall
Macclesfield
SK10 1DX

8th October 2010

Dear Sirs

POYNTON SPORTS CLUB: APPLICATION FOR A PREMISES LICENCE

We write in response to notification of the above Application.

Firstly we recognise that the Sports Club is a great asset to Poynton and we are all very supportive of it. Unfortunately the club is in a residential area and we do suffer significant problems with noise and anti-social nuisance from functions at the club, particularly on Friday and Saturday nights when functions generally finish around midnight but the noise does not subside for a further 45 minutes to one hour.

One function playing extraordinarily loud music extended beyond 1.00 am this year with noisy revellers around for a further hour. Complaints were made to the police at the time, although without any tangible response, but we do stress that this was exceptional. For this to be repeated even on an irregular basis would be intolerable.

We would support an application for a licence to midnight but beyond that would be unacceptable.

Yours Faithfully

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Poynton

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Poynton

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Poynton

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Poynton

Poynton
Stockport
SK12 1QY

10th October 2010

The Licensing Section
Cheshire East Council
Town Hall
Macclesfield
SK10 5DX

Dear Sirs

Poynton Sports Club : Application for a premises licence

I write with reference to the above application.

We have lived on Park Avenue, Poynton for almost 20 years. During this time we have had no major issue with the adjacent Sports Club. Occasionally there are club events at weekend nights which have music till reasonably late. We have double glazing and still the house can throb with the noise. But this is not a regular occurrence and to date we had no reason to make complaint.

Obviously at this stage we don't know the frequency or type of event or potential attendance that is being planned. However should this licence application be approved and music could be played every day to either midnight or 1am, we strongly believe that this will prove to be a public nuisance to all residents of our road. The traffic leaving late at night down the narrow road alongside the football field, the noise and risk of unruly behaviour of those leaving on foot (there should be a locked gate preventing direct access to Park Avenue but it is usually broken or non-existent) and the music itself will prove to be very difficult – particularly for those like ourselves who have to get up very early for work.

The football field and its dugout is currently a regular collecting point for young people of the village and extension of the licence will, we believe, only make this worse.

We urge that this extension of the licence be rejected or severely moderated

Yours Faithfully

Paynton

SK12 1QY

8th Oct 2010

Dear Sirs,

we would like to register our objection to the granting of a Premises licence to the Paynton Sports Club for the proposed hours of opening. We object on the grounds of Prevention of Public Nuisance and potential Disorder.

We already experience some late night noise from the Sports Club and this will be exacerbated if the hours of licence are as proposed. The noise is particularly prevalent in fine weather when the doors of the club are open and people mill out into the grounds. The fact that music and dancing and sale of alcohol are "indoors" does not prevent doors being open and the noise and public moving outside. Indeed smoking is confined to outdoors so doors will be opened and people outside in all weathers. There is more noise and disturbance as people continue to enjoy themselves outside the club after the event itself has concluded. We would find this totally unacceptable in the early hours of the morning.

If the Sports Club was to have such late opening, with open access to

the site, it becomes a potential magnet for others when local establishments close. We are not aware of closing times of all local places of entertainment but are sure this is not midnight during the week and 1.00 am at weekends!

Even if Sports Club buildings are policed by staff they cannot, and do not, police the grounds - the dug-out being a frequent venue for young people drinking and shouting.

We have no objection to earlier closing times - similar venues we have attended have closed at 11.00 during the week and 11.30 latest at weekends.

Yours sincerely

Poynton
Cheshire
SK12 1QY

Licensing Section
Cheshire East Council
Town Hall
Macclesfield
SK10 1DX

05 October 2010

Dear Sirs,

Ref: Poynton Sports Club: Application for a new Premises Licence

We are writing in connection to the above Premises Licence application made by Poynton Sports Club.

We are new residents to Park Avenue and the front aspect of our family home directly faces onto the sports club grounds. We moved into our home in February 2010 believing we were moving into a quiet residential property which had the advantage of facing the Sports Club facilities. We do feel strongly that the sports club provides an important service to the Community of Poynton, and one which we would not like to see under utilised in terms of sports provision, however we are concerned and object to the application for extended hours which are for entertainment purposes.

We feel that the hours associated with the entertainment licence application are well over and above what is acceptable for a Community Amateur Sports Club. By extending the hours to midnight during the week and 1am during the weekends the hours are more in keeping with a nightclub or late night bar. This could be viewed as a planning change of use from a D2 classification (assembly and leisure) to A4 (Drinking Establishment) with a "Sui Generis" classification for Night Club. The application directly states the use would include "performance of live music & the playing of recorded music, the provision of facilities for making music and for dancing and the sale of alcohol", all of which are not in keeping with a Community Amateur Sports Club.

Since moving to our property we have already made two telephone complaints to the steward of the sports club regarding the public nuisance generated by late night events, which in one instance ended at 1:50am. We have also contacted the Macclesfield Council Environmental Health Department regarding this noise nuisance.

The acoustic performance of the sports club building doesn't appear to provide enough sound absorbency to reduce the noise break out to acceptable levels, particularly with lower frequency noise, such as dance music. On the two occasions we contacted the club our young children were woken up by the noise being generated, and my wife and I were also unable to get to sleep.

Public safety is also in question, as during the time since we moved here we have observed a police presence at the sports club as well as the ambulance service in attendance on more than one occasion. This presence has been well after the sports activities have been concluded and we have been made aware that the police and ambulance service presence were there because of fighting.

These late night events also have a negative affect to the general public and local residents due to an increased number of sports club pedestrians and vehicles, such as taxis generating an amplified noise level late at night.

The overall security of the sports club grounds is also a concern, as the entrance gates are not locked at night and the perimeter boundary is unsecured at various locations. As the grounds are not patrolled or monitored they attract a large number of youths and we have called the police on one particular occasion as a large group were throwing stones from the car park adjacent to the clubhouse, onto Park Avenue, the sports pitches and the Library/Surgery.

It should be noted that it was not too long ago that the sports club itself was subject to an arson attack on one of the amenity buildings.

Drinking regularly takes place in the grounds with cans and broken glass bottles littered on Park Avenue and on the footpath between the Library/Surgery.

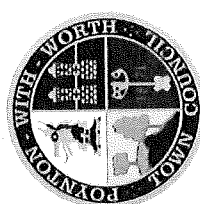
The vehicles which visit the sports club late at night, wheelspin around the gravel car park, drive at high speed on the access roads and play very loud music are all a serious public nuisance. It has also been suggested by various people in the village that illegal activities are taking place due to the number of cars observed coming and going late into the night. We feel that extending the hours to the sports club with an entertainment licence would only increase the unwelcome late night activity in and around the sports club.

As we have wrote this letter, we happened to observe at least 15 youths from our front window loitering in and around the car park adjacent to the clubhouse, being a nuisance to sports club users by remaining in the path of their oncoming vehicles, and two of which were seen urinating against the perimeter trees.

As we have previously wrote, the sports club plays a vital role in our community and it has been here for many years, and we hope it will continue to operate as an inclusive community facility in the future. However we want this to remain a Community Amateur Sports Club, not a late night bar with entertainment licence, and we therefore hope that our objection is considered when the Licensing Section are considering the sports clubs application.

Should you have any questions regarding our objections and concerns please do not hesitate to contact us.

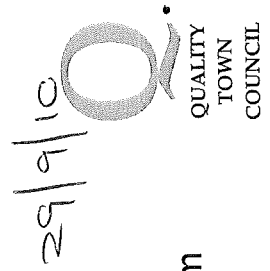
Yours sincerely,



Poynton with Worth Town Council

Civic Hall, Off Park Lane, Poynton, Cheshire SK12 1RB
Tel/Fax: 01625 872238. e-mail: poyntonpc@btconnect.com

Clerk to the Council: Brian Hegan



See also paragraph 42 in the
Planning Minutes of 27/9/10,
attached.

Malcolm Adams, with compliments
Town clerk.

REPRESENTATION FORM**Interested Parties**

Application Number: 014731

Your Name	MALCOLM ADAMS, Town Clerk, Poynton Town Council
Postal and E-mail Address	Civic Hall Off Park Lane Poynton Cheshire SK12 1RB
Contact Telephone Number	01625 872238

Name of the premises you are making a representation about.	Poynton Sports Club
Address of the premises you are making a representation about.	London Road North Poynton, Stockport Cheshire SK12 1AG

1. REPRESENTATION (Please give details)	
Which of the four licensing objectives does your representation relate to?	Prevention of Public Nuisance
Please detail the evidence supporting your representation or the reason for your representation.	At a Poynton Town Council Planning Committee meeting on 27 th September 2010, Councillors expressed concerns about the potential for disturbance, both from insufficient noise insulation of the Club building to prevent 'noise breakout', and from customers leaving the premises late at night in an area where there are close neighbours on either side of the Club site. A formal resolution was passed to this effect.
Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like	

the licensing sub-committee to take into account.	
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Application Number: 014731

2. REPRESENTATION (Please give details)	
Which of the four licensing objectives does your representation relate to?	
Please detail the evidence supporting your representation or the reason for your representation.	
Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the licensing sub-committee to take into account.	

Application Number: 014731

3. REPRESENTATION (Please give details)	
Which of the four licensing objectives does your representation relate to?	
Please detail the evidence supporting your representation or the reason for your representation.	
Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the licensing sub-committee to take into account.	

N.B If you do make a representation you will be asked to attend the Licensing Sub-Committee and any subsequent appeal proceeding. An interested party may request a representative to make his/her representation on their behalf, eg a legal representative or a friend. A full copy of your representation (with the exception of your name and contact details) will be forwarded to the applicant.

State the number of representations made: ONE

Signed: 

Date: 29th September 2010

Please return this form along with any additional sheets to: The Licensing Section, Cheshire East Borough Council, Town Hall, Macclesfield SK10 1DX.

Please complete a separate chart for each representation and number them sequentially.

This form must be returned within the statutory period indicated within the accompanying covering letter. If you have any queries please check with the Licensing Section.

Telephone: 01625 504206

42 Application for a Premises Licence

Correspondence dated 17th September 2010 had been received from Cheshire East Council's Licensing Section, advising of an application received by them for a Premises Licence in relation to the Poynton Sports Club, London Road North, Poynton. This concerned live music, recorded music, indoor sports, the sale and supply of alcohol, the provision of facilities for making music, the provision of facilities for dancing and late night refreshment. Councillors had concerns about the potential for disturbance, both from insufficient noise insulation of the building to prevent noise 'breakout', and from customers leaving the premises late at night in an area where there are close neighbours.

RESOLVED: That the Clerk, on behalf of Poynton Town Council, make representation to the Licensing Section on the grounds of prevention of public nuisance (5 for, 3 against)

APPENDIX - 9

CADMAN, Nikki

From: Malcolm Adams [Malcolm.Adams@PoyntonTownCouncil.gov.uk]
Sent: 15 October 2010 16:04
To: CADMAN, Nikki
Cc: laurenceaclarke@btinternet.com
Subject: Poynton Sports Club: Premises Licence
Importance: High

Dear Mrs Cadman,

This is to confirm our telephone conversation. [redacted] of [redacted], Park Avenue, Poynton [redacted], has been in touch today, wanting to object to the revised Premises Licence application for the Poynton Sports Club. He had also spoken to you, and you informed him that the deadline for representations was close of play today. We are happy therefore to register [redacted] representation on his behalf, which you confirmed was admissible.

[redacted] representation, as explained to me, was based on potential public nuisance resulting from the extended hours of opening, and noise 'leakage' late at night from the clubhouse.

Thank you for your assistance with this.

Kind regards,

Malcolm Adams
Town Clerk

T. 01625 872238
www.poyntontowncouncil.gov.uk

15/10/2010

