

Licensing Act Sub-Committee

Agenda

Date: Thursday, 22nd August, 2013
Time: 9.30 am
Venue: Committee Suite 1 & 2, Westfields, Middlewich Road,
Sandbach CW11 1HZ

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. **Application for a Premises Licence - Hot Spot, 46 Crewe Road, Alsager ST7 2ET**
(Pages 5 - 28)

To consider an application for a Premises Licence by Faisal Shaffique in respect of Hot Spot, 46 Crewe Road, Alsager ST7 2ET.

4. **Application to Vary a Premises Licence - Swan With Two Necks, 65
Chestergate, Macclesfield SK11 6DG** (Pages 29 - 60)

To consider an application by GRS Pub Investments Limited to vary a Premises Licence in respect of the Swan with Two Necks, 65 Chestergate, Macclesfield SK11 6DG.

THERE ARE NO PART 2 ITEMS

For requests for further information

Contact: Julie Zientek
Tel: 01270 686466
E-Mail: julie.zientek@cheshireeast.gov.uk

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CHESHIRE EAST COUNCIL

PROCEDURE FOR HEARINGS – LICENSING ACT 2003

The Licensing Committee

The full Licensing Committee consists of fifteen elected Members of the Council. From this full Committee will be drawn sub-committees of three members to deal with licensing functions under the Licensing Act 2003. The Chairman and Vice Chairman of the Licensing Committee shall have the discretion to refer a matter up to a hearing of the full Licensing Committee.

Officers at Hearings

- **The Committee Officer** introduces all parties and records the proceedings
- **The Legal Adviser** provides independent advice to the Members on legal matters and procedure.
- **The Licensing Officer** will introduce the matter and outline the application; the officer will also answer any questions Members may have.

PROCEDURE

NOTE: If the Sub-Committee has not already elected a Chairman, that will be the first item of business.

1	Chairman	The Chairman will: (i) call the matter to be considered; (ii) call for any declarations of interest; (iii) ask all parties to introduce themselves; (iv) summarise the procedure to be followed at the hearing; (v) will consider any request made by a party for another person to appear at the hearing; (v) will advise the parties of any maximum period of time in which it has to present its case (if a maximum is imposed this shall be equal for all parties).
2	Licensing Officer	Will introduce and summarise the application, highlighting areas of contention or dispute.
3	Committee Members	May ask questions of the Licensing Officer
4	Applicant	Will present his/her case, calling witnesses, as appropriate. <i>(If necessary, applicant will produce any notices required by law. Legal Adviser will draw attention to this if required.)</i>
5	Responsible Authorities (who have made representations)	Each in turn may ask <u>questions</u> of the applicant, by way of clarification.

6	Local residents (ie. defined as “interested parties”)	To be invited to ask <u>questions</u> of the applicant, by way of clarification. <i>It is normal practice for a spokesperson only to speak on behalf of a group of residents.</i>
7	Committee Members	Each in turn may ask <u>questions</u> of the applicant.
8	Applicant	May make a <u>statement</u> or ask his witnesses to clarify any matters which he feels are unclear, or may have been misunderstood.
9	Responsible Authorities	Will make their representations.
10	Applicant	Or his representative or witnesses to ask <u>questions</u> of Responsible Authorities represented at the meeting, by way of clarification.
11	Local residents (ie. defined as “interested parties”)	May ask <u>questions</u> of the Responsible Authorities represented at the meeting, by way of clarification. (Note: This is not the point at which local residents should be stating their objections.)
12	Committee Members	May ask <u>questions</u> of the Responsible Authorities represented at the meeting
13	Local residents (ie. defined as “interested parties”)	The local residents who are objecting to the application will be invited <u>to make observations on the application</u> and present the bases of their objections.
15	Applicant	Or his representative or witnesses may ask <u>questions</u> of the Local Residents, by way of clarification.
16	Committee Members	May ask <u>questions</u> of the Local Residents.
17	Chairman	To invite both Responsible Authorities and Local Residents to make their closing addresses.
18	Applicant	Or his representative will <u>briefly summarise the application</u> and comment on the observations and any suggested conditions.
19	Committee	<u>Will retire</u> to consider the application. The Committee may request the Legal Advisor to advise on legal issues.
20	Committee	Will return to <u>give its decision</u> , with reasons, which will be announced by the Chairman and subsequently confirmed in writing to the applicant and to all the parties that made representations.

		In cases where a decision cannot be given at the end of the hearing, parties will be advised of the decision within five working days.
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Notes

1. The hearing shall normally be held in public. There may be occasions on which the Committee find it necessary to exclude members of the press and public; any such decision will be taken on the basis that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing taking place in public.
2. The Chairman may require any person behaving in a disruptive manner to leave the hearing and may (a) refuse to permit that person to return, or (b) permit him/her to return only on such conditions as the authority may specify, but any such person may submit in writing any information which they would have been entitled to provide orally if they had not been required to leave.
3. Prior to the hearing each party shall have given notification and served documentation (eg statements of witnesses or reports of experts) as required. Late representations and evidence will only be considered with the agreement of all parties.
4. Anyone entitled to be heard may be represented by any person, whether or not that person is legally qualified.
5. Hearsay will be permitted but the Sub-Committee will be reminded to give it appropriate weight.
6. Due note shall be taken of the provisions of the Hearings Regulations 2005.
7. The Chair may, in the interests of expediency or convenience of the parties, vary the procedure from time to time, provided notice is given to the parties and the rules of natural justice are observed.

SUMMARY OF PROCEDURE

- 1 Chairman appointed (if this has not been done previously).
- 2 Chairman to call for declarations of interest and request that all parties introduce themselves.
- 3 Chairman summarises the procedure for the hearing
- 4 The Licensing Officer summarises the application
- 5 Applicant to present his/her case.
- 6 Applicant to be questioned by all parties (to clarify points only) following which, he/she can clarify any other matters which he/she feels may have been misunderstood when the application was presented.
- 7 Applicant to be questioned by the Committee.
- 8 Responsible Authorities to make their representations following which they can be questioned by all parties by way of clarification.
- 9 **Local residents** (defined as interested parties) will be invited to present the bases of their objections, following which they can be questioned by all parties by way of clarification.
- 10 The applicant will be invited to sum up his/her case
- 11 Committee/Sub-Committee withdraws to make its decision
- 12 Committee/Sub-Committee returns to announce its decision to all present.

CHESHIRE EAST COUNCIL

REPORT TO: LICENSING ACT SUB-COMMITTEE

Date of Meeting: Thursday 22nd August 2013 at 09.30am
Report of: Amanda Hinton, Licensing Administration Officer
Subject/Title: Application for a Premises Licence at
Hot Spot, 46 Crewe Road, Alsager, ST7 2ET

1.0 Report Summary

- 1.1 The report provides details of an application for premises licence and the proposed operating schedule together with details of relevant representations received in relation to the application.

2.0 Recommendations

- 2.1 The Licensing Act Sub-Committee is requested to determine the application for a Premises Licence by Faisal Shaffique in respect of:

Hot Spot
46 Crewe Road
Alsager
ST7 2ET

- 2.2 Acting in the capacity of Licensing Authority, Members must seek to promote the Licensing Objectives, and where Members consider matters have engaged one or more of the objectives, they may exercise their discretion.
- 2.3 Members of the Licensing Sub-Committee are reminded that they may not exercise discretion in any case, merely because it considers it desirable to, and should provide reason(s) for any decision taken, or where they might consider departing in any way from the Policy or Guidance.

2.4 Licensing Objectives / Guidance / Policy Considerations

- 2.4.1 The relevant representations engage the licensing objectives. The Sub-Committee in respect of this application is referred to the Guidance issued under Section 182 of the Licensing Act 2003, specifically those sections relating to the licensing objective, premises licenses and hearings. The licensing objectives are (a) the prevention of crime and disorder; (b) public safety; (c) the prevention of public nuisance; and (d) the protection of children from harm.

2.5 Statement of Licensing Policy

- 2.5.1 Members should carefully consider the relevant sections of the Council's Statement of Licensing Policy.

2.6 Members are reminded that should any conditions be added, they should be practical, enforceable and appropriate to promote the Licensing Objectives.

2.7 Finally, Members are also reminded that in determining the application in accordance with the Licensing Act 2003, Members must also have regard to:

- The rules of natural justice
- The provisions of the Human Rights Act 1998

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 Alsager

5.0 Local Ward Members

5.1 Cllr R Fletcher
Cllr D Hough
Cllr S Jones

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 (Authorised by the Director of Finance and Business Services)

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 appropriate for the promotion of the licensing objectives. Section 18(4) provides that the authority may:

- (a) Grant the licence subject to the relevant mandatory conditions and conditions consistent with the operating schedule
- (b) Modified the application to such extent as the Authority considers appropriate for the promotion of the Licensing Objectives
- (c) Exclude from the scope of the licence any of the Licensable Activities to which the application relates
- (d) Refuse to specify a person in the licence as the Premises Supervisor
- (e) 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, received on the 1st July 2013, is for the grant of a Premises Licence under section 17 of the Licensing Act 2003.

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

- Provision of Late Night Refreshment

10.3 The hours applied for are as follows:

- **Provision of Late Night Refreshment**
Monday to Thursday 23:00 hours to midnight
Friday to Sunday 23:00 hours to 02:00 hours

The provision of late night refreshment shall take place indoors.

- **Opening Hours of the Premises**
Monday to Thursday 15:30 hours to midnight
Friday to Sunday 15:30 hours to 02:00 hours

10.4 A copy of the application form is attached as Appendix 1.

10.5 Relevant Representations

Responsible Authorities:

10.6.1 The Police Licensing Officer suggested the following conditions be attached to the premises licence (if granted) and the applicant has agreed to these conditions:

An up to date register will be maintained at the premises by the Premises Licence Holder which records the following information for all individuals working at the premises:

1. Full name
2. Date & Place of Birth
3. National Insurance Number
4. Home Address
5. Start date when work commenced at the premises
6. Finish date when work ceases at the premises
7. A record that the individual has received a copy of the summary of the Premises Licence and when. The register will be kept at the premises at all times and will retain the above information for each individual for a period of at least 12 months after they cease to work at the premises.

Any individual providing Late Night Refreshment to members of the public must be provided with a copy of the summary of the current Premises Licence by the Premises Licence Holder before they are allowed to work in the premises. The Premises Licence Holder must at the time he provides the summary of the Premises Licence specifically draw the attention of every individual to the times when Late Night refreshment is authorised.

If the hours when Late Night Refreshment are authorised by the Premises Licence are varied, for any reason, the Premises Licence Holder must provide every individual working at the premises with a copy of the summary of the varied Premises Licence such that the individual receives that summary on the first occasion they work after the variation takes effect and record when that happens for each individual. The Premises Licence Holder must at the time he provides the summary specifically draw the attention of every individual to the times when Late Night Refreshment is authorised.

10.6.2 There were no responses from any of the other Responsible Authorities.

Other Persons:

10.6.3 The Council has also received the following representations:

- i. One relevant objection, which is attached to this report as Appendix 2
- ii. The Licensing Section also received a representation which was deemed to be invalid.

11.0 Access to Information

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

Name: Amanda Hinton
Designation: Licensing Administration Officer
Tel No: 01270 371116
Email: amanda.hinton@cheshireeast.gov.uk

APPENDICES

- Appendix 1 – Premises Licence application form
- Appendix 2 – 1 letter of objection to the application
- Appendix 3 – Plan of the area

PAID £190 - REC. 19/000666

FO27150.



28th DAY

29th JULY 2013

APPENDIX - 1

RECEIVED

- 1 JUL 2013

Application for a premises licence to be granted under the Licensing Act 2003

EMAIL RESP. AUTH ✓
WEB TEAM ✓

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/we FAISAL SHAFFIQUE (insert name(s) of applicant) apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description <u>46 CREWE RD ALSAGER</u>	
Post town <u>ALSAGER</u>	Post code <u>ST7 2ET</u>

Telephone number at premises (if any) 01270 877999

Non domestic rateable value of premises £ 5,900

Part 2 - Applicant Details

Please state whether you are applying for a Premises Licence as:

- Please tick ✓
- a) an individual or individuals* please complete section (A)
 - b) a person other than an individual*
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)

- iv. Other (for example a statutory corporation)
- c) a recognised club
- d) a charity
- e) The proprietor of an educational establishment
- f) A health service body
- g) A person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital
- h) The chief officer of police of a police force in England and Wales

<input type="checkbox"/>	please complete section (B)
<input type="checkbox"/>	please complete section (B)
<input type="checkbox"/>	please complete section (B)
<input type="checkbox"/>	please complete section (B)
<input type="checkbox"/>	please complete section (B)
<input type="checkbox"/>	please complete section (B)
<input type="checkbox"/>	please complete section (B)

Please tick ✓

*If you are applying as a person described in (a) or (b) please confirm:

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - Statutory function; or
 - A function discharged by virtue of Her Majesty's prerogative

<input type="checkbox"/>
<input type="checkbox"/>

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

SHAFFIQUE

FATIAL

Please tick ✓

I am 18 years old or over

Current postal address if different from premises address

[Empty box for current postal address]

Post Town

[Empty box for Post Town]

Postcode

[Empty box for Postcode]

Daytime contact telephone number

[Empty box for Daytime contact telephone number]

Email address (optional)

[Empty box for Email address (optional)]

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr Mrs Miss Ms Other title (for example, Rev)

Surname First names

Please tick

I am 18 years old or over

Current postal address if different from premises address

Post Town Postcode

Daytime contact telephone number

Email address (optional)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
2	8	06
2	0	13

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year

If 5000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Please give a general description of the premises (please read guidance note 1)

THE BUSINESS IS A FAST FOOD TAKEAWAY
SELLING HOT FOOD, PIZZA, BURGERS, CURRIES
NO AMPLIFIED MUSIC WILL BE PLAYED.

What licensable activities do you intend to carry on from the premises?
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick ✓

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performance of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of a films take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list. (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
				Outdoors	
Day	Start	Finish	Both		
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list. (Please read guidance note 5)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sat					
Sun					

G

Performance of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for the entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sat					
Sun					

I

Provision of facilities for making music Standard day and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing			
			Will the facilities for making music be indoors or outdoors or both – please tick (✓) (please read guidance note 2)		Indoors	
					Outdoors	
					Both	
Day	Start	Finish				
Mon			Please give further details here (please read guidance note 3)			
Tue						
Wed			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)			
Thur						
Fri			Non standard timings. Where you intend to use the premises for the provision of facilities for making music at different times to those listed in the column on the left, please list. (please read guidance note 5)			
Sat						
Sun						

J

Provision of facilities for dancing Standard days & timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (✓) (please read guidance note 2)		Indoors	
					Outdoors	
					Both	
Day	Start	Finish				
Mon			Please give a description of the facilities for dancing you will be providing			
Tue			Please give further details here (please read guidance note 3)			
Wed			State any seasonal variations for providing dancing facilities (please read guidance note 4)			
Thur						
Fri						
Sat						
Sun			Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list. (please read guidance note 5)			

K

Provision of facilities for entertainment of a similar description to that falling within (i) or (j) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing				
			Will the entertainment facility be place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	<table border="1"> <tr> <td>Indoors</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Outdoors</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Both</td> <td><input type="checkbox"/></td> </tr> </table>	Indoors	<input type="checkbox"/>	Outdoors
Indoors	<input type="checkbox"/>						
Outdoors	<input type="checkbox"/>						
Both	<input type="checkbox"/>						
Day	Start	Finish	Please give further details here (please read guidance note 3)				
Mon							
Tue							
Wed							
Thur							
Fri							
Sat							
Sun			State any seasonal variations for the provisions of facilities for entertainment of a similar description to that falling within (i) or (j) (please read guidance note 4)				
			Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within (i) or (j) at different times to those listed in the column on the left, please list. (please read guidance note 5)				

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)			
			<table border="1"> <tr> <td>Indoors</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Outdoors</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Both</td> <td><input type="checkbox"/></td> </tr> </table>	Indoors	<input checked="" type="checkbox"/>	Outdoors
Indoors	<input checked="" type="checkbox"/>					
Outdoors	<input type="checkbox"/>					
Both	<input type="checkbox"/>					
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon	23:00	12:00 MIDNIGHT				
Tue	23:00	12:00 MIDNIGHT				
Wed	23:00	12:00 MIDNIGHT				
Thur	23:00	12:00 MIDNIGHT				
Fri	23:00	02:00				
Sat	23:00	02:00				
Sun	23:00	02:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)			
			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list. (please read guidance note 5)			

M

Sale of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption on or off the premises or both – please tick (✓) (please read guidance note 7)	On the premises	
				Off the premises	
Day	Start	Finish		Both	
Mon			State any seasonal variations for the sale of alcohol (please read guidance note 4)		
Tue					
Wed					
Thur			Non standard timings. Where you intend to use the premises for the sale of alcohol at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Fri					
Sat					
Sun					

<p>State the name and details of the individual whom you wish to specify on the licence as premises supervisor</p> <p>Name</p> <p>Address</p> <p>Postcode</p> <p>Personal licence number (if known)</p> <p>Issuing licensing authority (if known)</p>

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

(This section is currently blank for entry.)

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	03.30 15.30 pm	12.00 am	Non standard timings. Where you intend to open the premises to be open to the public at different times from those listed in the column on the left, please list. (please read guidance note 5)
Tue	15.30 pm	12.00 am	
Wed	15.30 pm	12.00 am	
Thur	15.30 pm	12.00 am	
Fri	15.30 pm	02.00 am	
Sat	15.30 pm	02.00 am	
Sun	15.30 pm	02.00 am	

P

Describe the steps you intend to take to promote the four licensing objectives:

a) **General – all four licensing objectives (b, c, d, e) (please read guidance note 9)**

PREVENTING CRIME and DISORDER.
PUBLIC SAFETY.
PREVENTING PUBLIC NUISANCE
PROTECTING CHILDREN FROM HARM.

b) **The prevention of crime and disorder**

We have installed a state of the ART CCTV SYSTEM which can be viewed anywhere in the world over the internet. Recordings are kept for 30 DAYS.
Our main GLASS WINDOWS ARE TOUGHENED GLASS.
Our Premises are alarmed with a Security System.

c) **Public safety**

Our CUSTOMERS WILL STANDING/waiting in the customer area which is marked out in the PLAN.
Our STAFF IS TRAINED to Deal with FIRE emergencies and will inform the customers to exit building via FIRE exit.

d) **The prevention of public nuisance**

We will not be playing any music on TV.
The only noise that will be coming from our premises will be from the extractor FANS which are located at the back of the premises. These FANS are fitted with and encased within silencing houses/boxes.
We will display signs asking our customers to leave quietly/ORDERLY

e) **The protection of children from harm**

We will request children under age of 12 to be accompanied by an ADULT. We do NOT sell Alcohol.
We will make sure children place their orders correctly and understand how much they are paying.

Please tick ✓

- I have made or enclosed payment of the fee
- I have enclosed a plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the proposed premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

✓
✓
✓
✓
✓

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent. (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date 27/06/2013

Capacity OWNER/OCCUPIER

For joint applications signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent. (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

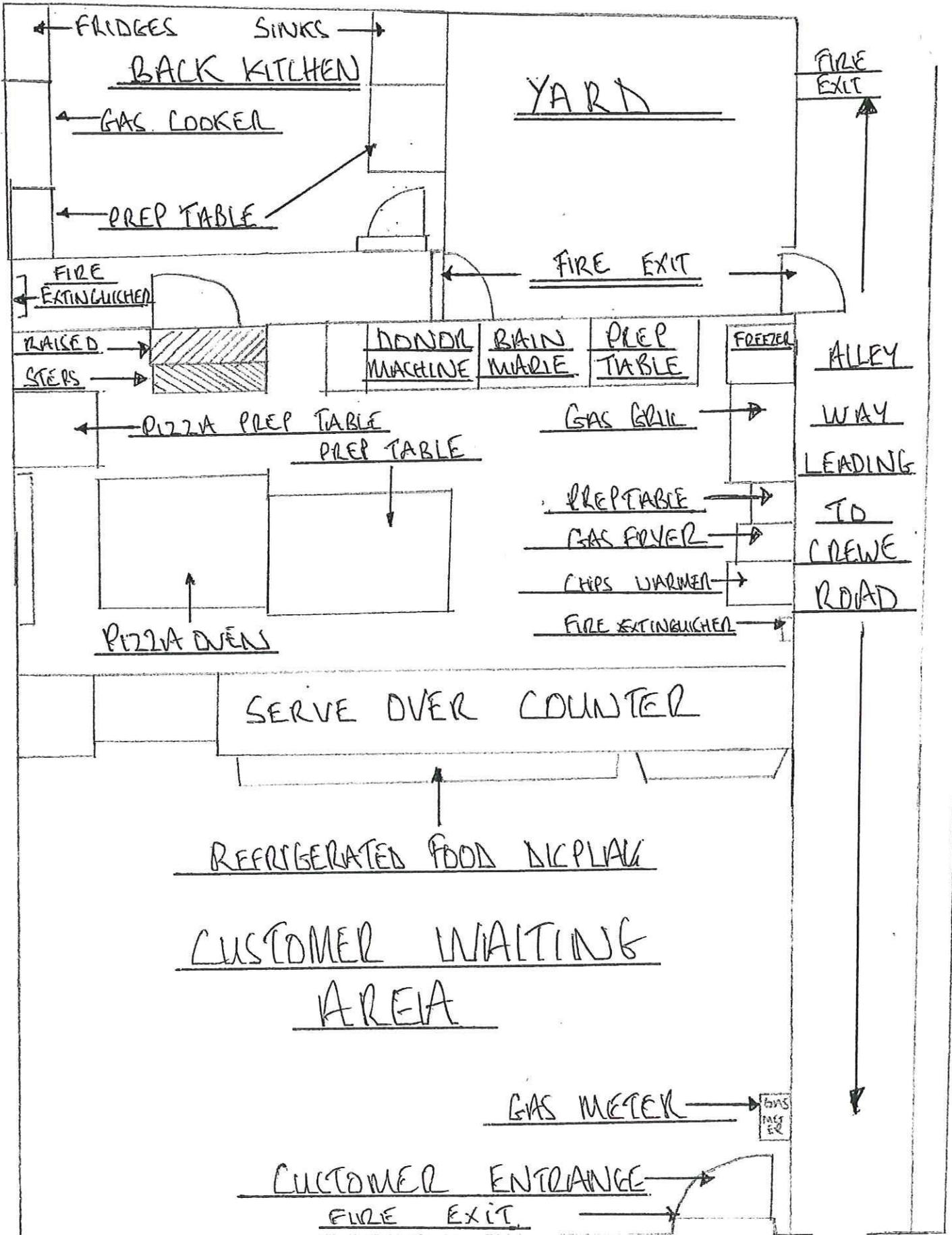
Signature

Date

Capacity

Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)	

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PLAN OF THE HOTSPOT CREWE RD ALSAGER.



HINTON, Amanda

From:
Sent: 24 July 2013 12:02
To: HINTON, Amanda
Subject: Re: Objection - Hot Spot, 46 Crewe Road, Alsager

Dear Amanda

Thanks for your e-mail and I have taken your points on board. Also thank you for the link informing me of the license application.

Does The Hot Spot have an application number, I would like to track it on your website and see if any other members of the public have objected?

I have re written my objection.

I would like to object to The Hot Spot selling light night refreshments on Friday to Sunday 23:00 to 02:00 hours

I am objecting under Prevention of Crime and Disorder and Prevention of Public Nuisance.

My reasons are set out below

It will to lead an increase of anti-social behaviour in a prominent village centre location and cause considerable disturbance and nuisance to residents and villagers alike. There will be large groups people hanging around the shop, there will also be car door slamming and there is insufficient car parking outside the shop.

The disturbance will also adversely impact upon visitor's perception of Alsager given that most of the village's restaurants and pubs are located close by.

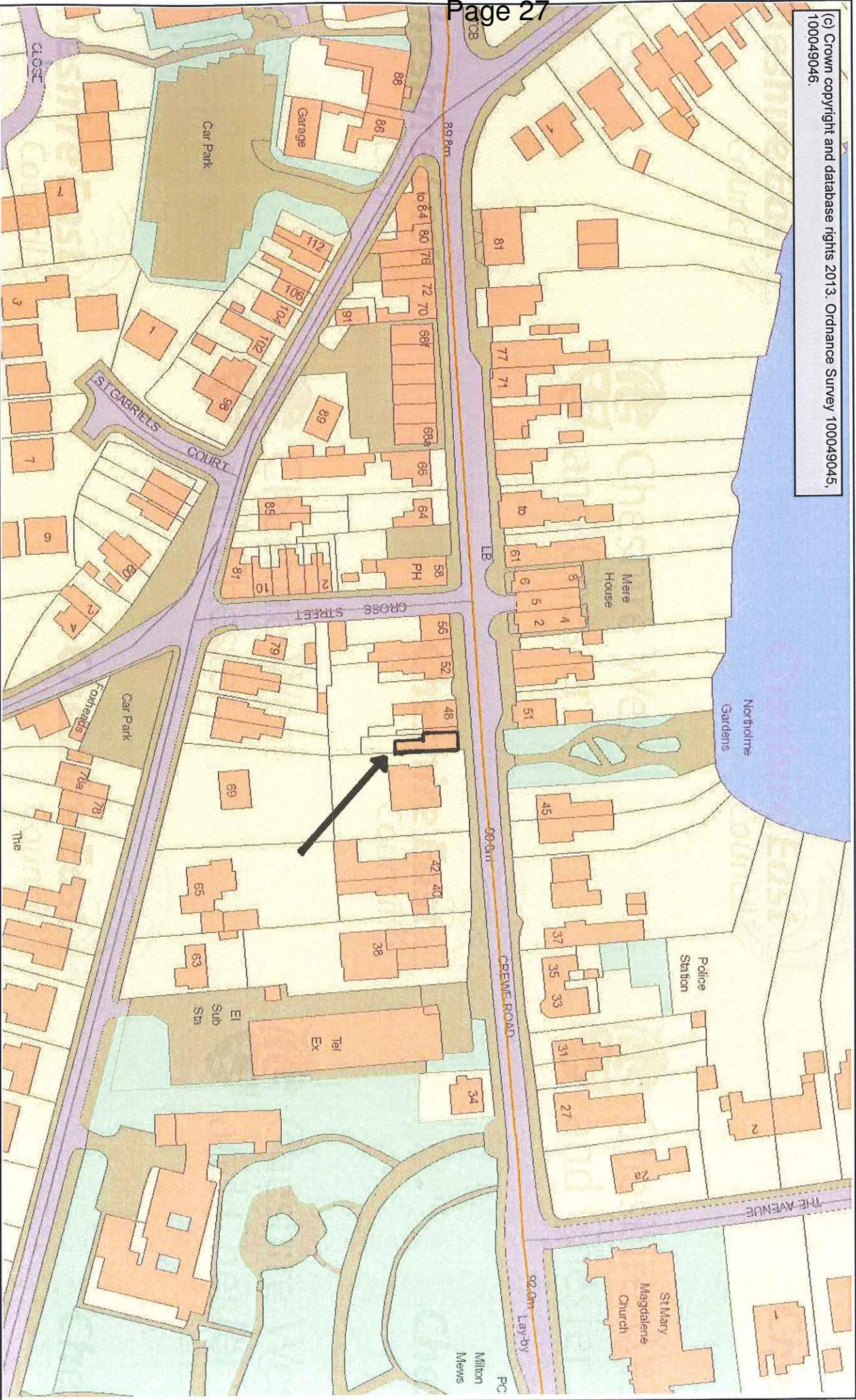
Please can you acknowledge this e-mail. Look forward to hearing from you.

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Hot Spot, 46 Crewe Road, Alsager



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CHESHIRE EAST COUNCIL

REPORT TO: LICENSING ACT SUB-COMMITTEE

Date of Meeting:	Thursday 22nd August 2013 at 11.00am
Report of:	Vanessa Selfe – Licensing Administration Officer
Subject/Title:	Application to vary the Premises Licence at Swan With Two Necks, 65 Chestergate, Macclesfield SK11 6DG

1.0 Report Summary

- 1.1 The report provides details of an application for a variation to the premises licence and the proposed operating schedule together with details of relevant representations received in relation to the application.

2.0 Recommendations

- 2.1 The Licensing Act Sub-Committee is requested to determine the application for a variation to the Premises Licence by GRS Pub Investments Limited of 31 Haverscroft Industrial Estate, New Road, Attleborough, Norfolk, NR17 1YE in respect of:

Swan with Two Necks
65 Chestergate
Macclesfield
SK11 6DG

- 2.2 Acting in the capacity of Licensing Authority, Members must seek to promote the Licensing Objectives, and where Members consider matters have engaged one or more of the objectives, they may exercise their discretion.
- 2.3 Members of the Licensing Sub-Committee are reminded that they may not exercise discretion in any case, merely because it considers it desirable to, and should provide reason(s) for any decision taken, or where they might consider departing in any way from the Policy or Guidance.

2.4 Licensing Objectives / Guidance / Policy Considerations

- 2.4.1 The relevant representations engage the licensing objectives. The Sub-Committee in respect of this application is referred to the Guidance issued under Section 182 of the Licensing Act 2003, specifically those sections relating to the licensing objective, premises licenses and hearings. The licensing objectives are (a) the prevention of crime and disorder; (b) public safety; (c) the prevention of public nuisance; and (d) the protection of children from harm.

2.5 Statement of Licensing Policy

2.5.1 Members should carefully consider the relevant sections of the Council's Statement of Licensing Policy.

2.6 Members are reminded that should any conditions be added, they should be practical, enforceable and appropriate to promote the Licensing Objectives.

2.7 Finally, Members are also reminded that in determining the application in accordance with the Licensing Act 2003, Members must also have regard to:

- The rules of natural justice
- The provisions of the Human Rights Act 1998

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 Macclesfield Central

5.0 Local Ward Members

5.1 Cllr K Edwards
Cllr J Jackson

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 (Authorised by the Director of Finance and Business Services)

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 representation, take such steps (if any) as it considers appropriate for the promotion of the licensing objectives. Section 18(4) provides that the authority may:

- (a) Grant the licence subject to the relevant mandatory conditions and conditions consistent with the operating schedule
- (b) Modify the application to such extent as the Authority considers appropriate for the promotion of the Licensing Objectives

- (c) Exclude from the scope of the licence any of the Licensable Activities to which the application relates
- (d) Refuse to specify a person in the licence as the Premises Supervisor
- (e) 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, received on the 4th July 2013, is for the variation of the Premises Licence under section 34 of the Licensing Act 2003.

- 10.2 The application states the extension to the relevant licensable activities applied for are as follows:

Sale of Alcohol
Regulated Entertainment
Late Night Refreshment

- 10.3 The hours applied for are as follows:

Sale of Alcohol:

Monday to Saturday 10.00 until 02.30
No change on Sunday

The supply of alcohol will be for consumption both on and off the premises

Regulated Entertainment

Indoor Sporting Events
Monday to Saturday 10.00 until 02.30
No change on Sunday

Live Music
Monday to Saturday 19.00 to 02.30
No change on Sunday

Recorded Music
Monday to Saturday 10.00 until 02.30
No change on Sunday

Anything of a similar description to Live Music and Recorded Music
Monday to Saturday 12.00 until 02.30
No change on Sunday

Late Night Refreshment
Monday to Saturday 23.00 to 02.30

No change on Sunday

Non-standard timings: To remain as existing with the exception of the following: To extend all licensable activities on the day when British Summertime commences and from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Opening Hours of the Premises

Monday to Saturday 10.00 until 03.00

No change on Sunday

10.4 A copy of the application form is attached as Appendix 1.

10.5 Designated Premises Supervisor: Andrew Anderson Smith

10.6 Relevant Representations

Responsible Authorities:

10.6.1 The Police Licensing Officer stated that the application meets the four licensing objectives to the satisfaction of the Police and there are no Police representations.

10.6.2 There is an objection from a Public Protection and Health Officer, raising concerns in respect of public nuisance due to the close proximity of the premises to residential properties and due also to there being historic complaints of noise nuisance relating to the premises. The document is attached to this report as Appendix 4.

10.6.3 There have been no other responses from any of the other Responsible Authorities.

Other Persons:

10.6.4 The Council has also received the following representations:

- i. Seven relevant objections, which are attached to this report as Appendix 5.

11.0 Access to Information

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

Name: Vanessa Selfe

Designation: Licensing Administration Officer

Tel No: 01270 371117

Email: Vanessa.selfe@cheshireeast.gov.uk

APPENDICES

Appendix 1 – Premises Licence application form

Appendix 2 – Current Premises Licence and conditions

Appendix 3 – Plan of the area

Appendix 4 – An objection from Public Protection and Health

Appendix 5 – Other objections.

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Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

You may wish to keep a copy of the completed form for your records.

We GRS Pub Investments Limited

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

MBC/PR/0231

Part 1 – Premises Details

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

Swan With Two Necks
65 Chester Gate

Post town	Macclesfield	Post code	SK11 6DG
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Telephone number at premises (if any)	
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Non-domestic rateable value of premises	£14,500.00
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Part 2 – Applicant details

Daytime contact telephone number	01953 450000		
E-mail address (optional)			
Current postal address if different from premises address	31 Haverscroft Industrial Estate New Road		
Post Town	Attleborough	Postcode	NR17 1YE

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?



If not do you want the variation to take effect from

Day	Month	Year

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

To extend the sale of alcohol, regulated entertainment and late night refreshment Monday to Saturday until 0230 the following morning; also to extend all licensable activities on the day when British Summertime commences and from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day; premises to close Monday to

Saturday 0300 the following morning. Sundays and all other non-standard timings to remain as existing.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed				<u>State any seasonal variations for performing plays</u> (please read guidance note 4)	
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)		
Day	Start	Finish			
Mon	10:00	02:30			
Tue	10:00	02:30	State any seasonal variations for indoor sporting events (please read guidance note 4)		
Wed	10:00	02:30			
Thur	10:00	02:30	Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	10:00	02:30			
Sat	10:00	02:30			
Sun	NO CHANGE		NON STANDARD TIMINGS TO REMAIN AS EXISTING WITH THE EXCEPTION OF THE FOLLOWING ADDITIONS:- An additional our to the standard and non standard timings on the day when British Summertime commences. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon	19:00	02:30	Please give further details here (please read guidance note 3)		
Tue	19:00	02:30			
Wed	19:00	02:30	State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	19:00	02:30			
Fri	19:00	02:30	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	19:00	02:30			
Sun	NO CHANGE				
			NON STANDARD TIMINGS TO REMAIN AS EXISTING WITH THE EXCEPTION OF THE FOLLOWING ADDITIONS:- An additional our to the standard and non standard timings on the day when British Summertime commences. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	10:00	02:30			
Tue	10:00	02:30			
Wed	10:00	02:30	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	10:00	02:30			
Fri	10:00	02:30	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	10:00	02:30			
Sun	NO CHANGE		NON STANDARD TIMINGS TO REMAIN AS EXISTING WITH THE EXCEPTION OF THE FOLLOWING ADDITIONS:- An additional hour to the standard and non standard timings on the day when British Summertime commences. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	12:00	02:30		Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>	
Tue	12:00	02:30	Please give further details here (please read guidance note 3)		
Wed	12:00	02:30			
Thur	12:00	02:30	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri	12:00	02:30			
Sat	12:00	02:30	Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun	NO CHANGE		NON STANDARD TIMINGS TO REMAIN AS EXISTING WITH THE EXCEPTION OF THE FOLLOWING ADDITIONS:- An additional our to the standard and non standard timings on the day when British Summertime commences. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)		
Day	Start	Finish	Indoors <input checked="" type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>		
Mon	23:00	02:30		Please give further details here (please read guidance note 3)	
Tue	23:00	02:30			
Wed	23:00	02:30	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23:00	02:30			
Fri	23:00	02:30	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat	23:00	02:30			
Sun	NO CHANGE		NON STANDARD TIMINGS TO REMAIN AS EXISTING WITH		

			<p>THE EXCEPTION OF THE FOLLOWING ADDITIONS:-</p> <p>An additional hour to the standard and non standard timings on the day when British Summertime commences.</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>
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J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	10:00	02:30	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tue	10:00	02:30			
Wed	10:00	02:30			
Thur	10:00	02:30	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	10:00	02:30	<p>NON STANDARD TIMINGS TO REMAIN AS EXISTING WITH THE EXCEPTION OF THE FOLLOWING ADDITIONS:-</p> <p>An additional hour to the standard and non standard timings on the day when British Summertime commences.</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>		
Sat	10:00	02:30			
Sun	NO CHANGE				

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)</p> <p>NONE</p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	10:00	03:00	
Tue	10:00	03:00	
Wed	10:00	03:00	
Thur	10:00	03:00	
Fri	10:00	03:00	
Sat	10:00	03:00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Sun	NO CHANGE		
			NON STANDARD TIMINGS TO REMAIN AS EXISTING WITH THE EXCEPTION OF THE FOLLOWING ADDITIONS:- An additional hour to the standard and non standard timings on the day when British Summertime commences. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking
NONE

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

Bearing in mind the nature of this application, those conditions already attached to the licence and no previous issues with this premise, nothing further is required to address the licensing objectives.

b) The prevention of crime and disorder

See box a) above.

c) Public safety

See box a) above.

d) The prevention of public nuisance

See box a) above.

e) The protection of children from harm

See box a) above.

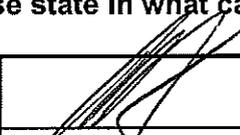
Please tick yes

- I have made or enclosed payment of the fee or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	02 July 2013
Capacity	Poppleston Allen – Solicitors for & on behalf of the applicant

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13) Angela Gardner Popleston Allen Solicitors 37 Stoney Street The Lace Market			
Post town	Nottingham	Post code	NG1 1LS
Telephone number (if any)	0115 9349 157		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) a.gardner@popall.co.uk			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



APPENDIX -2

Premises Licence

Premises Licence Number:

MBC/PR/0231

Part 1 - Premises Details

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

Swan With Two Necks
65 Chestergate
Macclesfield

Post Town: Macclesfield

Post Code: SK11 6DG

Telephone Number: None

Where the Licence is time limited, the dates:

Not applicable.

Licensable activities authorised by the Licence:

Live Music
Recorded Music
Performance of Dance
Indoor Sports
Sale and supply of alcohol
Anything of similar description to live music, recorded music and dance
Provision of facilities for making music
Provision of facilities for dancing
Provision of facilities to entertainment similar to music and dance
Late Night Refreshment

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

Live Music (to take place indoors)

Monday to Saturday 19.00 to 23.30

Sunday 12.00 to 23.00

Non standard timings:

Christmas Eve, New Years Eve and St.Patricks Day add one extra hour.

Recorded Music (to take place indoors)

Monday to Saturday 10.00 to 01.00

Sunday 10.00 to 00.30

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

Performance of Dance (to take place indoors)

Monday to Saturday 10.00 to 01.00

Sunday 12.00 to 00.30

Indoor Sports

Monday to Sunday 10.00 to 01.00

Sale and supply of alcohol

Monday to Saturday 10.00 to 01.00

Sunday 10.00 to 24.00

Non standard timings:

Christmas Eve add one extra hour.

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

Anything of similar desc to live music, recorded music and dance (to take place indoors)

Monday to Sunday 12.00 to 23.30

Non standard timings:

Christmas Eve, New Years Eve and St.Patricks Day add one extra hour.

Provision of facilities for making music (to take place indoors)

Monday to Saturday 12.00 to 23.30

Sunday 12.00 to 23.00

Non standard timings:

Christmas Eve, New Years Eve, St.Patricks Day, Valentines Day, St.Andrews Day, St.Georges Day, Halloween and Bank Holidays add one extra hour.

Provision of facilities for dancing (to take place indoors)

Monday to Saturday 12.00 to 23.30

Sunday 12.00 to 23.00

Provision of facilities to entertainment similar to music and dance (to take place indoors)

Monday to Saturday 10.00 to 01.00

Sunday 12.00 to 00.30

Late Night Refreshment (to take place indoors)

Monday to Saturday 23.00 to 01.00

Sunday 23.00 to 00.30

Non standard timings:

Christmas Eve, St.Patricks Day, Valentines Day and Bank Holidays add one extra hour.

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 Sunday 10.00 to 01.30

Non standard timings:

Christmas Eve, St.Patricks Day, Valentines Day and Bank Holidays add one extra hour.

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

Part 2

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

GRS Pub Investments Limited
31 Haverscroft Industrial Estate
New Road
Attleborough
Norfolk
NR17 1YE

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

5895613

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

Mr Andrew Anderson Smith

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: 05/00068/LAPER

Issuing Authority: Waveney District Council

.....
Corporate Manager
(Legal & Democratic Services)

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. The Challenge 21 scheme shall be in force at the premises.

Public Safety

2. There shall be no irresponsible drinking promotions at the premises.

Prevention of Public Nuisance

3. There shall always be a Personal Licence Holder supervising the sale of alcohol on the premises.

Protection of Children from Harm

4. There shall be no adult entertainment or activities allowed at the premises.

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

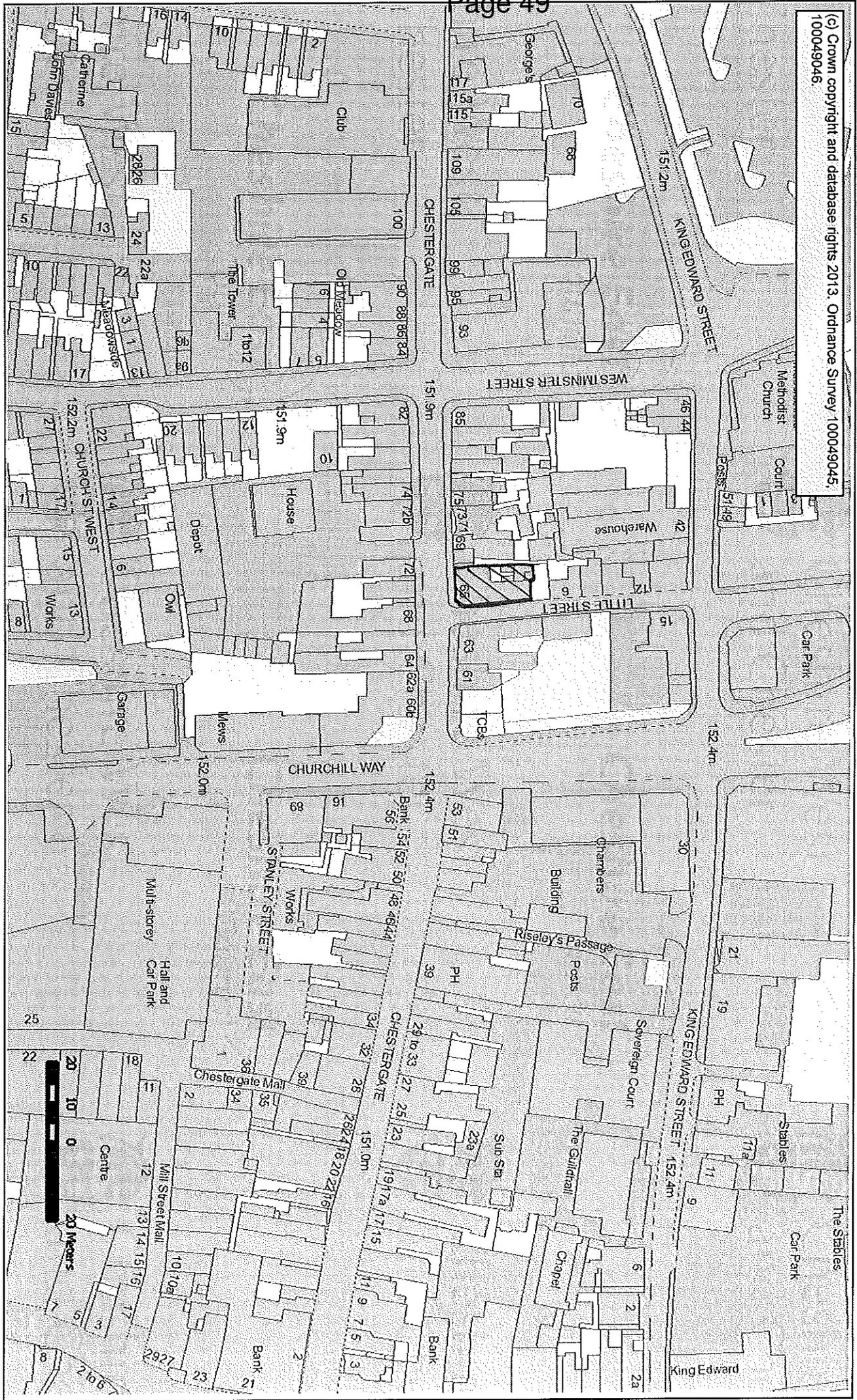
None.

Annex 4 - Plans

See attached.



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APPENDIX - 4

From: LOMAS, Brenda
Sent: 31 July 2013 14:48
To: LICENSING (Cheshire East)
Subject: Application to vary the hours of the Premises Licence - Swan with Two Necks, 65 Chestergate, Macclesfield

Dear Licensing

I wish to raise an objection to the above application to vary the hours of the Premises Licence. My objection is made under the Licensing objective of the Prevention of Public Nuisance.

I would raise concerns that there are residential flats in close proximity to the Swan with Two Necks. Historically, complaints of noise nuisance from the playing of amplified music have been lodged with the Environmental Health Service.

The proposal to vary the hours when live and recorded music may be played at the Swan with Two Necks – i.e into the early morning hour of up to 02.30 hours from Monday to Saturday - is of concern due to the fact that there is high potential for an extension into such sensitive hours to result in noise nuisance and the prevention / disturbance of sleep to be caused to nearby residents. In addition, the proposal to have a termination time of 03.00 hours for the hours that the premises are open to the public – could also cause problems due to the noise caused as patrons leave the premises during sensitive hours. This type of noise could include raised voices, laughter, and general 'people noise' which is difficult to control.

Yours faithfully

Brenda Lomas
Enforcement Officer
Cheshire East Council
Public Protection and Health
Town Hall, Market Place
Macclesfield
SK10 1EA

Tel: 01625 383817
Email: brenda.lomas@cheshireeast.gov.uk

APPENDIX -5

Sent: 31 July 2013 10:06
To: LICENSING (Cheshire East)
Subject: Swan with Two Necks Licensing Application

Dear Sir/Madam

I have only just been made aware of the licence application that has been made by the Swan with Two Necks of 65 Chestergate, Macclesfield to extend their hours to play live and recorded music from 11.30pm Monday to Sunday to 2.30am Monday to Saturday and 11.30pm Sunday.

I am very concerned about this as I live very close to the Swan with Two Necks and can hear their music when being played, which is tolerable at present as it does end at 11.30pm.

However if the application were to be successful my lifestyle would be severely impacted, I would be kept awake until the early hours of the morning and I have a full time job which would no doubt be effected by my sleep deprivation.

Not only is the prospect of severe lack of sleep a concern to me, but also the worry of what sort of trouble this will cause in the localised community, e.g. if people are drinking until 3am there will not just be the noise of the music but the noise of people being 'tipped' out at closing time, there will be a greater risk of unrest, such as fighting and residents personal property being at a higher risk of theft and/or being vandalised.

I would appreciate it if someone could respond to me to acknowledge receipt of this email and to confirm that it will included as part of your review process for this application, as I have sent this before the deadline of 5pm 1st August.

From: LICENSING (Cheshire East)
Sent: 01 August 2013 08:59
To:
Subject: FW: Formal objection to the increase in licensing hours for the public house The Swan with Two Necks. Macclesfield

From:
Sent: 31 July 2013 16:36
To: LICENSING (Cheshire East)
Subject: Formal objection to the increase in licensing hours for the public house The Swan with Two Necks. Macclesfield

Good afternoon,

I wish to register an objection to the granting of additional licensing hours being applied for the by the public house The Swan with Two Necks, Chestergate, Macclesfield.

I live in a flat directly opposite this pub and the hours that they have applied for bear absolutely no relation to neither their current trade nor their expected one.

- a) Do they really expect to attract an appreciable additional amount customer during the week between the hours of 11.30 and 2.30pm?
- b) And does the obvious increase in noise being experienced by their neighbours warrant such an award?
- c) Taking into account that Macclesfield already has at least two music venues/nightclubs that already have similar hours (both situated in non residential areas). And both who appear to be struggling to fill their own venues. Do the tenants of the Swan with two necks really think they can do any better?
- d) And the practice of people smoking outside the pub entrance and main road. This at times can be quite considerable and will only be exacerbated by these prolonged opening times. Creating a very real risk to not only themselves, but other pedestrians and road users. Especially at night as they will by the very nature of the premises be under the influence of alcohol and their senses impaired accordingly.
- e) At present there are absolutely no security staff in place to police these proposed hours.
- f) And knowing the pub as I do as I frequent it. I am aware that they have a very well defined clientele. And to be fair to them there has been little or no trouble arising from this pub that I have been aware of. But I strongly suspect that this is simply due to this clientele being at least acquainted with each other. If the pub is open longer this will inevitably attract new customers and that gives rise to the inevitable possibility of disagreements and potential violence between the "Old" and the "New".
- g) One would also assume that some customers may not always have the foresight to use the pubs toilet amenities before they leave. Our proximity will inevitably lead to our communal entrances and exits being used in their stead. Thereby creating the attendant Health & Safety risks. And many residents have small children who are forced to play in these areas
- h) We are forced to place our refuse receptacles in one of these entrances and both past and present experience has shown that these are soon filled up again during the night after emptying by the council. This will only increase if additional opportunities are provided for these litter louts. Again giving rise to further H&E issues.

- i) Finally. And in no way am I casting any aspersions of their current clientele. But again experience shows that a major increase in new customers, especially during the small hours of the night. Increases the risk of criminal damage/ vandalism & burglary considerably.

And I would also draw to your attention to the fact that

- 1) No notification was ever posted on the Pubs premises.
- 2) And no official notification has been posted in the Macclesfield Express.

I believe that both are mandatory requirements?

I am no killjoy and as I have previously said I am a customer of the above pub and understand their need to increase/maintain their revenue. But I truly believe that the increase in risk to both public safety and property. Coupled with the considerable inconvenience that all local residents will endure. Just does not warrant the awarding of these totally unreasonable licensing hours.

Best regards

No. 3

From: LICENSING (Cheshire East)
Sent: 01 August 2013 09:12
To: [REDACTED]
Subject: FW: Objection to Variation of a Premises Licence: Swan with Two Necks, 65 Chestergate, Macclesfield

From: [REDACTED]
Sent: 31 July 2013 20:21
To: LICENSING (Cheshire East)
Cc: LOMAS, Brenda
Subject: Objection to Variation of a Premises Licence: Swan with Two Necks, 65 Chestergate, Macclesfield

Dear Sir / Madam

I understand that GRS Pub Investments Ltd has applied for a Variation of a Premises Licence for the Swan with Two Necks. I live next door to the Swan pub in an adjoining flat. When I moved here in 1999, I expected to be affected by living next door to a pub. However, the granting of a late licence to the Swan in recent years, and the accompanying noise, has created an unacceptable noise nuisance, and I am concerned that any extension to the licence will further reduce my quality of life.

My property

The flat is comprised of two floors, both adjoining the pub. My bedroom is on the first floor and is built over the alley which provides an emergency exit to the pub. As it is a one-bedroomed flat, I have no option but to sleep in that room. My lounge is on the second (top) floor. Both my lounge and bedroom have double aspect windows front and back, and share the party wall with the pub.

Current situation

Live amplified rock music and karaoke music is played loudly in the pub five nights of the week under the current licence, with only Monday and Tuesday evenings, and occasionally Sundays, being quiet. The live amplified rock music and karaoke is always audible from the moment it starts.

Sleep issues

The music is loudest on the first floor in my bedroom partly due to the direct sound transmission via the party wall with the pub, and the music there can be both heard and felt. I have suffered with disturbed sleep for many years due to this. I am often disturbed by a bass beat that I can hear and also feel as a 'throbbing' sensation in my chest. The loud and persistent noise of the live amplified music, in particular, is irritating, disturbing and, at times, quite unbearable. The noise levels, even during karaoke, are so clearly audible that I can make out words and recognise songs. This all makes it difficult for me to get to sleep until after the music finishes and customers have left around 2pm, and will often wake me from sleeping. This lack of sleep causes me stress.

At the front of the pub, I hear the noise each time the front doors are opened as customers go in and

almost directly under my window. There is also the noise of cars and taxis, waiting with their engines running up to and beyond 2am. Late night customers are often noisy when they leave. At the rear of the pub there is additional noise from customers chatting and laughing in the beer garden/smoking area outside.

Late night customers are occasionally let out through the side door emergency exit giving access to the alley running between our properties at ground level. This disturbs my sleep as I can hear voices, and then the side emergency door and alley gate slamming shut.

Other issues

I can hear music from the pub in my lounge on the second floor, even with my windows closed and with the TV on. I'm unable to have any windows open on summer evenings due to the noise levels of the live music.

I have deliberately stayed away from my home on Friday and Saturday nights on occasions, as it's impossible to relax there. I can barely concentrate to read.

I'm unable to have guests to stay Wednesday to Saturday as the noise levels are intolerable to most people. I appreciate that the licensees have endeavoured to reduce the impact of the live music, but it is not sufficient. The live music can clearly be heard from down the street.

Objection to the variation

This end of Chestergate is predominantly a shopping and residential area. Although I appreciate Mr and Mrs Smith's right to run their business, an entertainment licence (for karaoke, live bands etc) does not permit pub licensees to cause noise pollution. If the pub was completely sound proofed, I would have no need to make this objection. But that is clearly not the case here ...

I have tried to be patient and have chosen to complain only rarely to date, but the continued disturbance and the request for an extension to the music licence have caused me to write this letter of objection. The current noise level is already unacceptable to me as outlined above, and prevents me from enjoying my home - I have tolerated it only in order to maintain good neighbour relations.

I respectfully request that the application for a Variation of a Premises Licence be refused.

Yours sincerely

No. 4

Licensing Department
Cheshire East Council
Town Hall
Macclesfield SK10 1HR

July 31 2013

Dear Sir

I write in connection with the application for an extension of hours at the Swan with Two Necks pub on Chestergate, Macclesfield. I manage an adjoining property with three residential flats (1, 2 & 3) and have concerns about the impact of this proposal on residential amenity.

There is a rear garden at the pub which is used as a smoking area and is often the source of loud conversation and argument during the hours the pub is open. This is clearly audible within the two flats at 1 & 2 and would be intolerable if it continued to 3am.

After a late night session customers are allowed to leave the premises via the emergency exit in the narrow passageway between the pub and our building. This is clearly an attempt to reduce noise impact on Chestergate, but the exit is directly below three bedrooms and the noise of people leaving is unacceptable in this confined area. This is already a disturbance to the three flats in our building and would be worsened with the proposed extension in hours.

We recognise that this is a town centre location and some noise is inevitable from the nature of the businesses and the concentration of activity. However, this is also a residential area, and the improvement of housing is seen as a crucial element in the renewal and regeneration of the town. Some control over the level of noise disturbance is therefore essential, and we feel that the proposal goes beyond what is acceptable for local residents.

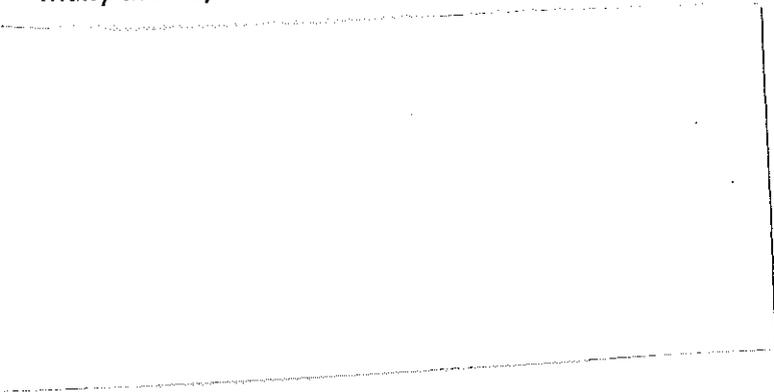
Yours faithfully

No. 5

From: [Redacted]
Sent: 01 August 2013 10:59
To: LICENSING (Cheshire East)
Subject:

I am writing to you to object about the late licensing proposal of the pub 'The swan with two necks' on Chestergate in Macclesfield. We live in the flats across the road with single glazed windows which cannot be replaced as it is a listed building. Therefor the noise would be a big concern as it is already an issue. May i please have a reply regarding this matter ASAP.

Many thanks,



RECEIVED

1 AUG 2013

Dear Sir/Madam

Swan with Two Necks, 65 Chestergate, Macclesfield, SK11 6DG applied to Cheshire East Council for a Variation of a Premises Licence.

I am writing to register my objection to the application for the Variation of a Premises Licence by Swan With Two Necks of 65 Chestergate, Macclesfield, SK11 6DG. The basis for this opposition is that granting a Variation of a Premises Licence for this premise will encourage crimes, disorder and antisocial behaviour along Chestergate, as police were called a numbers of time during this year alone.

65 Chestergate, Macclesfield, SK11 6DG lies within the centre of Macclesfield and is very close to residents living around this area. Residents in this area already suffer noise nuisance and antisocial behaviour at night. Especially biker raving their engines late at night after visiting Swan with Two Neck and also cars parked outside the Swan with Two Neck is causing problem for traffics.

In view of the above, I would urge the Licensing Authority to refuse the application.

Yours faithfully,

RECEIVED

1st AUG 20133. 3. 13
13

To,
The Licensing Department,
Cheshire East Council,
Macclesfield Town Hall, Market Place,
Macclesfield, SK10 1DX

Subject: Objection against the application to vary a Premises Licence under Section 34 of the Licensing Act 2003 for Swan With Two Necks, 65 Chester Gate, Macclesfield, SK11 6DG.

Dear Sir,

I have recently (on 17th June 2013) rented a flat () from the Rooftops Letting and Management.

I am already facing a mild difficulty with the loud music being played on the weekend nights at the "Swan With Two Necks" pub. Thus, I would like to raise my concern and objection on the proposed change in the Premises License being asked by the pub "Swan With Two Necks".

If such sale of alcohol, regulated entertainment and late night refreshment Monday to Saturday until 0230 are allowed at the above mentioned place, it would disrupt the peace and communal harmony within the surrounding area where my rented flat is situated. It will also disturb me and my family member's sleep during late night hours.

Thus I request you to consider my objection.

Thank you.

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