

Licensing Act Sub-Committee

Agenda

Date: Monday 20th December 2010
Time: 2.00 pm
Venue: The Capesthorpe 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 - Capesthorpe Pavilion, Capesthorpe Hall, Congleton Road, Siddington, Macclesfield, Cheshire (Pages 5 - 18)**

To consider an application for a Premises Licence in respect of Capesthorpe Pavilion, Capesthorpe Hall, Congleton Road, Siddington, Macclesfield, 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 ACT SUB-COMMITTEE

Date of Meeting:	20 December 2010
Report of:	Mr J Hopper, Licensing Officer
Subject/Title:	Application for a Premises Licence – Capesthorne Pavilion, Capesthorne Hall, Congleton Road, Siddington, 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 Mrs Natasha Jane Dodds and Ms Vicki Lee Thompson in respect of Capesthorne Pavilion, Capesthorne Hall, Congleton Road, Siddington, 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 Alderley

5.0 Local Ward Members

Councillor C Andrew, Councillor F Keegan and Councillor M Lloyd

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 2010/11 and beyond (Authorised by the Borough Treasurer)

- 7.1 Not applicable.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 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.

9.0 Risk Management

- 9.1 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.

10.0 Background and Options

- 10.1 The application is for Premises Licence granted under Section 17 of the Licensing Act 2003.

- 10.2 The operating schedule indicates that the relevant licensable activities applied for are:

Indoor sporting events

Boxing or wrestling

Live music

Recorded Music

Performance of dance

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

Provision of facilities for making music

Provision of facilities for dancing

Entertainment of a similar description to that falling within making music and dance

Late Night Refreshment

Sale of alcohol

- 10.3 The hours applied for are as follows:

Indoor sporting events

Monday to Sunday 12.00 to 01.00

Boxing or wrestling

Monday to Sunday 12.00 to 01.00

To take place indoors

Live music

Monday to Sunday 12.00 to 01.00

The performance of live music will take place both indoors and outdoors.

Non Standard timings. New Year till 02.00

Recorded Music

Monday to Sunday 12.00 to 01.00

The playing of recorded music will take place both indoors and outdoors.

Non Standard timings. New Year till 02.00

Performance of dance

Monday to Sunday 12.00 to 01.00

The performance of dance will take place both indoors and outdoors.

Non Standard timings. New Year till 02.00

Anything of a similar description to that falling within live, recorded music and dance

Monday to Sunday 12.00 to 01.00

This entertainment will take place indoors.

Provision of facilities for making music

Monday to Sunday 12.00 to 01.00

The facilities for making music will take place both indoors and outdoors.

Non Standard timings. New Year till 02.00

Provision of facilities for dancing

Monday to Sunday 12.00 to 01.00

The facilities for dancing will take place indoors.

Non Standard timings. New Year till 02.00

Provision of facilities for entertainment of a similar description to that falling within making music and dance

Monday to Sunday 12.00 to 01.00

The entertainment facility will take place both indoors and outdoors.

Non Standard timings. New Year till 02.00

Late Night Refreshment

Monday to Sunday 23.00 to 01.00

The provision of late night refreshment will take place both indoors and outdoors.

Non Standard timings. New Year till 02.00

Sale and supply of alcohol

Monday to Sunday 12.00 to 01.00

The sale of alcohol will be for consumption on the premises.

Non Standard timings. New Year till 02.00

10.4 Designated Premises Supervisor: Mrs Natasha Jane Dodds

10.5 Hours Premises are open to the public

Monday to Sunday 09.00 to 01.30

Non Standard Timings. New Year till 02.30

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

(a) Prevention of crime and disorder

Every event is attended by our own security firm.

We have close relations with the local Police..

(b) Public safety

Every event is attended by our own security firm.

Every event is overseen by 1 Event Manager.

Fire exits are maintained.

Health and Safety policy in place.

(c) Prevention of public nuisance

Every event is overseen by a dedicated event Manager.
The pavilion is manned.

(d) Protection of children from harm

Parents will be responsible for their children.
Challenge 25 shall be adopted.

(e) General

SIA Registered Security in attendance

10.7 Relevant Representations:

Responsible Authorities

10.7.1 The Police state in their response:

Application received 15 October 2010 for the Grant of a Premises Licence for Capesthorne Pavilion. The Pavilion is situated adjacent to Capesthorne Hall and is a semi-permanent structure – effectively a solid sided marquee – for which further Planning Permission will be applied for in 2011.

In the main it will be, and has been under TEN's, used for the likes of weddings and corporate events so far on an occasional basis and the building can cater for up to 450 guests with all the attendant toilet & catering facilities available on site. It will not be open to the general public.

Neither of the applicants has, as yet, obtained a Personal Licence and until they do I have suggested that the DPS should be Allan MORRIS who is presently DPS at Capesthorne Hall and since this application is effectively a 'Joint Venture' I see no problems with that.

At most events there will be registered SIA Security on duty and subject to any observations that may come from Environmental Health Officers there are No Police Representations at this stage.

10.7.2 Environmental Health – No response received.

10.7.3 Cheshire Fire Service – No response received.

10.7.4 Local Planning Authority – No response received.

10.7.5 Local Safeguarding Children Board – As Police response.

10.7.5 Health and Safety Officer – No response received.

10.7.6 Trading Standards – No representation.

Interested Parties

The Licensing Authority has received representation from two neighbour objectors. Details of these representations are appended to this report.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Mr J Hopper
Designation: Licensing Officer
Tel No: 01625 504205
Email: jim.hopper@cheshireeast.gov.uk

APPENDICES

Appendix 1- 2 Neighbour Objections
Appendix 3 Plan of area

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The Licensing Section,
Cheshire East Council,
Town Hall,
Macclesfield,
Cheshire, SK10 1DX.

Siddington,
Macclesfield,
Cheshire,
SK11

10th November 2010.

Tel.

Email

Dear Sir or Madam,

Licence for Capesthorne Pavilion – Mrs N J Dodds & Ms V L Thompson.

I am writing to express my possible concern at the above Application recently advertised in the local newspaper.

Hoping to learn more about the intentions of the applicants I visited the Town Hall but was told that I couldn't see the Application as parts of it were confidential. I was able to telephone the Licensing Section but the lady I spoke to was not able to add anything more than the details shown in the advertisement.

It was whilst I was ... that the original Planning Application for the Pavilion was made ... for use for 'Weddings and Corporate Events'. No Parish Councillors had any objections and the Council as a whole said 'No objection' to the Application.

Though it may not be, technically, a 'change of use' as far as planning is concerned, the present Licensing Application does surely constitute that ?

Although the prevailing wind does not normally blow in our direction, we do hear loud music or sounds from other events in the grounds of Capesthorne Hall, particularly at night. Speaking for my wife and I, we have no problem on these occasions as they are infrequent and we certainly support any community events of this nature.

My concern relates to the application for 7 days up to 0100 hours. Many people in this farming community have to get up early and loud music – coming from a 'temporary' building, which obviously doesn't have the same soundproofing as a permanent structure, as well as car doors slamming and other noise in the early hours – is unfair.

Many of those living in the areas that are most likely to be affected are tenants , or have connections with the Estate. (e.g. those living in Mill Lane). Thus there are bound to be many who are inhibited from raising objections to the present Application.

Exiting onto the A34, a fast and dangerous road, in the early hours - with a few drivers who no doubt have drunk more than they should have - is of course a matter for police consideration and is not my primary concern.

In conclusion I would ask that consideration is given to my concerns – particularly with regard to the 7 day – up to 0100 hrs – aspect of the Application.

Yours truly,

1/2
Mrs N. Cadman,
Licensing Section,
Town Hall,
Macclesfield,
SK10 1DX.

Siddington,
Macclesfield,
Cheshire

16th November 2010.

Tel.

Email

Your ref. 014829.

Dear Mrs Cadman,

**APPLICATION FOR A PREMISES LICENCE
CAPESTHORNE PAVILION.**

Thank you for your very prompt reply to my letter of 10th inst.

In the second paragraph of your reply dated 11th you say `... ..you are correct that the application is described as being specifically for corporate events and functions, such as weddings`. When I used this description of purpose I was referring to the original Planning Application for the erection of the pavilion. You now seem to be saying that the current Premises Licence application are for exactly the same purposes . Is this the case ?. I don't see boxing or wrestling being part of either corporate events or weddings.

The request to be licensed for " late night refreshment " for seven days of the week from 2300 – 0100 suggests a night club rather than either of the other two types of function.

If the applicant is not required to give the Licensing Authority any information about his or her intentions how can a fair judgement about the possible outcomes be made?. If the applicant does have to state their intentions why cannot the public be given the same details ?

How can the public make a judgement without such information ?. Indeed how can the Police or the Highways Authority ?.

You ask whether my " concern" about the application constitutes an " objection".

If the events turn out to be infrequent and of the type for which planning permission was granted then I have no objections at all. If we end up with a raucous nightclub open seven days a week then I have considerable objections.

(2)

I understand that one of the objectives of the Licensing Act 2003 was **` to allow local communities to have a say in licensing decisions `**.

How can they in these circumstances ?. Our Parish Clerk tells me that she has not received any notice of this application and few in this area read all the very small print in the Congleton paper in which the application was advertised.

Whilst I appreciate that it would not be fair for objectors to be able to hide behind the cloak of anonymity, I am sure that you will understand that , as I said in my previous letter, those tenants near to the Hall may feel inhibited in making their views known – however unfounded their concerns in this regard might be, (and I am confident that they would be unfounded).

I am sorry if you do feel frustrated at my inability to say whether my concerns amount to objections. Perhaps the Licensing Committee, with their experience , will be able to decide.

Thank you again for your thoughtful response to my first letter.

Yours truly,

1
1
Licensing Section
Cheshire East Council
Town Hall
Macclesfield.

Biddington
Macclesfield
SK 11

With Reference to the application for a Licences
at Capesthorne Pavilion Capesthorne Hall.
I live not too far away from this venue
and I can hear the noise from events that
take place at this venue more so in the summer
when we have windows open.
I would feel much happier if the volume from
these events was kept to an acceptable level
and the Hours for any of these events was
23-59 PM shut down.

Yours Faithfully

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1:30,000

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