

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Friday, 17th December, 2010 at East Committee Room - Municipal  
Buildings, Earle Street, Crewe, CW1 2BJ

### **PRESENT**

Councillors C Andrew, M Parsons and P Whiteley

### **OFFICERS PRESENT**

Mrs J Cornes (Licensing Officer) and Mrs K Khan (Licensing Solicitor).

### **27 APPOINTMENT OF CHAIRMAN**

RESOLVED

That Councillor Paul Whiteley be appointed Chairman for the meeting,

### **28 DECLARATIONS OF INTEREST**

No interests were declared in respect of the business of the meeting.

### **29 APPLICATION FOR A NEW PREMISES LICENCE – NO. 1 THE COURTYARD, 26 WEST STREET, CONGLETON**

The Sub Committee considered a report regarding an application by Mr Timothy Andrew Crichton and Mr Aaron Brys Davies for the grant of a Premises Licence for an Italian Restaurant, namely 1 The Courtyard at 26 West Street, Congleton under Section 17 of the Licensing Act 2003.

The applicants together with Mrs Crichton and eight objectors 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 reported that, having taken 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 representations made at the meeting, the written representations of the objectors and agreements reached with the Police and Environmental Health

the following course of action had been agreed:

## RESOLVED

That the application to grant a Premises Licence for 1 The Courtyard at 26 West Street, Congleton be granted as follows:

### **Hours for the Sale and Supply of Alcohol**

Sunday to Thursday	09.00 to 00.00
Friday, Saturday and Sundays preceding Bank Holidays	09.00 to 02.00
New Years Eve	09.00 to 03.30

### **Regulated Entertainment (as applied for)**

Sunday to Thursday	09.00 to 00.00
Friday, Saturday and Sundays preceding Bank Holidays	09.00 to 02.00
New Years Eve	09.00 to 03.30

### **Late Night Refreshments**

Sunday to Thursday	23.00 to 00.00
Friday, Saturday and Sundays preceding Bank Holidays	23.00 to 02.00
New Years Eve	23.00 to 03.30

### **Hours Premises Open to the Public**

Sunday to Thursday	09.00 to 00.30
Friday, Saturday and Sundays preceding Bank Holidays	09.00 to 02.30
New Years Eve	09.00 to 04.00

Note: The Sub Committee imposed the terminal hours referred to above in order to prevent harm to the objective of the prevention of public nuisance, in the light of the close proximity of residential properties.

and subject to the following conditions –

1. The Designated Premises Supervisor or other nominated member of staff, shall take reasonable steps to regularly monitor the level of noise emanating from the premises, with particular regard to the level which can be heard at the boundary of the nearest residential property.
2. Regulated entertainment outdoors after 22.00 hours shall be at 'background' level only.
3. The Designated Premises Supervisor or other nominated member of staff, shall take reasonable steps to ensure that open vessels are not taken into the courtyard area after midnight.

Note: Conditions 1 to 3 have been imposed in order to prevent harm to the objective of the prevention of public nuisance. Conditions 4 to 14 were suggested by the Police and Environmental Health Department and are imposed on the grant of the licence as follows -

4. The proof of age scheme Challenge 25 will be operated for all sales of alcohol.
5. The Designated Premises Supervisor will regularly attend, or delegate to another responsible member of staff to attend, meetings of the local Pubwatch and actively support its aims.

6. A CCTV system will be installed at the premises to the satisfaction of the Police Licensing Officer and it must record at all times the premises are open to the public. Unedited images must be securely retained for at least 28 days and copies made freely available upon request to a constable or an employee of the Police Authority, Local Authority or SIA.
7. At all times the premises are open to the public there will be a member of staff on duty who is competent to operate the CCTV system and provide any copies requested.
8. Every Friday and Saturday and on New Years Eve there will be at least one door supervisor employed at the premises from 8pm until the premises close to the public, except when the ONLY part of the premises open to the public is the Tiamo restaurant at the front of the premises when this condition will not apply.
9. The premises licence holder shall take all responsible steps to ensure that no open vessel is taken out of the premises onto any public footway or highway.
10. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby residents.
11. Refuse such as bottles shall be disposed of from the premises at a time (i.e between 08:00 to 20:00) when it is not likely to cause a disturbance to residents in the vicinity of the premises.
12. There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly.
13. Whilst regulated entertainment is taking place, all windows and doors shall remain closed.
14. Regulated entertainment outside to cease by midnight (00:00).

The Sub Committee wished to highlight the fact that should problems relating to the licensing objectives be linked to the operation of licensable activities at this premises then Responsible Authorities or Interested Parties could call for a review of the licence at any time.

Both parties were informed of the right to appeal decisions to the Magistrates Court within 21 days of the date of the meeting.

The meeting commenced at 2.00 pm and concluded at 4.35 pm

Councillor Paul Whiteley