

# Licensing Act Sub-Committee

## Agenda

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**Date:** Monday, 11th February, 2013  
**Time:** 10.00 am  
**Venue:** Meeting Room A, Macclesfield Library, Jordangate,  
Macclesfield, Cheshire SK10 1EE

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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 disclosable pecuniary and non-pecuniary interests in any item on the agenda and for Members to declare if they have pre-determined any item on the agenda.

3. **Notice of Temporary Event: Aldeli, London Road, Alderley Edge SK9 7QB**  
(Pages 5 - 24)

To consider a temporary event notice which has been served in respect of Aldeli, London Road, Alderley Edge and the objection notice which has been received in respect of this temporary event notice.

### **THERE ARE NO PART 2 ITEMS**

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For requests for further information

**Contact:** Julie Zientek  
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**E-Mail:** [julie.zientek@cheshireeast.gov.uk](mailto: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.**

<b>1</b>	<b>Chairman</b>	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).
<b>2</b>	<b>Licensing Officer</b>	Will introduce and summarise the application, highlighting areas of contention or dispute.
<b>3</b>	<b>Committee Members</b>	May ask questions of the Licensing Officer
<b>4</b>	<b>Applicant</b>	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>
<b>5</b>	<b>Responsible Authorities (who have made representations)</b>	Each in turn may ask <u>questions</u> of the applicant, by way of clarification.

6	<b>Local residents</b> (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	<b>Committee Members</b>	Each in turn may ask <u>questions</u> of the applicant.
8	<b>Applicant</b>	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	<b>Responsible Authorities</b>	Will make their representations.
10	<b>Applicant</b>	Or his representative or witnesses to ask <u>questions</u> of Responsible Authorities represented at the meeting, by way of clarification.
11	<b>Local residents</b> (ie. defined as “interested parties”)	May ask <u>questions</u> of the Responsible Authorities represented at the meeting, by way of clarification.  <b>(Note: This is not the point at which local residents should be stating their objections.)</b>
12	<b>Committee Members</b>	May ask <u>questions</u> of the Responsible Authorities represented at the meeting
13	<b>Local residents</b> (ie. defined as “interested parties”)	The local residents who are objecting to the application will be invited <b><u>to make observations on the application</u></b> and present the bases of their objections.
15	<b>Applicant</b>	Or his representative or witnesses may ask <u>questions</u> of the Local Residents, by way of clarification.
16	<b>Committee Members</b>	May ask <u>questions</u> of the Local Residents.
17	<b>Chairman</b>	To invite both <b>Responsible Authorities</b> and <b>Local Residents</b> to make their closing addresses.
18	<b>Applicant</b>	Or his representative will <u>briefly summarise the application</u> and comment on the observations and any suggested conditions.
19	<b>Committee</b>	<u>Will retire</u> to consider the application. The Committee may request the Legal Advisor to advise on legal issues.
20	<b>Committee</b>	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

### LICENSING ACT SUB-COMMITTEE

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**Date of meeting:** 11 February 2013  
**Report of:** Peter Simester, Licensing Administration Officer  
**Title:** Notice of Temporary Event  
Aldeli, London Road, Alderley Edge, SK9 7QB

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#### 1.0 Report Summary

##### 1.1

The report provides details of a temporary event notice which has been given in respect of Aldeli, London Road, Alderley Edge, SK9 7QB. The notice confirms provision of the following licensable activities (i) the sale by retail of alcohol (for consumption on the premises), (ii) the provision of regulated entertainment, and (iii) the provision of late night refreshment.

##### 1.2

The Environmental Health Service has submitted an objection notice in relation to this temporary event notice.

#### 2.0 Recommendations

2.1 The Licensing Act Sub-Committee is requested to:

2.1.1 consider the temporary event notice served in relation to Saturday 9<sup>th</sup> March 2013 (starting at 19:30 on Saturday and finishing at 02:00 on Sunday 10<sup>th</sup> March 2013) and the objection notice received in respect of this temporary event notice; and

2.1.2 determine whether, having regard to the objection notice, to give a counter notice under section 105 of the Licensing Act 2003.

2.1.3 determine whether conditions on the current premises licence should be included on the temporary event notice.

#### 3.0 Reasons for Recommendations

3.1 The Licensing Act Sub-Committee has the delegated authority to consider this temporary event notice.

#### 4.0 Wards Affected

4.1 Alderley Edge

#### 5.0 Local Ward Member

5.1 Cllr Frank Keegan

## **6.0 Policy Implications**

6.1 The Council has adopted a Statement of Licensing Policy under the 2003 Act relating to its functions as a Licensing Authority under the Act.

## **7.0 Financial Implications (Authorised by the Director of Finance & Business Services)**

7.1 None.

## **8.0 Legal Implications (Authorised by the Borough Solicitor)**

8.1 Section 104 of the Licensing Act 2003 provides that where a 'relevant person' (i.e. the Chief Officer of Police or the Environmental Health Service) are satisfied that allowing a premises to be used in accordance with a temporary event notice would undermine a licensing objective, that 'relevant person' is required to give a notice ("an objection notice") stating the reasons for being so satisfied.

8.2 Where a licensing authority receives an objection notice it is required, by section 105(2) of the Licensing Act 2003 to:

a) hold a hearing to consider the objection notice, unless the premises user, the relevant person who gave the notice and the licensing authority agree that a hearing is unnecessary; and

b) having regard to the objection notice, give the premises user a counter notice if it considers it appropriate for the promotion of a licensing objective to do so.

8.3 In circumstances where an objection notice has been given (and not withdrawn) and the licensing authority has determined not to give a counter notice under section 105, the authority may impose one or more conditions on the standard temporary event notice if (a) the authority considers it appropriate for the promotion of the licensing objectives to do so; (b) if the conditions are already imposed on the premises licence that has effect in respect of the premises; and (c) the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.

## **9.0 Risk Management**

9.1 The Licensing Sub-Committee will hear representations made on behalf of both the premises user and the relevant authority that has submitted the objection notice and will make a decision on the basis of the evidence presented to it. The Licensing Act 2003 provides a right of appeal to the Magistrates' Court against the decision of the Local Authority.

## **10.0 Background and Options**

- 10.1 The premise which is subject of the temporary event notice is a licensed premises number PREM793 and known as Aldeli, Tower Buildings, Wilmslow Road, Alderley Edge, Cheshire, SK9 7QB and is attached to this report as Appendix 1
- 10.2 The temporary event notice served in relation to Saturday 9<sup>th</sup> March 2013 seeks to authorise: (i) the sale by retail of alcohol (for consumption on the premises); (ii) the provision of regulated entertainment; and (iii) the provision of late night refreshment between the hours of 19:30 and 02:00. The notice indicates that the event is a 40<sup>th</sup> birthday party with the sale of alcohol and entertainment provided by a DJ.
- 10.3 Objection from relevant authority:
- 10.3.1 The Environmental Health Service has submitted an objection notice in respect of this temporary event notice. A copy of the objection notice is attached as Appendix 2.
- 10.3.2. The Police have not submitted an objection notice in respect of the temporary event notice.

#### **11.0 Access to Information.**

There are no background papers associated with this report.

Name: Peter Simester  
Designation: Licensing Administration Officer  
TEL: 01270 371378  
Email: [licensing@cheshireeast.gov.uk](mailto:licensing@cheshireeast.gov.uk)

Appendix 1 - Temporary Event Notice

Appendix 2 - Premise Licence

Appendix 3 - Objection notice submitted by Environmental Health

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### Temporary Event Notice

Before completing this notice please read the guidance notes at the end of the notice. If you are completing this notice by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary.

You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)			
1. Your name <b>ILANA HIGHAM</b>			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input checked="" type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	<b>HIGHAM</b>		
Forenames	<b>ILANA</b>		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname			
Forenames			
3. Your date of birth		Day	Month
4. Your place of birth			
5. National Insurance Number			
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
Post town		Post code	
7. Other contact details			
Telephone numbers			
Daytime			
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail Address (if available)			
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)			

Post town	Post code
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address (if available)	

2. The premises	
Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2)	
ALDELI, LONDON ROAD, ALDERLEY EDGE, SK9 7QB	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
ALDELI, LONDON ROAD, ALDERLEY EDGE, SK9 7QB	
Please describe the nature of the premises below. (Please read note 4)	
CIRCULAR BUILDING USED AS A DAY TIME DELI - DINER. PREMISES USED FOR SALE OF ALCOHOL	
Please describe the nature of the event below. (Please read note 5)	
THE EVENT IS A 40TH BIRTHDAY PARTY. THERE WILL BE SALE OF ALCOHOL + ADS.	

3. The licensable activities
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Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on). (Please read note 6)		
The sale by retail of alcohol	<input checked="" type="checkbox"/>	
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>	
The provision of regulated entertainment	<input checked="" type="checkbox"/>	
The provision of late night refreshment	<input checked="" type="checkbox"/>	
Are you giving a late temporary event notice? (Please read note 7)	<input type="checkbox"/>	
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)		
MARCH 9th 2013 - MARCH 10th 2013.		
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)		
19.30 pm - 02.00 am		
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)		
60		
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 11)	On the premises only	<input checked="" type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input type="checkbox"/>

4. Personal licence holders (Please read note 12)		
Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you)	Yes	No
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If "Yes" please provide the details of your personal licence below. PERS 1515		
Issuing licensing authority	CHESHIRE EAST	
Licence number	PERS 1515	
Date of issue	18/4/12	
Date of expiry	18/4/22	
Any further relevant details		

5. Previous temporary event notices you have given (Please read note 13)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 14)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

7. Checklist (Please read note 15)	
I shall (Please mark the appropriate boxes with an "X")	
Send at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Send a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Send a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, send at least one	<input type="checkbox"/>

copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, send a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Make or enclose payment of the fee for the application	<input checked="" type="checkbox"/>
Sign the declaration in Section 9 below	<input checked="" type="checkbox"/>

<b>8. Condition (Please read note 16)</b>
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

<b>9. Declarations (Please read note 17)</b>	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence:	
(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and	
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	23/1/13
Name of Person signing	I. HIGHAM

For completion by the licensing authority

<b>10. Acknowledgement (Please read note 18)</b>	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	





### Premises Licence

**Premises Licence Number:**

**PREM 793**

#### Part 1 - Premises Details

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

Aldeli  
Tower Buildings  
Wilmslow Road  
Alderley Edge  
Cheshire

Post Town: Alderley Edge

Post Code: SK9 7QB

Telephone Number: 01625 585709

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

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

#### **Live Music**

Monday to Saturday 08:00 to 23:00 hours  
Sunday 10:00 to 22:00 hours

The performance of live music will take place indoors.

#### **Recorded Music**

Monday to Saturday 08:00 to 23:00 hours  
Sunday 10:00 to 22:00 hours

The playing of recorded music will take place indoors.

#### **Sale and supply of alcohol**

Monday to Saturday 11:00 to 23:00 hours  
Sunday 11:00 to 22:00 hours

The opening hours of the Premises:

Monday to Saturday 08:00 to 23:00 hours  
Sunday 10:00 to 22:00 hours

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

The sale of alcohol shall be for consumption on the premises only.

**Part 2**

Name, (registered) address, telephone number and email (where relevant) of holder of Premises Licence:

Adeli LLP  
Tower Buildings  
London Road  
Alderley Edge  
Cheshire  
SK9 7QB

Tel No: 01625 587509

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

Not known

Name, address and telephone number of designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol:

Personal Licence number and issuing authority of Personal Licence held by designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol:

Personal Licence Number: PERS1515

Issuing Authority: Cheshire East

Signed by Mrs N Cadman on behalf of  
Cheshire East Borough Council

Issued on 12<sup>th</sup> July 2012

**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
  - (a) 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.

**LICENSING ACT 2003 (MANDATORY LICENSING CONDITIONS) ORDER 2010**

**MANDATORY CONDITIONS**

**Condition 1**

(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

**Condition 2**

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

**Condition 3**

The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

**Condition 4**

(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

**Condition 5**

The responsible person shall ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.

**Annex 2 - Conditions consistent with the Operating Schedule**

**Prevention of Crime and Disorder**

1. There shall be digital CCTV installed, where the recorded images are kept for 28 days and can be kept for Police use.
2. There shall be permanent exterior lighting.
3. Excess stock shall be locked away.

**Public Safety**

4. Fire exits and extinguishers shall be maintained.
5. Anti bandit windows shall be installed throughout.
6. Emergency lighting and fire alarms shall be installed.

**Prevention of Public Nuisance**

7. Sound levels at the premises shall be carefully monitored to prevent noise being heard outside.
8. There shall be plenty of car parking available.
9. The bins shall not be emptied between 23:00 and 07:00 hours.

**Protection of Children from Harm**

10. Challenge 25 shall be adopted to safeguard children from underage sales.
11. There shall be due diligence to stop under age sales and refusal book shall be used.

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

1. Sound levels shall be monitored at the boundary of the nearest neighbouring property from 9pm each evening so that music being played is such that it cannot be heard above the general street noise beyond that boundary
2. The outside seating shall not be used after 9pm
3. The Designated Premises Supervisor (not the performer(s)) shall at all times have control of the amplification of live music.
4. Bottles shall not be disposed of outside the hours of 9pm and 9am.

**Annex 4 - Plans**

See attached.



## Licensing Act 2003 – Premises Licence

### Duration of a Premises Licence

A premises licence has effect until such a time that it is suspended, revoked or surrendered.

### Duty to notify change of name or address

The holder of a premises licence must, as soon as is reasonably practicable, notify the relevant licensing authority of any change of name or address.

Where the designated premises supervisor (DPS) under a premises licence is not the holder of the licence, he should notify the licensing authority of a change in name or address as soon as possible. The DPS must also notify the holder of the premises licence.

*Failure without reasonable excuse to comply with the above is an offence, and a person will be liable on summary conviction to a fine not exceeding level 2 on the standard scale (ie£500)*

### Duty to keep and display licence

The holder of a premises licence must ensure that the licence or a certified copy of it is kept at the premises in the custody of or under the control of the holder of the licence or a person who works at the premises whom the premises licence holder has nominated in writing. A notice should be prominently displayed at the premises specifying the position of any such nominee.

The premises licence holder has a duty to ensure that a summary of the licence or a certified copy of that summary is prominently displayed at the premises.

*Failure without reasonable excuse to comply with the above is an offence, and a person will be liable on summary conviction to a fine not exceeding level 2 on the standard scale (ie £500)*

### Duty to produce licence

A constable or an authorised person may require production of the premises licence for examination. An authorised person must, if requested, produce evidence of his authority to exercise the power.

*Failure without reasonable excuse to comply with the above is an offence, and a person will be liable on summary conviction to a fine not exceeding level 2 on the standard scale (ie £500)*

### Theft or loss of premises licence

Where a premises licence or summary is lost, stolen, damaged or destroyed, the holder of the licence may apply to the relevant licensing authority for a copy of the licence or summary. A fee of £10.50 is payable in relation to such an application.

Where an application is made for a replacement licence or summary the licensing authority must issue the holder of the licence with a licence or summary if it is satisfied that –

- (a) the licence or summary has been lost, stolen, damaged or destroyed; and
- (a) where it has been lost or stolen, the holder has reported that loss or theft to the police.

### Surrender of premises licence

Where the holder of a premises licence wishes to surrender his/her licence he/she may give the licensing authority a notice to that effect. The notice must be accompanied by the premises licence, or where that is not practicable, by a statement of the reasons for the failure to provide the licence. Where a notice of surrender is given, the premises licence lapses on receipt of the notice by the licensing authority.

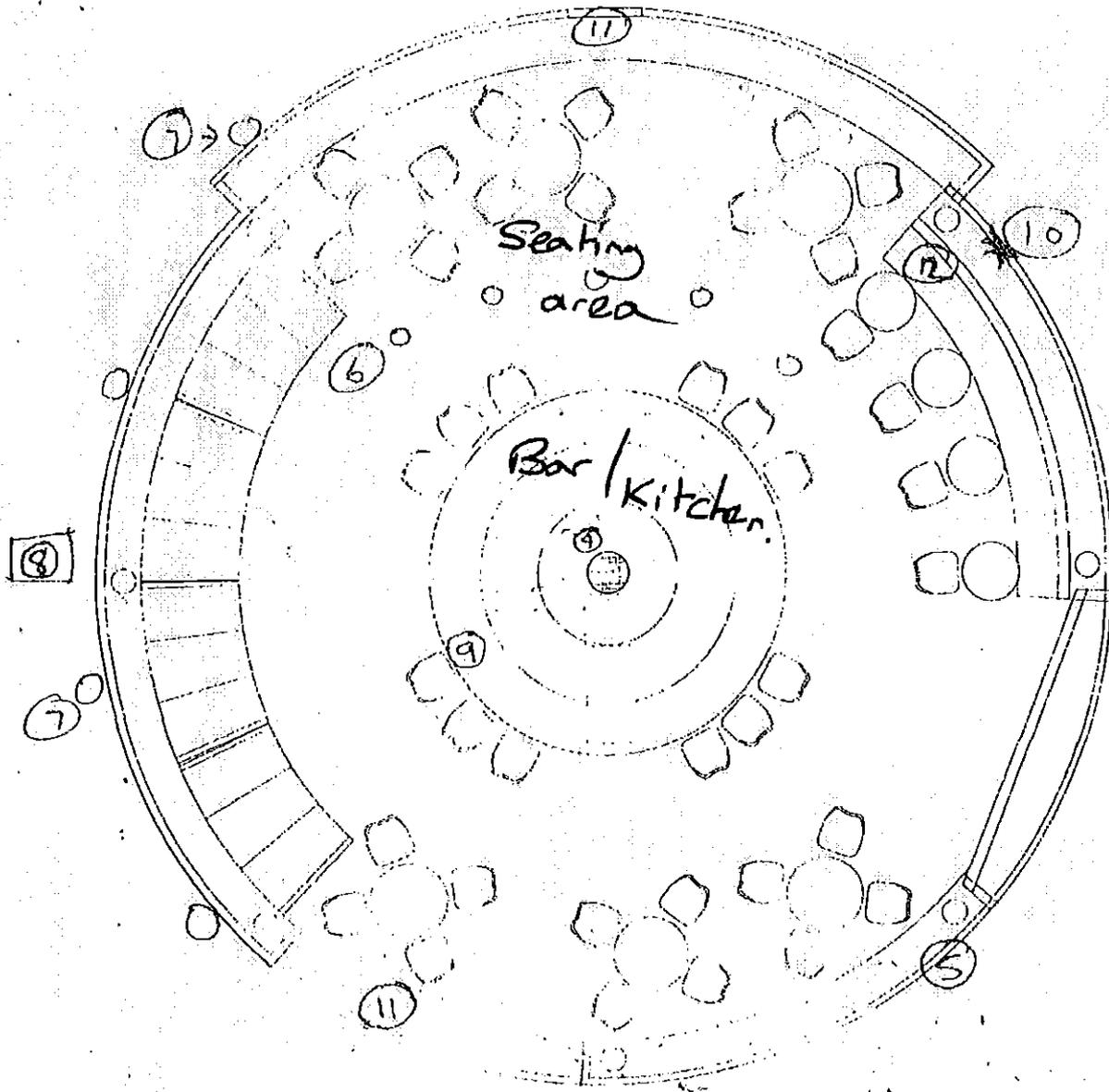
### Death, incapacity, insolvency of licence holder

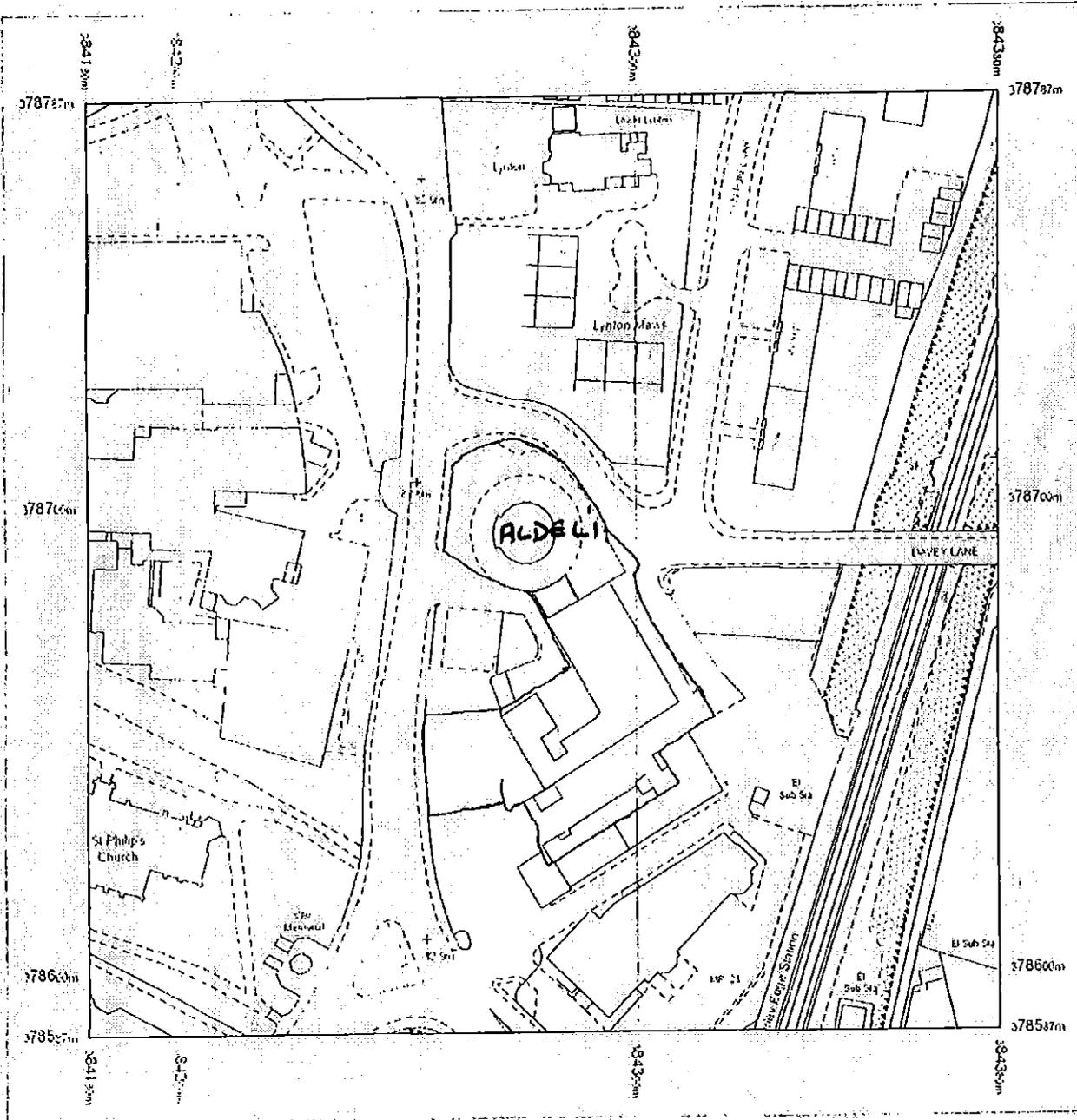
A premises licence lapses if the holder of the licence –

- (a) dies,
- (a) becomes mentally incapable (within the meaning of section 13(1) of the Enduring Powers of Attorney Act 1985)
- (b) becomes insolvent,
- (c) is dissolved, or
- (d) if it is a club, ceases to be a recognised club

(subject to provision for re-instatement in certain circumstances).

# Floor Plan of Albeli





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The representation of a road track or path is no evidence of a right of way.

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## LICENSING ACT 2003

### Environmental Health TEN Consultation Response

Date Received: 30 January 2013

Name of Applicant: Ilana higham

Address to which application relates: Aldeli  
London road  
Alderley edge  
Cheshire

Date of event(s): 9<sup>th</sup> to 10<sup>th</sup> March 2013

Approve

Object      Grounds :- Prevention of Public Nuisance

#### Observations

Aldeli is a fairly new licensed premises, having benefited from a change of use from a garage showroom/ sales office. We understand that the building has some form of listing protection being a unique round wholly glazed structure with only single glazing. The access does not benefit from a lobby / protected vestibule access and egress.

It is located in close proximity to residential dwellings/ Flats backing on to Davey Lane from Lynton Lane.

We believe that the proposed TEN use of opening and DJ until 2am on a Sunday morning will have significant detriment to the local area causing public nuisance to many homes in the vicinity. The building will not be able to contain the noise from such an event be that amplified music- DJ announcement and people noise during the calibration event- due to the nature of its construction and design. Being an all glass walled structure and single glazed with door opening from the venue room to outside.

In addition to this there is a strong potential for noise from people and vehicles leaving this event.

The applicant is well aware as to the noise sensitive nature of the area having been advised by this department of noise complaints from various uses and also in the premises licence application process where we provided much input and awareness. It is noted that Mr Higham volunteered his current opening times to take this into account the sensitive nature of this area this is also reflected in the outside areas curfew.

This in turn is reflected in the premises planning permission where a joined up approach was taken to have the licence and planning synchronised to 23.00hrs being the latest permitted on a Saturday night.

Thus this request falls outside the permitted planning permission time frame , which again was set to try and prevent disturbance from this use at neighbouring homes.

Following discussion with Mr Higham we understand that it is his plan to withdraw this TENs application rather than have it refused but due to the time frames involved this has not happened within the time frame for our objections thus rather than loose our opportunity we have had to make this formal representation.

Consequently Environmental Health must regretfully object to the granting of the Temporary Event Notice under the licensing objective of the prevention of public nuisance.

Signed.....Hamish Roscoe senior enforcement Officer Cheshire east Council Environmental health Dept.....  
date.....1.2.13.....