

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee**
held on Friday, 26th November, 2010 at West Committee Room - Municipal
Buildings, Earle Street, Crewe, CW1 2BJ

PRESENT

Councillor P Whiteley (Chairman)

Councillors Rhoda Bailey and B H Dykes

OFFICERS IN ATTENDANCE

Mrs K Khan, Solicitor

Mr P Simester, Licensing Officer

Mrs J Zientek, Democratic Services Officer

20 APPOINTMENT OF CHAIRMAN

RESOLVED – That Councillor P Whiteley be appointed Chairman.

21 DECLARATIONS OF INTEREST

There were no declarations of interest.

22 VARIATION OF PREMISES LICENCE - JAX COUNTRY PRODUCE, YEW TREE HOUSE, WREXHAM ROAD, BULKELEY, MALPAS, SY14 8BX

Note: In the absence of the applicant, the meeting was adjourned for 5 minutes prior to consideration of this item.

The Sub-Committee considered a report regarding an application from Mrs Jacqueline Foster to vary the Premises Licence for Jax Country Produce, Yew Tree House, Wrexham Road, Bulkeley, Malpas, SY14 8BX under section 34 of the Licensing Act 2003.

The applicant, a representative of the applicant and four local residents attended the hearing and made representations with respect to the application.

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

- The Secretary of State's Guidance under section 182 of the Licensing Act 2003
- Cheshire East Borough Council's Statement of Licensing Policy

- The four licensing objectives (namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm)
- All the evidence, including the oral representations made at the meeting and the written representations of interested parties

the following course of action had been agreed:

RESOLVED

1. That the variation to the Premises Licence for Jax Country Produce, Yew Tree House, Wrexham Road, Bulkeley, Malpas, SY14 8BX be approved, as follows:

Live music - indoors only

Sunday to Thursday: 18:00 to 23:00

Friday and Saturday: 18:00 to 24:00

Provision of late night refreshment - indoors only

Friday and Saturday: 23:00 to 24:00

Sale of alcohol

Sunday to Thursday: 08:00 to 23:00

Friday and Saturday: 08:00 to 23:30

Christmas Eve: 08:00 to 24:00

New Years Eve: 08:00 to 02:00

Opening times

Monday to Thursday: 08:00 to 23:00

Friday and Saturday: 08:00 to 24:00

Sunday: 11:00 to 23:00

Christmas Eve: 08:00 to 00:30

New Years Eve: 08:00 to 02:30

2. That the following conditions be added to the Premises Licence:
 - (1) When regulated entertainment takes place, all windows and doors shall be kept closed except to allow access and egress.
 - (2) Live music provided at the premises shall be unamplified music only.

Note: Following consideration of this item, the meeting was adjourned from 11.25am to 11.30am for a break.

23 REVIEW OF PREMISES LICENCE - WILBRAHAM ARMS, 58 WELSH ROW, NANTWICH, CW5 5EJ

The Sub-Committee considered a report regarding an application from the Environmental Health Division of Cheshire East Borough Council for a review of the Premises Licence of the Wilbraham Arms, Nantwich under section 51 of the Licensing Act 2003.

The following attended the hearing and made representations with respect to the application:

an Environmental Health Officer
two local residents
two representatives of the Chief Officer of Police
the premises licence holder
a representative of the premises licence holder
the Regional Manager, Enterprise Inns

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

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

the following course of action had been agreed:

RESOLVED - That, in order to promote the licensing objective of the prevention of public nuisance, the conditions of the Premises Licence be modified to include the following:

1. Sound attenuation works shall be carried out to the premises in order to create a double door system at the rear of the premises, the design of which shall be formulated in consultation with the Environmental Health Service.
2. The terminal hours in relation to licensable activities shall be amended as follows:
 - (a) the terminal hour in relation to sale of alcohol, late night refreshment and regulated entertainment (with the exception of recorded music) shall be 23.00 Sunday to Thursday and 23.30 on Fridays and Saturday (with the exception of New Years Eve

which shall be from 10.00 to the normal opening hours on New Years Day).

- (b) the terminal hour in relation to recorded music shall be 23.30 Sunday to Thursday and 24.00 on Fridays and Saturdays (with the exception of New Years Eve which shall be from 10.00 to the normal opening hours on New Years Day), subject to the requirement that recorded music during the 30 minutes before the premises is closed to the public shall be background music only;
3. The opening hours of the premises shall be amended as follows:
- Sunday to Thursday: 10.00 to 23.30
Fridays and Saturdays: 10.00 to 24.00
4. The rear external drinking area is to be closed to the public from 9 pm every night and to remain closed until the premises reopen to the public the following day.
5. All tables, chairs, umbrellas and other paraphernalia are to be removed from the front of the premises from 9 pm every night and this restriction is to remain in place until the premises reopen to the public the following day.
6. No open vessel is to be taken outside the premises building after 9 pm and this restriction is to remain in place until the premises reopen to the public the following day.
7. No drinks may be sold or supplied to customers in a sealed vessel after 9 pm and this restriction is to remain in place until the premises reopen to the public the following day.

The meeting commenced at 9.30 am and concluded at 3.40 pm

Councillor P Whiteley (Chairman)