

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee**
held on Monday, 15th August, 2016 at West Committee Room - Municipal
Buildings, Earle Street, Crewe, CW1 2BJ

PRESENT

Councillor W S Davies (Chairman)

Councillors L Smetham and J Wray

OFFICERS IN ATTENDANCE

Peter Jones, Lawyer

Jennifer Knight, Senior Licensing Officer

Julie Zientek, Democratic Services Officer

16 APPOINTMENT OF CHAIRMAN

RESOLVED –That Councillor S Davies be appointed Chairman.

17 DECLARATIONS OF INTEREST

There were no declarations of interest.

18 APPLICATION FOR THE REVIEW OF A PREMISES LICENCE: WHITE HORSE, 22 PILLORY STREET, NANTWICH CW5 5BD

The Sub-Committee considered a report regarding an application for the review of a Premises Licence for the White Horse, 22 Pillory Street, Nantwich CW5 5BD.

The following attended the hearing and made representations with respect to the application:

- the applicant
- a representative of the Environmental Health Team
- a representative of the Licensing Authority (acting as Responsible Authority)
- two representatives of premises licence holder
- the designated premises supervisor
- the leaseholder of the premises

After a full hearing of the application and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of:

- The Secretary of State's Guidance under section 182 of the Licensing Act 2003

- Cheshire East Borough Council's Statement of Licensing Policy
- The four licensing objectives (namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm)
- All the evidence, including the oral representations made at the meeting and the written representations of interested parties

the following course of action had been agreed:

RESOLVED - That the terms of the revised operating schedule, as put forward by the Premises Licence Holder and Designated Premises Supervisor, be adopted to replace any existing discretionary conditions, subject to an amendment to paragraph 6 under the heading 'Prevention of crime and disorder', as follows:

General

- 1 The premises licence holder shall require the Designated Premises Supervisor, or in his/her absence other responsible person, to keep an "incident/refusals report register" ('the register') in a bound book in which full details of all incidents are recorded. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The register is to be kept on the premises at all times and shall be produced to a Police or Licensing Officer when requested.
- 2 The DPS or nominated member of staff shall attend Pub Watch meetings and ensure that Pub Watch bans are identified and where possible reasonable steps are taken to ensure that those persons are excluded from the premises.
- 3 All authorised staff shall receive training at the commencement of their employment, commensurate with their duties, so that they have awareness of the licensing law and wider social responsibilities attached to the sale of alcohol and the conditions attached to the licence. Such training shall be recorded in writing and refresher training given every 6 months.

Prevention of crime and disorder

- 1 CCTV equipment shall be installed at the premises, with the number of cameras and citing to be agreed, where possible, in agreement with the Police.
- 2 Images to be retained for a minimum period as agreed with the police and made available to a Police or Licensing Officer upon request and as permitted under data protection legislation.

- 3 The CCTV equipment shall be maintained in good working order and continually record during licensable hours and for a period of two hours afterwards.
- 4 A member of staff technically able to operate the CCTV system shall be available during all licensable hours and shall comply with any reasonable request of an authorised officer of the Council or the Police to view any CCTV "footage" that has been recorded. The Premises licence Holder shall ensure that a member of staff shall be technically able to reproduce CCTV images into a removable format and that such format shall be produced within 24 hours following a request from an authorised officer of the Council or the Police, where such request does not breach data protection legislation.
- 5 The correct time and date shall be generated onto both the recording and real time image screen of the CCTV.
- 6 A minimum of 2 SIA door supervisors are to be employed every Friday and Saturday night and Sunday between 20:00 hours and the close of the premises to the public. At all other times that regulated entertainment is provided, the need to employ door supervisors will be risk assessed by the DPS/manager and the number of door supervisors identified as being required shall be employed for the time required by the risk assessment.
- 7 The premises licence holder shall ensure that where the door supervisors are employed at the premises, they enter in a bound register kept for that purpose their full name, badge number, (including expiry date), the time they commenced their duty and the time they completed their duty, immediately after doing so. This register shall be kept at the premises at all times and made available to a police or licensing officer immediately on requirement. Particulars of duties covering a minimum period of 31 days prior to the requirement shall be available.
- 8 The premises licence holder shall ensure that all door supervisors employed at the premises wear a current identification badge, issued by the Security Industry Authority, in a conspicuous position to the front of their upper body.

Public Safety

- 1 The premises licence holder shall ensure that all drinking glasses used within the premises are of the polycarbonate type or toughened or safety glass to the appropriate safety standard, in that they shall not produce sharp shards when broken.
- 2 The Premises licence holder shall provide training for all staff to ensure that they are familiar with all means of ingress and egress

and the appropriate procedures in case of any emergencies that require an immediate evacuation of the premises.

Prevention of public nuisance

- 1 Recorded music shall be played at a reasonable level so that does not disturb any neighbouring residents.
- 2 For the final 30 minutes of any Dj set due to terminate after midnight, the music levels are to be audibly reduced to affect a 'winding down' period. At the end of their set, Djs to remind customers to leave quietly. The manager on any evening when a Dj is scheduled to play will notify the Dj of this requirement prior to the start of his set and will ensure that the volume is reduced for the required 30 minute winding down period.
- 3 No speaker for amplification of music or speech shall be placed on the outside of the premises, with the exception of the annual Nantwich Jazz Festival and Nantwich Folk Festival.
- 4 Except for access and egress all external doors and windows to the front bar shall be kept closed whilst regulated entertainment is being performed at the premises
- 5 **Noise Limiters**
A noise limiting device shall be used in relation to all sound amplification equipment used in conjunction with the premises licence.
 - (a) The noise limiting device shall be installed and set at a level approved by the Council through an authorised officer of the Pollution Control Team.
 - (b) The noise limiting device shall be properly secured so that this can not be tampered with.
 - (c) The noise limiting device shall only be reset with the authority of the Council through an authorised officer of the Pollution Control Team. If deemed necessary, the noise limiting device shall be reset to a level approved by the Council through an authorised officer of the Pollution Control Team within 14 days of notification.
- 6 No nuisance shall be caused by vibrations transmitted through the structure of the premises
- 7 The outdoor area at the rear of the premises shall not be used by customers after 23.30 hours except for the designated smoking area. After 23.30 hours, no more than 20 customers may use this area at any one time.
- 8 There shall be no consumption of beverages at the front of the premises after midnight.

- 9 Customers will not be permitted to congregate outside the front of the premises after midnight. Customers going outside to smoke will be asked to smoke in the designated smoking area to the back of the premises.
- 10 The premises supervisor, manager or other competent person shall manage the outdoor area to ensure that customers do not behave in a noisy, rowdy or offensive manner.
- 11 Clear notices must be displayed at the prominent points in all outdoor areas informing customers to respect the needs of local residents and behave in a quiet and orderly manner.
- 12 A dispersal policy ('the policy') shall be drawn up and implemented at the premises to ensure that customers leave the premises quickly and quietly at the end of the night. When door staff are employed, there will be responsible, along with the manager, for implementation of the policy.
- 13 Windows and doors at the rear of the premises to be closed after 20:00 hours each evening
- 14 Activities relating to the placing of refuse, bottles and recyclable material into external receptacles shall only take place between 09.00 hours and 20.00 hours.
- 15 A complaints book shall be kept at the premises and any complaints received from members of the public will be recorded in it. As a minimum, the record will contain the date, time and nature of the complaint, along with the names of the complainant (if known), the person making the record and any action taken.
- 16 The licence holder shall ensure that adequate measures are in place to remove litter or waste arising from their customers and to prevent such litter from accumulating in the immediate vicinity of their premises. In particular, where necessary the premises licence holder shall ensure that adequate measures are in place to provide customers with sufficient receptacles for the depositing of waste materials such as etc.
- 17 Notices shall be displayed at all exits to the premises reminding customers to respect the premises' neighbours and leave quietly.

Protection of children from harm

- 1 All children must be accompanied and supervised by an adult.
- 2 Children shall not be permitted on the premises after 21:00 hrs unless attending a pre-booked function or table meal, in which case children can stay until the function ends or the meal is finished.

- 3 All staff to be trained in the prevention of under age sales to a level commensurate with their duties. All such training to be updated as necessary, for instance when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. The documentation shall be available for inspection on request by an authorised officer of the Licensing Authority or police.
- 4 An approved proof of age scheme shall be adopted, implemented and advertised within the premise such as "Challenge 21" whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 21 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.

The Applicant and Parties who had made relevant representations were reminded of their right to appeal this decision to the Magistrates' Court within 21 days.

The meeting commenced at 10.00 am and concluded at 12.25 pm

Councillor W S Davies (Chairman)