

Licensing Act Sub-Committee

Agenda

Date: Monday, 16th December, 2013
Time: 10.00 am
Venue: West Committee Room - Municipal Buildings, Earle Street,
Crewe, CW1 2BJ

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. **COMMITTEE REPORT - FLAMES BALTI MASALA** (Pages 5 - 28)

To consider an application to vary a Premises Licence at Flames Balti Masala, 14 Welsh Row, Nantwich.

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	Other Persons (who have made representations)	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	Other Persons (who have made representations)	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 they should be stating their objections.)
12	Committee Members	May ask <u>questions</u> of the Responsible Authorities represented at the meeting
13	Other Persons (who have made representations)	Those who have objected 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 other persons, by way of clarification.
16	Committee Members	May ask <u>questions</u> of the other persons.
17	Chairman	To invite both Responsible Authorities and Other Persons 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	<p>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.</p> <p>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.</p>

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. Other Persons 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:	Monday 16th December 2013 at 10.00am
Report of:	Mrs N Cadman, Licensing Officer
Subject/Title:	Application to Vary a Premises Licence at Flames Balti Masala, 14 Welsh Row, Nantwich, Cheshire, CW5 5ED

1.0 Report Summary

- 1.1 The report provides details of an Application to Vary a 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 to Vary a Premises Licence by Mr Serkan Olgun, in respect of:

Flames Balti Masala
14 Welsh Row
Nantwich
Cheshire
CW5 5ED

- 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 Nantwich North & West

5.0 Local Ward Members

5.1 Cllr Penny Butterill
Cllr Arthur Moran

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 Head of Legal Services)

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) 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 24th October 2013, is for the grant of a variation to a Premises Licence under section 34 of the Licensing Act 2003.
- 10.2 The operating schedule indicates that the proposed variation is as follows: The applicant seeks to extend the hours for the provision of Late Night Refreshment and the hours the premises are open to the public, Thursday by 30 minutes and Friday and Saturday by one hour.
- 10.3 The hours applied for are as follows:

Late night refreshment (to take place indoors only)

Thursday	23.00 to 03.30
Friday	23.00 to 04.00
Saturday	23.00 to 04.00

Hours Premises are Open to the Public

Thursday	17.00 to 03.30
Friday	17.00 to 04.00
Saturday	17.00 to 04.00

- 10.4 A copy of the application form is attached as Appendix 1.
- 10.5 Relevant Representations

Responsible Authorities:

- 10.6.1 The Police in their response state: The premises are already licensed to provide Late Night Refreshment as late as 03:00 on certain nights and as a result already provide an incentive and encouragement for people at the end of the night to resort to the area and remain in the vicinity instead of going home. The resulting noise and disorder already undermines the Public Nuisance licensing objective and licensing the premises to operate even further into the small hours will simply exacerbate the current situation.

The premises are already licensed to provide Late Night Refreshment as late as 03:00 on certain nights and as a result have been a focus for anti social behaviour and disorder both at the premises and in its immediate environs. Licensing the premises to operate even further into the small hours will simply exacerbate the current situation and in doing so undermine the Crime and Disorder licensing objective.

The Chief Officer of Police objects to this application on the basis that extending the existing hours at the premises will undermine both the Public

Nuisance and Crime and Disorder Licensing Objectives and will amplify this objection to a Sub-Committee at the Hearing.

10.6.2 The Environmental Health Authority state in their response: The application is approved subject to conditions. The following conditions should be applied for the prevention of public nuisance:

1. There shall be notices located at the exit(s) requesting that customers leaving the premises do so quietly and with consideration to neighbours.

2. Where the premises provide food for consumption off the premises, the public area immediately surrounding the premises shall be cleared of waste food, food containers, wrapping etc regularly during the stated operating hours and at the end of trading on each day. Such refuse shall be placed in a container designed for the storage and disposal of refuse and waste foods which shall be constructed, maintained and located so that access to it by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.

Agreement has been received from the applicant, to the above conditions.

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

Other Persons:

10.6.3 The Council has received a representation from Nantwich Town Council in relation to this application. A copy of this representation is attached as Appendix 2 of this report.

11.0 Access to Information

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

Name: Mrs N Cadman

Designation: Licensing Officer

Tel No: 01270 685957

Email: nikki.cadman@cheshireeast.gov.uk

APPENDICES

Appendix 1 – Premises Licence application form

Appendix 2 - Representation from Nantwich Town Council

Appendix 3 – Existing Premises Licence and Conditions.

Appendix 4 – Map of area.

APPENDIX -1



CEC Reference :

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 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 SERKAN OLGUN (insert name(s) of applicant) 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 189

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
14 WELSH ROW
Post town NANTWICH Post code CW5 5ED

Telephone number at premises (if any)

Non domestic rateable value of premises £

Part 2 - Applicant Details

Daytime contact telephone number

Email address (optional)

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

Surname OLGUN First names SERKAN

Current postal address
if different from
premises address

Post Town

Postcode

Part 3 - Variation

Please tick

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

If not do when do you want the variation to take effect from?

Day		Month		Year	

If your proposed variation would mean that 5000 or more people are expected attend the premises at any one time please state the number expected to attend

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

TO EXTEND THE HOURS FOR PROVISION OF LATE NIGHT REFRESHMENT AND THE HOURS THE PREMISES ARE OPEN TO THE PUBLIC.

THURSDAYS BY 30 MINUTES

FRIDAYS + SATURDAYS BY 1 HOUR

THURS 23:00 TO 03:30

FRIDAY 23:00 TO 04:00

SATURDAY 23:00 TO 04:00

Part 4 - Operating Schedule

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

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:

- l) making music (if ticking yes, fill in box l)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (l) 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 play (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			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			
Fri			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)
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)	
Day	Start	Finish	Indoors	
Mon				
Tue				
Wed				
Thur				
Fri				
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	
				Outdoors	
Day	Start	Finish	Please give further details here (please read guidance note 3)	Both	
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		
			Will the entertainment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
				Outdoors	
Day	Start	Finish	Please give further details here (please read guidance note 3)	Both	
Mon					
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					

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 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				
Wed			State any seasonal variations for providing dancing facilities (please read guidance note 4)	
Thur				
Fri			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)	
Sat				
Sun				

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	<input type="checkbox"/>	Both	<input type="checkbox"/>
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 provisions of facilities for entertainment of a similar description to that falling within (i) or (j) (please read guidance note 4)								
Thur			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)								
Fri											
Sat											
Sun											

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	<input type="checkbox"/>	Both	<input type="checkbox"/>
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	01-00									
Tue	23-00	03-00									
Wed	23-00	01-00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)								
Thur	23-00	03-30	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)								
Fri	23-00	04-00									
Sat	23-00	04-00									
Sun	23-00	01-00									

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
Day	Start	Finish		Off the premises
Mon			State any seasonal variations for the sale of alcohol (please read guidance note 4)	Both
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				

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).

0

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	17-00	01-00	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	17-00	03-00	
Wed	17-00	01-00	
Thur	17-00	03-30	
Fri	17-00	04-00	
Sat	17-00	04-00	
Sun	17-00	01-00	

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

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

Please tick ✓

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

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 the premises licence

P

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)

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Please tick ✓

- I have made or enclosed payment of the fee
- 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 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 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) 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 ... 23-10-2013

Capacity ... OWNER

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)	
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)	

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 would be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and provide a place for consumption of these off-supplies you must include a description of where the place is 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 the 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 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, the presence of gambling 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.

Please note: It is your responsibility to provide the authority with a copy of the required advertisement in relation to this application, clearly showing the date of publication.



Nantwich Town Council



Town Clerk-: Ian Hope
Tel -: 01270 619224
Fax -: 01270 619225
E-Mail -: nantwichtc@nantwichtowncouncil.gov.uk

Brookfield Hall
Shrewbridge Road
NANTWICH
Cheshire
CW5 7AD

Our Ref: - IHH/CEC Licensing

19 November 2013

Dear Sirs,

Balti Masala, 14 Welsh Row, Nantwich, CW5 5ED - To extend the hours for provision of late night refreshment and the hours the premises are open to the public on Thursday by 30 minutes and on Friday and Saturday by 1 hour

Thursday – 23:00 to 03:30
Friday – 23:00 to 04:00
Saturday – 23:00 to 04:00

I write on behalf of Nantwich Town Council to object to the above application on the following grounds. I understand that the Police have also objected to this application.

Impact on the prevention of crime and disorder

CCTV images and Police incident records provide evidence of anti-social behaviour after closure of late night drinking establishments. Extending the hours will increase the potential for further anti-social behaviour.

Impact on the prevention of public nuisance

CCTV images and Police incident records provide evidence of noise and threats to community safety through violent and drunken behaviour. Extending the hours will increase the potential for further noise and threats to community safety. The Streetscape team of Cheshire East has to undertake clean-up operations at ratepayers expense early on Saturday and Sunday mornings. Extending the hours will increase the potential for further litter and other debris to be cleaned off the streets.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ian Hope', written over a horizontal line.

Ian Hope
Town Clerk

The Licensing Section,
Cheshire East Council,
Macclesfield Town Hall
Market Street
Macclesfield
Cheshire SK10 1DS

Part A

PREMISES LICENCE**Cheshire East Borough Council**

Premises licence number	189
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Part 1 - Premises details

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

Balti Masala
14 Welsh Row

Post town **Nantwich**Post code **CW5 5ED**Telephone number **01270 611919**

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Provision of late-night refreshment

The times the licence authorises the carrying out of licensable activities

Monday 17:00 to 01:00**Tuesday 17:00 to 03:00****Wednesday 17:00 to 01:00****Thursday 17:00 to 03:00****Friday 17:00 to 03:00****Saturday 17:00 to 03:00****Sunday 17:00 to 01:00**

The opening hours of the premises

Monday 17:00 to 01:00**Tuesday 17:00 to 03:00****Wednesday 17:00 to 01:00****Thursday 17:00 to 03:00****Friday 17:00 to 03:00****Saturday 17:00 to 03:00****Sunday 17:00 to 01:00**

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Not applicable

Part 2

Name, (registered) address, telephone number and email (where relevant) of the holder of the premises licence

Serkan Olgun
14 Welsh Row
Nantwich
Cheshire
CW5 5ED

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

Not applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Not applicable

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Not applicable

Issued on: 24 January 2012

Signed by Peter Simester

On behalf of Cheshire East Borough Council
Licensing Section, Westfields, Middlewich Road, Sandbach, CW11 1HZ

Annex 1 - Mandatory conditions

None.

Annex 2 - Conditions consistent with Operating Schedule

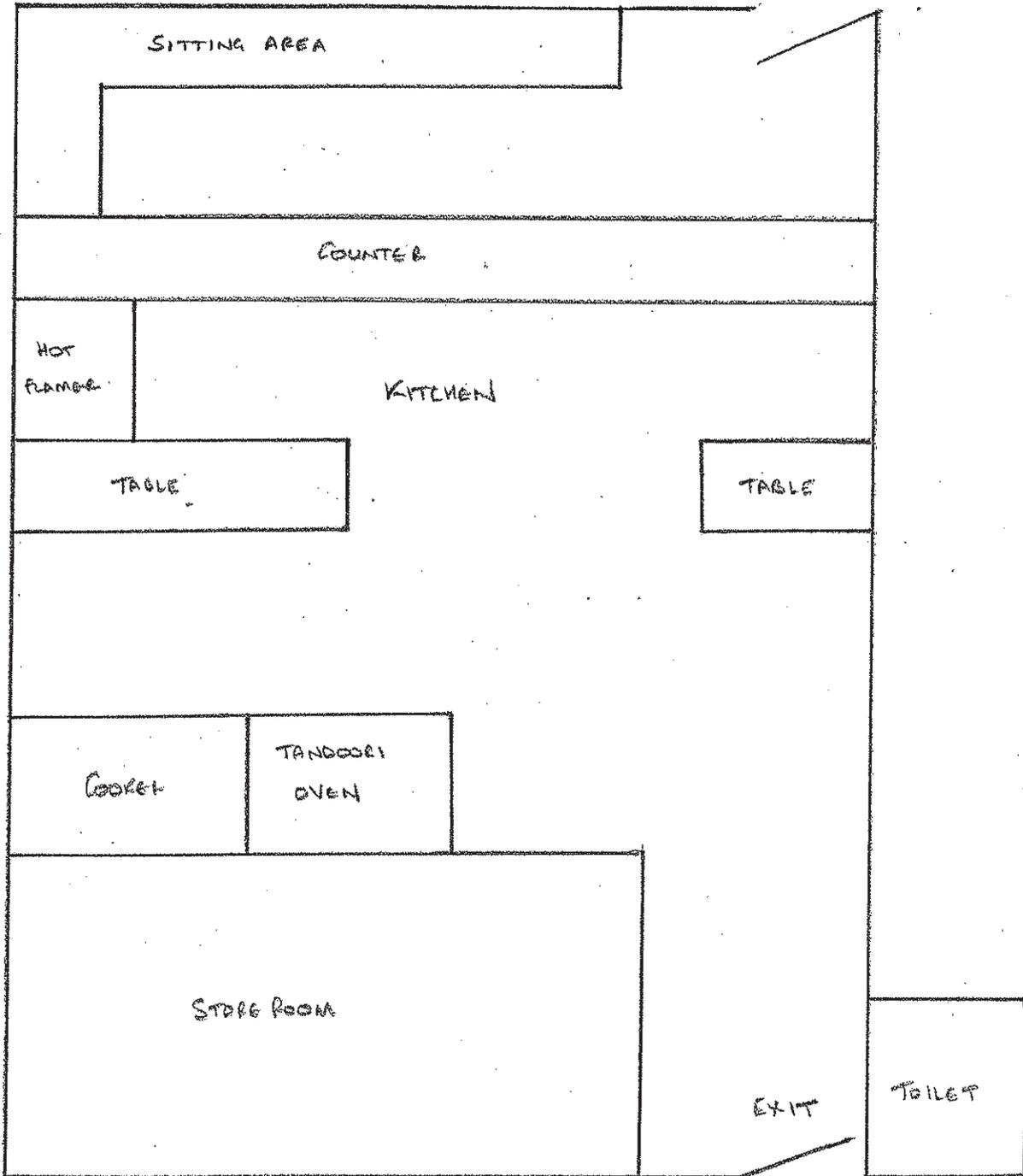
1. There shall be placed at all exits from the premises, in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly.
2. Where the premises provide food for consumption off the premises, the public area immediately surrounding the premises shall be cleared of waste food, food containers, wrapping etc. regularly during the stated operating hours and at the end of trading on each day. Such refuse shall be placed in a container designed for the storage and disposal of refuse and waste foods which shall be constructed, maintained and located so that access to it by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.
3. In addition to the hours shown on page one, the authorised licensable activities may be carried out until 03:00 on Christmas Eve and New Years Eve.

Annex 3 - Conditions attached after a hearing by the licensing authority

None.

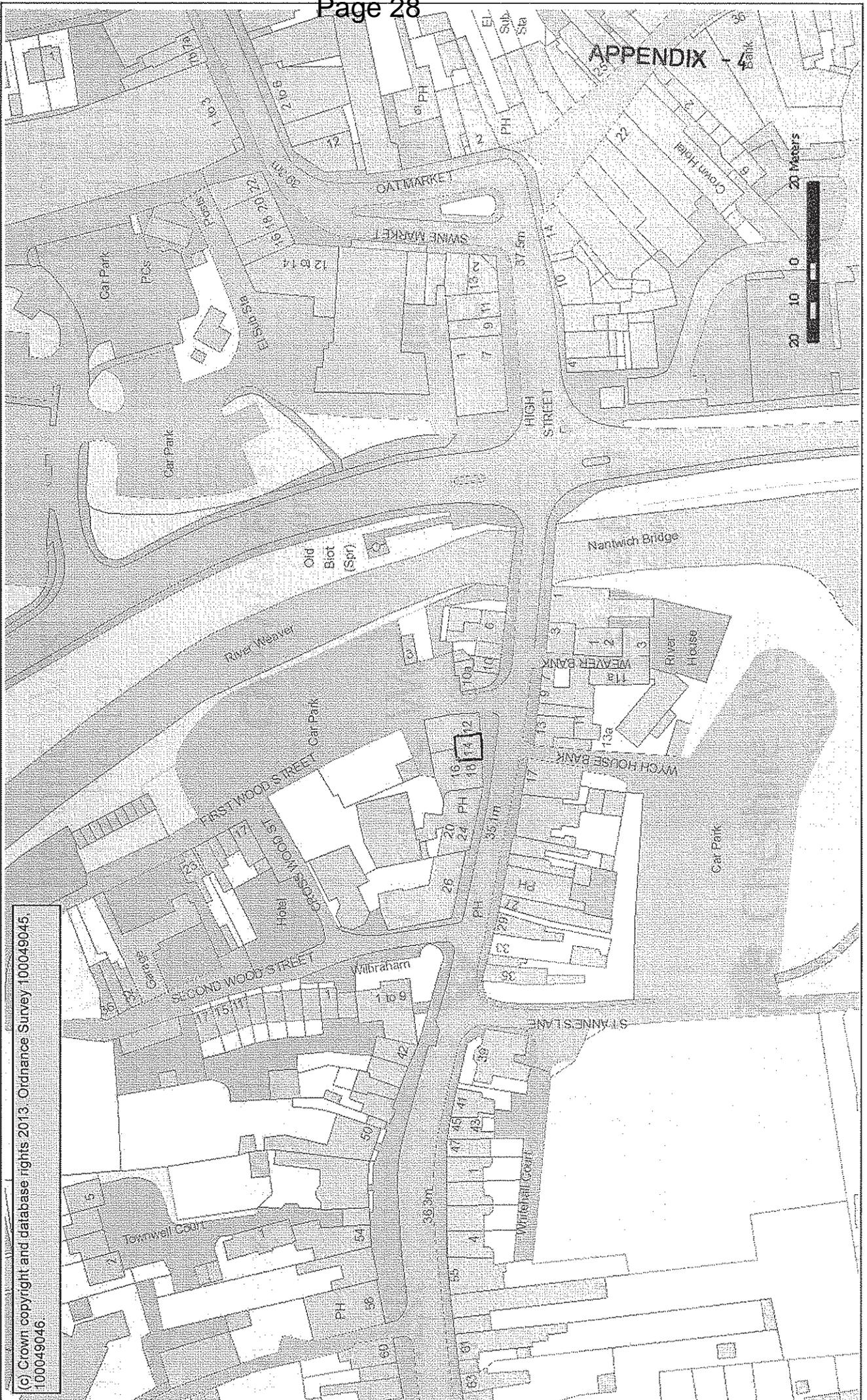
Annex 4 - Plan

Welsh Row





APPENDIX - 4



Cheshire CC WebGIS

Flames Balti Masala, Nantwich



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