

Licensing Act Sub-Committee

Agenda

Date: Monday, 6th June, 2011

Time: 9.30 am

Venue: The Tatton 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 the Variation of a Premises Licence: The Farmers Arms, 71 Chapel Lane, Wilmslow SK9 5JH (Pages 5 - 28)

To consider an application for the variation of a Premises Licence at The Farmers Arms, 71 Chapel Lane, Wilmslow, SK9 5JH

4. Application for a Premises Licence: Morrisons, 51 Whitecroft House, Water Lane, Wilmslow (Pages 29 - 38)

To consider an application for a Premises Licence in respect of Morrisons, 51 Whitecroft House, Water Lane, Wilmslow

5. **Application for a Premises Licence: Cafe Amma, 26-28 Green Lane, Wilmslow** (Pages 39 - 48)

To consider an application for a Premises Licence in respect of Cafe Amma, 26-28 Green Lane, Wilmslow SK9 1LD

THERE ARE NO PART 2 ITEMS

Agenda Annex

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 sees, colling with seese as enpropriate
4	Applicant	Will present his/her case, calling witnesses, as appropriate.
		(If necessary, applicant will produce any notices required by
		law. Legal Adviser will draw attention to this if required.)
		3 • • • • • • • • • • • • • • • • • •
5	Responsible	Each in turn may ask <u>questions</u> of the applicant, by way of
	Authorities (who	clarification.
	have made	
	representations)	

6	Local residents	To be invited to ask <u>questions</u> of the applicant, by way of
0	(ie. defined as	clarification.
	"interested parties")	
		It is normal practice for a spokesperson only to speak on
		behalf of a group of residents.
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	Will make their representations.
5	Authorities	Win make their representations.
10	Applicant	Or his representative or witnesses to ask questions of
		Responsible Authorities represented at the meeting, by way
		of clarification.
11	Local residents	May ask <u>questions</u> of the Responsible Authorities
	(ie. defined as "interested parties")	represented at the meeting, by way of clarification.
	interested parties)	(Note: This is not the point at which local residents
		should be stating their objections.)
		should be stating their objections.
12	Committee Members	May ask <u>questions</u> of the Responsible Authorities
		represented at the meeting
13	Local residents	The local residents who are objecting to the application will
	(ie. defined as	be invited to make observations on the application and
	"interested parties")	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 Deepengible Authorities and Legal
17	Chairman	To invite both Responsible Authorities and Local
		Residents to make their closing addresses.
18	Applicant	Or his representative will briefly summarise the application
	1-1	and comment on the observations and any suggested
		conditions.
19	Committee	Will retire to consider the application. The Committee may
		request the Legal Advisor to advise on legal issues.
20	Committee	Will return to give its decision, 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.

<u>Notes</u>

- 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:6th June 2011Report of:Mrs N Cadman, Licensing OfficerSubject/Title:Application for the variation of a Premises Licence
The Farmers Arms, 71 Chapel Lane, Wilmslow, SK9 5JH

1.0 Report Summary

1.1 The report provides details of an application for the variation of a premises licence to amend the plan annexed to the 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 the variation of a Premises Licence made by J W Lees & Co (Brewers) Ltd in respect of The Farmers Arms, 71 Chapel Lane, Wilmslow, SK9 5JH.

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 Wilmslow West & Chorley

5.0 Local Ward Members

Councillor Gary Barton Councillor Wesley Fitzgerald

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 2011/12 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 35 of the Licensing Act 2003 the Licensing Authority must, having regard to the representations, take such steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of

the licensing objectives. The steps referred to in sub-section 35(4) are (a) to modify the conditions of the licence; and (b) to reject the whole or part of 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 the variation of a Premises Licence under section 34 of the Licensing Act 2003
- 10.2 The operating schedule indicates that the application is only for the variation of the plan annexed to the Premises Licence in order to facilitate an external licensed beer garden to the front of the premises, within the existing boundary.
- 10.3 Designated Premises Supervisor: Mr John Eyres.
- 10.4 The operating schedule indicates that the conditions attached to the existing Premises Licence shall remain unaltered. However, following representation from the Environmental Health Officer, the following conditions have been agreed by the applicants:
 - 1. there shall be no additional lighting or heating to the front of the premises
 - 2. there shall be no external entertainment allowed to the front of the premises
 - 3 there shall be no external speakers
 - 4. there shall be a 21:00hrs curfew to the front of the premises
 - 5. The J.W Lees Operating Plan shall be included as a condition.
- 10.5 Relevant Representations

Responsible Authorities

- 10.5.1 The Police state in their response: There are no objections to this application to vary the Premises Licence.
- 10.5.2 The Environmental Health Officer states in his response: Following a telephone conversation with the applicants about the variation application to use the pub's front as a beer garden area I would like to comment thus. The premises has an extensive rear beer garden area and ample parking to the side. This rear beer garden also benefits from a playing field buffer to the rear. These open spaces help to protect the neighbours and the premises. As discussed with the applicant, it is recognised that the proposed front beer garden area is closest to residential neighbours across the narrow street. Thus the proposed use has significant potential to cause a noise disturbance to these domestic neighbours. The applicant confirms that the pub's management is very competent and I would not expect the noise generated to be as a result of anti social behaviour but rather just as a result of a large number of people congregating in one area chatting and laughing together, the noise from which is virtually impossible to manage out e.g. on a nice summers night. Thus may I suggest some practical measures to ameliorate the noise etc somewhat. If the proposal is permitted I suggest the following condition be imposed:
 - 1. that there shall be no additional lighting or heating to the front of the premises

- 2. that there shall be no external entertainment allowed to the front of the premises
- 3. that there are no external speakers
- 4. that there is a 21:00hrs curfew to the front of the premises

5. in line with the submitted documentation J.W Lees Operating Plan shall be included as a condition.

10.5.3 Cheshire Fire Service: No objections.

- 10.5.4 Local Planning Authority No response received.
- 10.5.5 Area Child Protection Committee No response received.
- 10.5.6 Health and Safety Officer No comments.
- 10.5.7 Trading Standards No response received.

Interested Parties

The Licensing Authority has received four representations from neighbour objectors and details of this are appended to this report.

11.0 Overview of Year One and Term One Issues

11.1 Not applicable

12.0 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 – 4 Representations from neighbour objectors
Appendix 5 - J.W Lees Operating Plan
Appendix 6 - Copy of existing Premises Licence and conditions
Appendix 7 – Plan of Premises
Appendix 8 – Plan of area

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31/03/11

APPENDIX 01

Dear Mrs Cadman Re: Farmers Arms - Beer Gooden Thank you for your prompt reply to My letter of the 29th March 2011 and yes I still wish to object Most Strongly to the application.

(i)

I note all the conditions I to 5 but do not believe they would be adhesed to especially No.4 the curfer of 21,00 hours.

As stated in my original letter 1 think there is a large enough Jorden to the rear of the premises and cannot see why on earth this application should be granted.

I remain,

Yours Faithfull.

APPENDIX 01

29 March 2011

Deur Sirs

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Re: Farmers Arms Beer Gauden

I am writing regarding the proposed beer gosden at the front of the Farmers Arms, I strongh object to this as I do not think it is needed or wanted. The Farmers has a very large gorden at the reas, the costers at the other end of the street which does have drinking at the front but they unlike the Farmers do not have a large rear gasden

I live right to the Farmers so this will accept me more than most, I sleep in the foot bedroom and in the summer have the window open, I do not want to listen to poople drinking outside a few feet from my property. I am not a killjoy and drink in the pub occasionally myself but I think this is a step to far.

As I savid the pub has a very large garden to the rear, they also have a large smoking shed slap barg up against , when I am in my Kitchen I can hear chairs been being moved and voices, so I do not think I should be subjected to more noise and discuption at the front, I have a flat wall and I bet people will sit on it, lease glasses etc.

CEC has already approved change of use for a shop near me to an Indian Take-A-way, we already have 2 chinese Take-A-ways so I think we have more than enough to put up with on this little bit of chapelhane. I wrote along with other residence objecting to the Indian Take-A-way but it was passed.

An I wasting my time writing this letter? CEC always seen to approve what the local residents don't want but this time I hope it will be a <u>NO</u>

Maybe I should apply for a refund on the Council Tax or a lower banding as I have So much to put up with !!

I have lived here for over 30 years, things have changed on the Street and not always for the better. I am not opposed to change but this proposed will not enhance the charater of the street

So please for once lister to a local resident not some faceless person who does not live here and who does not love and cure for the street

Yours faith fully

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l would appreciate a response to this letter place

- Vear Sir or Madam Re Juplanning application Farmon Arms chapel lane Wilmslow Ne the Local residents on chapellane Wilmston object to the planning opplication at the port of these establishment fore Various reasons, Since the smaland ban, it will encourage smoken to congregate a few feat away from the front of our properties , 2 could will be a haven for youths after hours, something we as resistents should not have to put up with, Luxing opposite a public house already has its down side.

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from a Safety as pect this a very busy Anven Constantly H.C. mounting the korbs, hardly on idea Indleing / Smolung ion on σu - 5 L area. the main poul- is, there estab s omple out-side Seating of the Near these puplic house, not affecting anybody is adequate to Satisfy a which , so why do they won demand these, maybe gread on the par extend the brewery, do they honestly believe bring more custom thise will These application, if granted would devalue our property a situation, nto usould no reside as _appeal against, also_ we wou tuse puplic house asond using - all s.al Bouden

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29 March 2011

The Licensing Department Cheshire East Council Macclesfield Town Hall Macclesfield Cheshire SK10 1DX

Dear Sirs,

Re JW Lees planning application Farmers Arms, Chapel Lane Wilmslow.

We the local residents on Chapel Lane, Wilmslow object to the planning application from JW Lees, to add outside seating at the front of this establishment for various reasons:

Since the smoking ban, it will encourage smokers to congregate a few feet away from the front of our properties, and could well be a haven for youths after hours, something we as resistents should not to have to put up with. Living opposite a public house already has it downside.

From a safety aspect, this is a very busy and narrow road with drivers constantly mounting the kerbs, hardly an ideal location an outside drinking/smoking area.

But the main point is, this establishment has ample outside seating at the rear of this public house, not affecting anybody, which is adequate to satisfy any demand, so why do they want to extent this, maybe greed on the part of the brewery, do they honestly believe this will bring more custom?

This application, if granted would devalue our property, a situation, we as residents would not stand for and would appeal against, we would also avoid using this public house at all costs!

Yours sincerely,

Local Residents

1011.

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APPENDIX 04

29 March 2011

The Licensing Department Cheshire East Council Macclesfield Town Hall Macclesfield Cheshire SK10 1DX

Dear Sirs,

Re JW Lees planning application Farmers Arms, Chapel Lane Wilmslow.

We the local residents on Chapel Lane, Wilmslow object to the planning application from JW Lees, to add outside seating at the front of this establishment for various reasons:

Since the smoking ban, it will encourage smokers to congregate a few feet away from the front of our properties, and could well be a haven for youths after hours, something we as resistents should not to have to put up with. Living opposite a public house already has it downside.

From a safety aspect, this is a very busy and narrow road with drivers constantly mounting the kerbs, hardly an ideal location an outside drinking/smoking area.

But the main point is, this establishment has a uple outside seating at the rear of this public house, not affecting anybody, v ich is adequate to satisfy any demand, so why do they want to extent this, maybe greed on the part of the brewery, do they honestly believe this will bring more custom?

This application, if granted would devalue our property, a situation we as residents would not stand for and would appeal against, we would also avoid using this public house at all costs!

Yours sincerely,

Local Residents Chapel/Lane, Wilmslow.





OPERATING PLAN

J W LEES

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1. Prevention of Crime & Disorder

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- (i) At J W Lees we recognise the need to encourage responsible drinking by our customers. Accordingly, there shall be no irresponsible drinks promotions at the premises.
- (ii) CCTV shall be installed at the premises and maintained in good working order.
- (iii) All CCTV recordings shall be kept for a minimum of 28 days and images provided to the Police or other Responsible Authorities on request.
- (iv) Staff will be trained in the need to avoid making any sale of alcohol to any person who is drunk.
- (v) A refusals log book will be kept at the premises and will be made available for inspection by a Police Officer or other authorised officer upon request.
- (vi) The need for door security will be assessed by the Premises Licence Holder and/or DPS on a regular basis and SIA registered door staff will be employed when and where the risk assessment deems this appropriate.
- (vii) All staff will be encouraged to monitor all customers entering and leaving the premises. We also encourage vigilance among staff to supervise customers in all parts of the premises.
- (viii) The Premises Licence Holder will adopt a zero tolerance policy towards illegal drugs within the premises.
- (ix) The Designated Premises Supervisor or his/her nominated representative will actively participate in the local Pubwatch scheme.

2. Public Safety

- (i) The premises will undertake regular risk assessments in order to ensure so far as possible the safety of its customers.
- (ii) The premises benefits from Public Liability Insurance.
- (iii) The Premises Licence Holder will consult with the local Fire Authority when appropriate.

- (iv) Fire safety equipment is maintained and certificated in accordance with required standards and intervals.
- (v) The premises will have a first aid box on site.
- (vi) All emergency exits will be unlocked and clear of obstruction at all times.
- (vii) No fire door shall be held open other than by approved devices.

3. <u>The Prevention of Public Nuisance</u>

- (i) The company are mindful of the concerns of residents and will take all reasonable steps to prevent nuisance.
- (ii) Local taxi numbers shall be available for customers to assist in ordering a taxi.
- (iii) Any outside area will be checked regularly to ensure it is clean, tidy and that any empty glasses are removed.
- (iv) Usage of vermin proof bins.
- (v) Refuse will be removed regularly and in a manner sensitive to needs of local residents.
- (vi) 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 patrons to leave the premises and the area quietly.

4. The Protection of Children From Harm

- (i) The premises will operate a "Challenge 21" policy by which any persons who are suspected of being under 21 years of age will be requested to produce evidence of ID. The only acceptable forms of identification will be a passport, photo driving licence and those carrying the PASS logo. Should this not be forthcoming or the ID produced considered unsatisfactory, the sale will be refused.
- (ii) Notices will be displayed in prominent positions at the premises indicating that the Challenge 21 policy is in force.
- (iii) Staff training will include the Challenge/Think 21 Policy and its operation.

- (iv)To keep written records of all training provided in respect to the law relating to underage sales of alcohol. Staff to sign and date records to confirm that training has been received and understood.
- (v) No children under 18 are to enter the premises (except accessing toilet facilities) unless accompanied by an adult.

Summary

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J W Lees are a sixth generation family company who take great pride in working closely with all responsible authorities for mutual benefit. It is the intention of J W Lees to offer our customers the opportunity to socialise in a welcoming, enjoyable and safe environment. We fully understand our responsibilities as an alcohol retailer and as a result, are active supporters of local and national initiatives to both curb anti-social behaviour and promote responsible drinking.





Premises Licence Summary

Premises Licence Number:

Premises Details

MBC/PR/0128

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

The Farmers Arms 71 Chapel Lane Wilmslow Cheshire

Post Town: Wilmslow

Post Code: SK9 5JH

Telephone Number: 01625 532443

Where the Licence is time limited, the dates:

Not applicable

Licensable activities authorised by the Licence:

Live Music Recorded Music Sale and supply of alcohol Late night refreshment

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

Live Music (to take place indoors) Monday to Sunday 10.00 to 24.00

Recorded Music Monday to Sunday 10.00 to 24.00

Sale and supply of alcohol Monday to Thursday and Sunday 10.00 to 24.00 Friday and Saturday 10.00 to 01.00

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend. A further additional hour every Christmas Eve.

From the end of permitted hours on New Years Eve to the commencement of permitted hours on New Years Day.

APPENDIX 00

Late night refreshment

Monday to Saturday 23.00 to 23.30

From the end of permitted hours on New Years Eve to 05.00 on New Years Day.

The opening hours of the Premises:

Monday to Thursday and Sunday 10.00 to 00.30 Friday and Saturday 10.00 to 01.30

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend. A further additional hour every Christmas Eve.

From the end of permitted hours on New Years Eve to the commencement of permitted hours on New Years Day.

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

For consumption either on or off the premises

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

J W Lees & Co (Brewers) Ltd

Greengate Brewery Middleton Junction Manchester M24 2AX

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

557225

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

Mr John Eyres

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

There shall be no unaccompanied children in the premises.

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

(1) He is the child of the holder of the premises licence.

(2) He resides in the premises, but is not employed there.

(3) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.

(4) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

Mr A Potts On behalf of Cheshire East Borough Council

Annex 1 - Mandatory Conditions

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.

Annex 2 - Conditions consistent with the Operating Schedule

Prevention of Crime and Disorder

1. There shall be lighting in the car park of the premises.

Public Safety

2. There shall be fire extinguishers at the premises.

3. The premises shall have a smoking charter.

Prevention of Public Nuisance

4. Customer departure from the premises shall be managed.

5. The windows at the premises shall be lockable/closed windows.

Protection of Children from Harm

6. There shall be no unaccompanied children in the premises.

General – All Licensing Objectives

7. There shall be a 30 minute drinking up time will allow appropriate dispersal, use of lavatories etc.

8. Where there is provided in the Premises an entertainment for children, or an entertainment at which the majority of the persons attending are children, then, if the number of children attending the entertainment exceeds one hundred, it shall be the duty of the person providing the entertainment to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate, and to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and to take all other reasonable precautions for the safety of the children

9. Where the occupier of the Premises permits, for hire or reward, the Premises to be used for the purpose of an entertainment, he shall take all reasonable steps to secure the observance of the provisions of condition 8 above.

10. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

(1) He is the child of the holder of the premises licence.

(2) He resides in the premises, but is not employed there.

(3) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.

(4) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

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

1. Live music must not be audible from any residential premises (noise sensitive point) after 23.00.

Annex 4 - Plans

Please see attached











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CHESHIRE EAST COUNCIL

REPORT TO: LICENSING ACT SUB-COMMITTEE

Date of Meeting:	6 th June 2011
Report of:	Mrs N Cadman, Licensing Officer
Subject/Title:	Application for a Premises Licence
-	Morrisons, 51 Whitecroft House, Water Lane, Wilmslow

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 made WM Morrison Supermarkets Plc in respect of Morrisons, 51 Whitecroft House, Water Lane, Wilmslow.

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 Wilmslow West & Chorley

5.0 Local Ward Members

Councillor Gary Barton Councillor Wesley Fitzgerald

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 2011/12 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 the variation of a Premises Licence under section 17 of the Licensing Act 2003
- 10.2 The operating schedule indicates that the application is for the following licensable activity:

Supply of alcohol (for consumption off the premises) Monday to Sunday 06.00 to 24.00

The hours the premises are to be open to the public: Monday to Sunday 06.00 to 24.00

- 10.3 Designated Premises Supervisor: Nicola Wood.
- 10.4 The operating schedule includes the following steps:

General – all four licensing objectives

The premises will be constructed in accordance with drawing no. WIL/A/1/BWSL/001 as served with the application or in the case of alteration to those plans any further plans served on the responsible authorities and licensing authority prior to completion of the premises.

All staff engaged in the sale of alcohol will be trained in accordance with established WM Morrison Supermarkets Plc training procedures.

The prevention of crime and disorder

All staff will receive suitable training (including refresher training) in relation to the proof of age "task 25" scheme to be applied on the premises. The following forms of identification are acceptable: photo driving licence, passport, proof of age standards scheme (PASS) card and any other locally or nationally approved form of identification.

CCTV shall be provided on the premises and shall be kept in good working order.

All checkout operators will operate a refusal log.

Public safety

WM Morrison Supermarkets Plc undertakes ongoing risk assessments in order to comply with Health and Safety legislation.

The prevention of public nuisance

The premises are responsibly managed and supervised. No additional measures are believed necessary.

The protection of children from harm

All staff will receive suitable training (including refresher training) in relation to the proof of age "task 25" scheme to be applied on the premises. The following forms of identification are acceptable: photo driving licence, passport, proof of age standards scheme (PASS) card and any other locally or nationally approved form of identification.

Till prompts are in use at the store.

10.5 Relevant Representations

Responsible Authorities

- 10.5.1 The Police state in their response: Application received 29th March 2011, for a Premises Licence at Morrisons, 51 Whitcroft House, Wilmslow. The premises are situated in Wilmslow Town close to all amenities. The store is due to open sometime in August 2011 and the Temporary Designated Premises Supervisor is Nicola Wood b 15/01/1975, when the store is due to open a permanent Designated Premises Supervisor will be in place. This application meets the four licensing objectives to the satisfaction of the Police and providing these are met there are no Police representations.
- 10.5.2 Environmental Health No response received:
- 10.5.3 Cheshire Fire Service: No objections.
- 10.5.4 Local Planning Authority No response received.
- 10.5.5 Area Child Protection Committee No response received.
- 10.5.6 Health and Safety Officer No response received.
- 10.5.7 Trading Standards No response received.

Interested Parties

The Licensing Authority has received representations from three neighbour objectors and details of this are appended to this report.

11.0 Overview of Year One and Term One Issues

11.1 Not applicable

12.0 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: 01270 685957 Email: nikki.cadman@cheshireeast.gov.uk

APPENDICES

Appendices 1 – 3 Representations from neighbour objectors Appendix 4 - Plan of area

APPENDIX 01

From: Sent: 26 April 2011 15:29 To: LICENSING (Cheshire East) Subject: MORRISONS SUPERMARKET - WATER LANE WILMSLOW

Sir,

It is a point of great concern to learn about the proposed application for extended licensing hours of the above premises. The carpark to thiese premises adjoins our property and therefore is of particular concern. the hours would mean an almost 24 hour usage of teh area at the back of our homes (the 6 hour closure time, would just about allow for deliveries and garbage collection); the additional parking may then be accompanied by an application for additional lighting which would impact on our homes; the noise fand pollution from delivery vans, service users etc from this virtual 18 hour 7 day week application would be intolerable.

the proposed hours for trading (0600/24.00) are wholly unreasonable and in direct contravention to planning consent foruse of the building use Class A3 limits the hours of opening to 2230 Mon-Sun in the interests of neighbouring occupiers amenity.

This application has been made without regard or respect to the environment in which it is situated. In the past there have been incidents of youths using the area inappropriately, which this extended usage would certainly encourage a resurgence of these activities (epsecially if fuelled by alcohol)

we would strongly urge a refusal of this application - the town has 3 supermarket outlets already, so this provision is totally without merit. Furthermore, the cavalier way in which the applicants have made this proposal, without negotiation or thought to the local community, is a clear indicator that they are soley interested in short term gain and not in developing and supporting community in the widest aspect.

Please let us know when this application is to be considered, as we would very much like the opportunity to talk to the deciding parties about its' impact on community life.

Wilmslow Cheshire SK9 5AY

APPENDIX 01

From: Sent: 26 April 2011 14:56 To: LICENSING (Cheshire East) Subject: Morrisons - Whitecroft House, 51 Water Lane, Wilmslow, SK9 5AW

Morrisons have applied for an alcohol license for a proposed outlet on this site. The requested license is to sell alcohol up until midnight 7 days week. I would like to ensure that the terms of the proposed license are aligned with the interests of the local community.

The proposed store is in the middle of a residential area. I am sure that there will be many benefits to the local community from a convenience store. However, selling alcohol up until midnight 7 days per week is likely to bring back anti-social behaviour to the area. Following the relaxation to licensing rules in the Wilmslow area about eight or nine years ago, we experienced a wave of mindless hooliganism in my road and those adjacent to us, near to the proposed Morrisons stores. The vandalism predominantly occurred late on Friday and Saturday nights. My car was attacked on three occasions as were numerous cars of my neighbours. Following complaints to the Police and our local MP, the situation appeared to improve after the demise of a number of pub chains operating in Wilmslow in 2008 and beyond. Information from the Police suggested that the vandalism and anti-social behaviour was caused by alcohol fuelled young people.

I am very concerned that the introduction of a supermarket selling alcohol up until midnight will cause us to return to the days when the local residents and Police feared every Friday and Saturday night in Wilmslow.

I would like to suggest that the Council imposes the following conditions on any alcohol license for the proposed Morrisons site:-

Alcohol will not be sold after 9.00pm on any night of the week, specifically not on Friday and Saturday nights;
 No alcohol can be sold to anyone under the age of 21;

3. All alcohol sales must be accompanied by proof of age documentation;

4. A ban on drinking in public/street drinking is imposed within a quarter mile radius of the Morrisons store. Morrisons are given a duty to inform all of their alcohol customers of this ban and provide the Council with the resources to police this ban;

5. Morrisons are required to provide all streets in the local area with a regular (daily) street cleansing service to remove the extra litter their store, and the associated sale of alcohol, is bound to create;

6. The Police and the Council attend Morrisons store regularly in the early months of trading to ensure that Morrisons store management know that they are serous about ensuring that Morrisons stick to the
APPENDIX 02

terms of their license.

Thanks very much for your help.

Best wishes.

Wilmslow, Cheshire, SK9 5BP

From: Sent: 25 April 2011 21:45 To: Licensing Mail Box (Congleton); LICENSING (Cheshire East) Subject: MORRISONS SUPERMARKET LICENCE APPLICATION - FORMER WHITECROFT OFFICES, WATER LANE, WILMSLOW

Dear Sir/Madam,

Having been made aware of the above application we would like to register an objection.

We reside at Wycliffe Avenue and our house is to the premises for which the application is being made, indeed our house overlooks both the premises and its car park.

The proposed hours for the undertaking of licensable activities, 0600 to 2400 Monday to Sunday, are wholly unreasonable for a building sited adjacent to residential properties. Indeed the Planning Consent for use of the building for Use Class A3 limits the hours of opening to 2230 hours Monday to Sunday in the interests of neighbouring occupiers amenity.

Historically the car park of the premises has been used by young adults as an area to congregate, drink alcohol and play football late into the evening, up to 1am sometimes. Should the proposed licensing hours be granted theses young adults would have a ready supply of alcohol late into the evening thereby potentially increasing the frequency of their nuisance behaviour.

The parking provisions for the building are at the car park directly behind our property and we are concerned that the early morning and late opening times proposed would entail us being subjected to unacceptable levels of noise from shoppers visiting the premises during these hours and also from supply deliveries and waste collections being made. This would reduce our enjoyment of our garden on weekday evenings and at weekends and may disturb our sleep with opening hours up to 2400.

We are already regularly subject to noise disturbance from maintenance works carried out on the premises. Gardening services are usually carried out at weekend and on Public Holidays to fit around the current hours of opening of the premises for office use. Other maintenance such as pressure washing and window cleaning are also routinely undertaken out of hours. Any proposed increase in hours of operation on the premises would only lead to the "maintenance window"

APPENDIX 03

being reduced further thereby increasing the disturbance to adjacent residents.

There is also a potential impact on Wycliffe Avenue itself. The Avenue is currently subject to a residents parking scheme and an access only order. With a small supermarket in such close proximity shoppers may be tempted to abuse the parking regulations on our avenue and try and park for a short time whilst doing their shopping. Wycliffe Avenue is a "no through road" therefore any traffic wrongly entering the avenue would have to make a turn in the road to exit. This has safety implications for both the car users and the residents of Wycliffe Avenue.

The concerns raised above would have a significant impact on the amenity of the local residents and we would be keen to make representation when the Council meets to consider the application.

Regards,

Wilmslow Cheshire SK9 5AY



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CHESHIRE EAST COUNCIL

REPORT TO: LICENSING ACT SUB-COMMITTEE

Date of Meeting:	Monday 6 th June 2011 at 13.00hrs
Report of:	Mrs N Cadman, Licensing Officer
Subject/Title:	Application for a Premises Licence
-	Cafe Amma, 26-28 Green Lane, Wilmslow

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 Café Amma Ltd in respect of Cafe Amma, 26-28 Green Lane, Wilmslow, SK9 1LD.

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 Wilmslow East
- 5.0 Local Ward Members Cllr Rod Menlove

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 2011/12 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 under section 17 of the Licensing Act 2003.
- 10.2 The operating schedule indicates that the relevant licensable activities applied for are:

Live Music Recorded Music 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

10.3 The hours applied for are as follows:

Live Music

(to take place indoors only) Monday to Sunday 12.00 to 23.00

Recorded Music

(to take place indoors only) Monday to Sunday 12.00 to 24.00

Sale and supply of alcohol

(for consumption both on and off the premises) Monday to Sunday 12.00 to 23.00

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

(to take place indoors only) Monday to Sunday 12.00 to 24.00

Provision of facilities for making music

(to take place indoors only) Monday to Sunday 12.00 to 24.00

Provision of facilities for dancing

(to take place indoors only) Monday to Sunday 12.00 to 24.00

Provision of facilities for entertainment similar to music and dance

(to take place indoors only) Monday to Sunday 12.00 to 24.00

Late Night Refreshment

(to take place both indoors and outdoors) Monday to Sunday 23.00 to 24.00

Other times the premises are proposed to be open:

Monday to Sunday 08.00 to 24.00

- 10.4 Designated Premises Supervisor: Abdul Ahad
- 10.5 The operating schedule includes the following steps to promote the licensing objectives:
 - (a) Prevention of crime and disorder

The Licence Holder shall ensure that all staff understand the social responsibilities associated with the sale and supply of intoxicating liquor.

Measures shall be taken to prevent customers leaving the premises with open bottles or glass drinking vessels.

CCTV shall be installed and shall record during opening hours and records shall be kept for a minimum of 28 days. Copies of the CCTV recordings shall be made available to the relevant authorities as soon as reasonably practicable.

There shall be entry and exit policies including proof of age, responsible management of group admissions, non-admission to persons who are drunk and or disorderly or are identified as excluded. There shall be a dispersal policy.

Measures shall be taken to promote sensible drinking, including a commitment not to participate in any promotions which could encourage binge drinking.

There shall be adequate training provided to bar staff to ensure compliance with the law, including documenting such training.

There shall be appropriate levels of exterior lighting to discourage disorder.

(b) Public safety

Toughened safety glass shall be in use at the premises.

The containment of empty bottles shall be secured by one way recepticles and prompt clearing of empty glasses throughout operating times.

Full risk assessments appropriate for the proposed premises operation shall be carried out.

There shall be provision of access routes for emergency vehicles, which shall be kept free of obstruction, and procedures for emergencies including calling the emergency services.

There shall be regular electrical safety and gas safety checks.

Staff shall be trained in evacuation procedures at all times whilst the premises is in use.

There shall be adequate and appropriate first aid equipment and materials available on the premises with sufficient trained first aiders.

The sanitary facilities shall be maintained.

There shall be adequate lighting in place.

There shall be provision and maintenance of appropriate ventilation systems in place.

(c) Prevention of public nuisance

There shall be noise assessments to identify measures required to prevent public nuisance.

Doors and windows shall be kept shut, except for access and egress.

There shall be control over sources of noise, i.e. refrigeration units.

Measures shall be taken to ensure customers leave quietly and minimise disturbance to residents in the area, i.e. signage.

There shall be a winding down period before the premises closes, changing lighting levels and promoting the sale of food and non-alcoholic drinks, also the provision of booking a taxi.

There shall be a zero tolerance policy towards persons who are rowdy when leaving the premises.

There shall be consideration of adequate parking provision in the locality.

The depositing of waste glass into recepticles shall be undertaken at times that will cause minimum disturbance to residents.

Measures shall be taken to prevent noxious smells from causing nuisance to residential properties.

Customers shall not be allowed to drink or dine outside from 22.00.

There shall be no external speakers outside and no live, recorded or background music to be audible outside.

When any form of regulated entertainment is taking place, doors and windows shall be closed.

(d) Protection of children from harm

Staff shall be trained to ensure compliance with the law in relation to consumption of alcohol by persons under the age of 18, including the prevention of adults buying alcohol for children.

Challenge 25 shall be adopted at the premises.

The seating and standing arrangements at the premises shall be suitable for children.

(e) General – all four licensing objectives

The Licence Holders shall ensure staff are trained to fully promote all four licensing objectives and this training shall be reviewed regularly and any appropriate changes for improvement shall be implemented.

10.6 Relevant Representations:

Responsible Authorities

10.6.1 The Police state in their response - Application received 23rd March 2011, for a Premises Licence at Cafe Amma, 26-28 Green Lane, Wilmslow.

This is the second application, a previous one was declared null and void due to administration errors on behalf of the applicants. Also the previous application did not fully promote the licensing objectives.

The premises are situated in Wilmslow Town Centre close to all amenities including residential properties and currently operates a bring your own alcohol for consumption with a meal.

This has previously caused problems with underage youths who have obtained alcohol which has then been consumed with a table meal, unfortunately this did get out of hand and created incidents of an Anti-Social nature, which Police had to deal with.

As a result, the applicants were spoken to and the problems addressed to the satisfaction of the Police.

This application meets the four licensing objectives to the satisfaction of the Police and providing these are met there are no Police representations.

10.6.2 The Environmental Health Officer states in his response – We would like the following to be conditioned with the aim of preventing public nuisance due to the proximity of nearby dwellings.

That the applicants plan to have a terminal hour of 22.00hrs for eating and drinking on the external area is made more robust –that this external area is not used at all (eg prevent people gathering etc) at this volunteered hour on each day of the week.

In addition that there is a condition stating that there would be no external speakers or other entertainment located or undertaken outside likely to cause annoyance to local residents.

That all doors and windows are kept closed to prevent internal noise escaping into the wider environment.

That a suitable kitchen odour abatement system be installed, used and maintained in perpetuity of the use

That management controls are used to monitor and control people noise as the external customer capacity is large and general people noise has the capacity to cause a disturbance.

As an informative the applicant should be aware of any planning restrictions that may apply to the premises eg hours of opening.

The Licensing Authority has received written agreement from the applicant to the Environmental Health Officer's requested conditions, please see Appendix 2 of the report.

10.6.3 Cheshire Fire Service – No comments.

- 10.6.4 Local Planning Authority No response received.
- 10.6.5 Local Safeguarding Children Board As Police response.
- 10.6.5 Health and Safety Officer No comments.

10.6.6 Trading Standards – No response received.

Interested Parties

The Licensing Authority has received a representation from a neighbour objector. Details of this are appended to this report. The neighbour objector has been made aware of the Environmental Health Officer's agreed recommended conditions.

11.0 Overview of Year One and Term One Issues

11.1 Not applicable

12.0 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: 01270 685957 Email: nikki.cadman@cheshireeast.gov.uk

APPENDICES

Appendix 1 Representation from neighbour objector. Appendix 2 Written agreement from applicant to Environmental Health conditions. Appendix 3 Plan of area.

APPENDIX 01

18th April 2011

Dear Sir/Madam

<u>Macclesfield Borough Council – Licensing Department</u> <u>RE Objection to application made by Am – Ma Restaurant Green Lane Wilmslow</u>

I understand that the above named restaurant has made an application to Macclesfield Borough Council for a licence to sell alcohol for consumption on the premises, which includes a large outdoor seating area immediately In addition, I understand an application has

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been made for a music and dancing licence.

As a 62 year old pensioner living of the restaurant, I wish to formally put in a strong objection to both of these licence being granted as the noise and disturbance is already a nuisance, particularly Thursday through to Sunday evenings when there are often groups of people in the outside seating area of the restaurant. I fear that this will only become more of a nuisance by the granting of a licence to sell alcohol and a music & dancing licence.

I have already had to make numerous complaints to environmental health and Wilmslow police because of the nuisance caused.

I look forward to receiving confirmation that my letter of objection has been received and is duly being taking into consideration.

Yours faithfully

7th April 2011

10+1

Mrs N Cadman Cheshire East Council Licensing Section Town Hall Macclesfield SK10 1DX

Dear Mrs Cadman

RE: Application For A Premises License Café Amma 26-28 Green Lane Wilmslow SK9 1LD

Thank you for your letter dated 6th April 2011.

Further to this we are happy to agree to the conditions stated by the Environmental Health Officer.

I hope this is satisfactory to your requirements. If you have any other queries please do not hesitate to contact me on 07952 900 990.

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Yours Sincerely

Mr Mohammed Choudhury Café Amma



CAFE AMMA, 26-28 GREEN LANE, WILMSLOW, CHESHIRE.

Scale 1:2500 NORTH

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