

Licensing Act Sub-Committee

Agenda

Date: Monday 15th May 2017
Time: 10.00 am
Venue: Committee Suite 2/3 - 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.

It should be noted that Part 1 items of Cheshire East Council decision making and Overview and Scrutiny meetings are audio recorded and the recordings will be uploaded to the Council's website.

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 for the Premises known as The Old Saw Mill, Back River Street, Congleton, Cheshire, CW12 1HJ (Pages 7 - 42)**

To consider an application for a Premises Licence, submitted by Congleton Community Partnership, in respect of the premises known as The Old Saw Mill, Back River Street, Congleton

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	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

LICENSING ACT SUB-COMMITTEE

Date of Meeting: Monday 15th May 2017
Report of: Jennifer Knight, Licensing Officer
Subject/Title: Application for a Premises Licence for the Premises known as The Old Saw Mill, Back River Street, Congleton, Cheshire, CW12 1HJ

1.0 Report Summary

- 1.1 The report provides details of an application for 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 for a Premises Licence by Congleton Community Partnership, in respect of:

**The Old Saw Mill
Back River Street, Congleton, Cheshire, CW12 1HJ**

- 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. The licensing objectives are:

- (a) The prevention of crime and disorder
- (b) Public safety
- (c) The prevention of public nuisance
- (d) The protection of children from harm

- 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 do so. Careful consideration should be given to application and relevant representations in light of the proposed operating schedules.

- 2.4 The Sub-Committee in respect of this application must have regard to the Guidance issued under Section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy.

- 2.5 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 and the Council's Constitution.

4.0 Wards Affected

4.1 Congleton West

5.0 Local Ward Members

Councillor Paul Bates
Councillor Gordon Baxendale
Councillor George Hayes

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.

6.2 Whilst having regard to the general principles within the Statement, Members may wish to consider the following:

- 6.2.1 The representations relate to the Prevention of Crime and Disorder and the Prevention of Public Nuisance Licensing Objectives. The Licensing Authority sets out at paragraphs 7 and 9 respectively, of its Statement of Licensing Policy how it will deal with representations under these objectives. At paragraph 9.1 the Statement of licensing policy confirm that a broad interpretation of what constitutes a public nuisance will be taken
- In considering the potential impact of licensed premises on the surrounding locality the Licensing Authority, when in receipt of any Relevant Representations will take into account the type of entertainment activity proposed hours of operation, the capacity of the premises, the character of the areas and the proximity to local residents. Consideration will be given to the potential steps which could be taken to reduce the risk of nuisance occurring. This will particularly apply in areas where there is residential accommodation in the proximity of the premises. Para 9.2
- The Statement of Licensing Policy has a specific section relating to noise nuisance. This section is reproduced for the benefit of the sub-committee at appendix 3

6.3 Members should provide reason(s) for any decision taken and should set out the reasoning where they determine to depart in any way from the Policy or Guidance.

7.0 Financial Implications

7.1 Not applicable.

8.0 Legal Implications

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.

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

8.3 Members are also reminded of the statutory obligation placed on the Local Authority under section 17 of the Crime and Disorder Act 1998 to through all of its various functions, and Licensing is one of those functions to do all that it can to prevent Crime and disorder, Anti-social Behaviour, behaviour adversely affecting the environment and re-offending.

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 was initially received on the 24th March 2017. The application is for a Premises Licence to be applied for under 17 of the Licensing Act 2003.

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

- Performance of plays indoors and outdoors
- Exhibition of films indoors and outdoors
- Performance of live music indoors and outdoors
- Playing of recorded music indoors and outdoors
- Performance of dance indoors and outdoors
- Sale and supply of alcohol for consumption both on and off the premises

10.3 The hours applied for are as follows:

Monday to Saturday 08.00 to 22.00 Hours
Sunday 10.00 to 16.00 Hours

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

10.5 Relevant Representations are attached as Appendix 2.

Responsible Authorities:

10.8 Cheshire Police have requested conditions to be imposed on the licence and the applicant has agreed the following conditions.

- The proof of age scheme 'Challenge 25' will be operated for all sales of alcohol.
- The CCTV system will record images continuously throughout the times when the premises are open to the public. Recorded images will be securely stored for a period of not less than 14 days and copies will be immediately made available, to a constable or an employee of the police, upon receipt of a lawful request to do so.

10.7 Environmental Protection have not submitted a representation to the application

Other Persons:

10.6 The Council has received Four objections to the application

11.0 Access to Information

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

Name: Miss Jennifer Knight
Designation: Senior Licensing Officer
Tel No: 01270 686337
Email: Jennifer.knight@cheshireeast.gov.uk

APPENDICES

Appendix 1 – Premises Licence Application Form & Plan
Appendix 2 – Objections
Appendix 3 – Relevant parts of Licensing Policy
Appendix 4 – Site plan of premises



Cheshire East
Application for a premises licence
Licensing Act 2003

For help contact
licensing@cheshireeast.gov.uk
 Telephone: 0300 123 5015

* required information

Section 1 of 19

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Other telephone number

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

VAT number

Legal status

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 19

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 19**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company
- A partnership
- An unincorporated association
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales
- Other (for example a statutory corporation)

Confirm The Following

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

Section 4 of 19**NON INDIVIDUAL APPLICANTS**

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Not for profit company limited by guarantee, registered community-interest-company (CIC).

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

Section 5 of 19

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of 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.

We are a community hub, providing a cafe, shop, meeting rooms, garden and studio space to challenge social isolation. We are a membership organisation. We want to provide alcohol to our cafe users and at our events and sell the local ciders and beers from our shop.
 The premises were workshops and offices refurbished in 2016 to provide the current facilities.
 The premises are located 100 yards from the main shopping area of the town.

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Continued from previous page...

Section 6 of 19

PROVISION OF PLAYS

Will you be providing plays?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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End

Will the performance of a play take place indoors or outdoors or both?

Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

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.

Plays and pieces of theatre, to entertain up to 50 guests, accompanying music amplified.

Continued from previous page...

State any seasonal variations for performing plays

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Outside as weather allows.

Non standard timings. Where the premises will be used for the performance of a play at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 7 of 19

PROVISION OF FILMS

Will you be providing films?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

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WEDNESDAY

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THURSDAY

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FRIDAY

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Continued from previous page...

SATURDAY

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SUNDAY

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End

Will the exhibition of films take place indoors or outdoors or both?

Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

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.

Film soundtrack will be amplified.

State any seasonal variations for the exhibition of film

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where the premises will be used for the exhibition of film at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 8 of 19

PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

Yes No

Section 9 of 19

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

Yes No

Section 10 of 19

PROVISION OF LIVE MUSIC

Continued from previous page...

Will you be providing live music?

Yes No

Standard Days And Timings

MONDAY

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End

Start

End

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.

TUESDAY

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WEDNESDAY

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THURSDAY

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SATURDAY

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SUNDAY

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End

Will the performance of live music take place indoors or outdoors or both?

Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

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.

Musical entertainment, sometimes amplified.

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 11 of 19

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

Yes No

Standard Days And Timings

MONDAY

Start
 Start

End
 End

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.

TUESDAY

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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Continued from previous page...

SUNDAY

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End

Will the playing of recorded music take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

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.

Music to entertain our guests, recorded music will be amplified.

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 12 of 19

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

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Continued from previous page...

WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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End

Will the performance of dance take place indoors or outdoors or both?

- Indoors
 Outdoors
 Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

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.

Dancing to entertain and for guests to be part of, accompanying music amplified.

State any seasonal variations for the performance of dance

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Outside as weather allows

Non-standard timings. Where the premises will be used for the performance of dance at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Continued from previous page...

Section 13 of 19

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes No

Section 14 of 19

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

Section 15 of 19

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

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WEDNESDAY

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Start

End

THURSDAY

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FRIDAY

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SATURDAY

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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.

Continued from previous page...

SUNDAY

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Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 19

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

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 etc gambling machines etc.

Plays and films could have adult themes. Appropriate supervision of all performances will be put in place to ensure children are not present at inappropriate events.

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

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End

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.

TUESDAY

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WEDNESDAY

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THURSDAY

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FRIDAY

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Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

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Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="16:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 18 of 19

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Strong management controls and effective training of all staff so that they are aware of the premises licence and the requirements to meet the four licensing objectives with particular attention to:

- a/ no selling of alcohol to underage people
- b/ no drunk and disorderly behavior on the premises area
- c/ vigilance in preventing the use and sale of illegal drugs at the retail area
- d/ no violent and anti-social behaviour
- e/ no any harm to children

- Operating Schedule providing the hours of operation and licensable activities during those hours.

Continued from previous page...

- Designated premises supervisor confirmed it is obligated to be in day-to-day control of the premises, to provide good training for staff on the Licensing Act (Training Record), to make or authorise each sale
- Clear "Challenge 25" information to prevent the supply of alcohol to under-age drinkers.
- CCTV system installed with recording option available
- Double wooden doors in addition to normal entrance door ensures that shop/cafe front is safe and secure out of hours.

As a licensed premises we know that it is necessary to carry out our functions or operate their businesses with a purpose of promoting these objectives. We promise to support these objectives through their operating schedules and other measures (including staff training and qualifications, policies, and strategic partnerships with other agencies).

b) The prevention of crime and disorder

CCTV System installed to monitor entrances, exits, and other parts of the premises in order to address the prevention of crime objective.

A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.

Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed.

Not selling of alcohol to drunk or intoxicated customers.

Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises.

Prevention and vigilance in illegal drug use at the retail unit area.

Staff will be well trained in asking customers to use premises in an orderly and respectful manner.

c) Public safety

Internal and external lighting fixed to promote the public safety objective.

Well trained staff adherence to environmental health requirements.

Training and implementation of underage ID checks.

A log book shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.

All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.

d) The prevention of public nuisance

Noise reduction measures to address the public nuisance objective.

Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.

Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.

The Licensee will ensure that staff who arrive early morning or depart late at night when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.

Customers will be asked not to stand around loudly talking in the street outside the premises.

Customers will not be admitted to premises outside opening hours except at planned events.

The movement of bins and rubbish outside the premises will only take place during opening hours.

Any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents.

e) The protection of children from harm

"Challenge 25" sign to encourage anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to buy or consume alcohol.

Well trained staff about requirement for persons' identification, age establishment etc.

All the details provided in Training Record Book available the retail unit.

Continued from previous page...

Log Book will be kept upon the premises all the time.

Section 19 of 19

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

DECLARATION

* I/we understand 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.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date

 / /

dd

mm

yyyy

Continued from previous page...

Add another signatory

Once you're finished you need to do the following:

- 1. Save this form to your computer by clicking file/save as...
- 2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/cheshire-east/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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

OFFICE USE ONLY

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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Consent of individual to being specified as premises supervisor

I PETER JEREMY ASTON
[full name of prospective premises supervisor]

of

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

Application for a premises licence
[type of application]

by

CONGLETON COMMUNITY PARTNERSHIP
[name of applicant]

relating to a premises licence
[number of existing licence, if any]

for

The Old Saw Mill,
Back River Street,
Congleton,
CW12 1HJ.

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

CONGLETON COMMUNITY PARTNERSHIP
[name of applicant]

concerning the supply of alcohol at

The Old Saw Mill,
Back River Street,
Congleton,
CW12 1HT.

[name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

[insert personal licence number]

Personal licence issuing authority

Cheshire East Council
[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

< _____ >

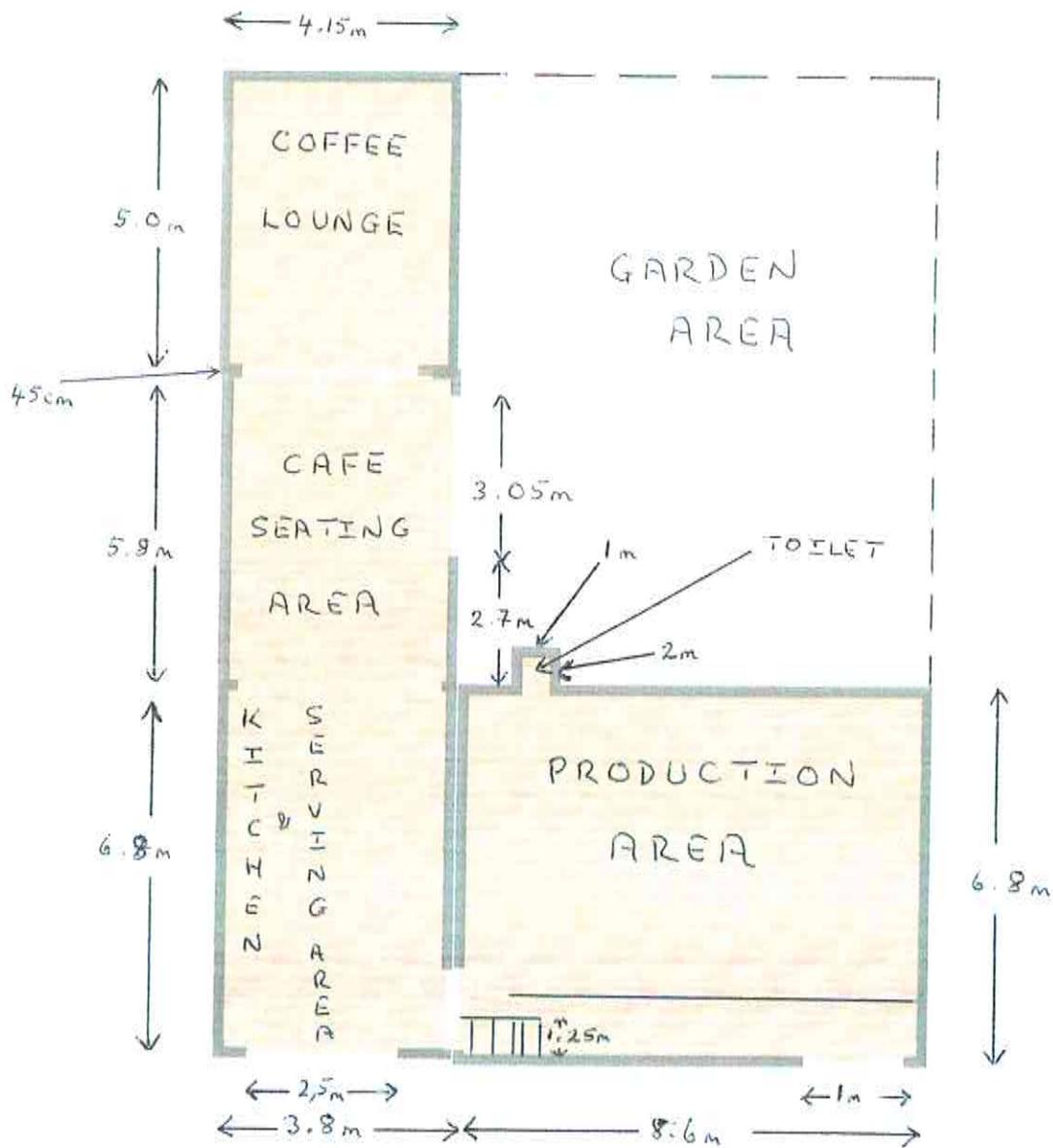
Name (please print)

PETER JEREMY ASTON

Date

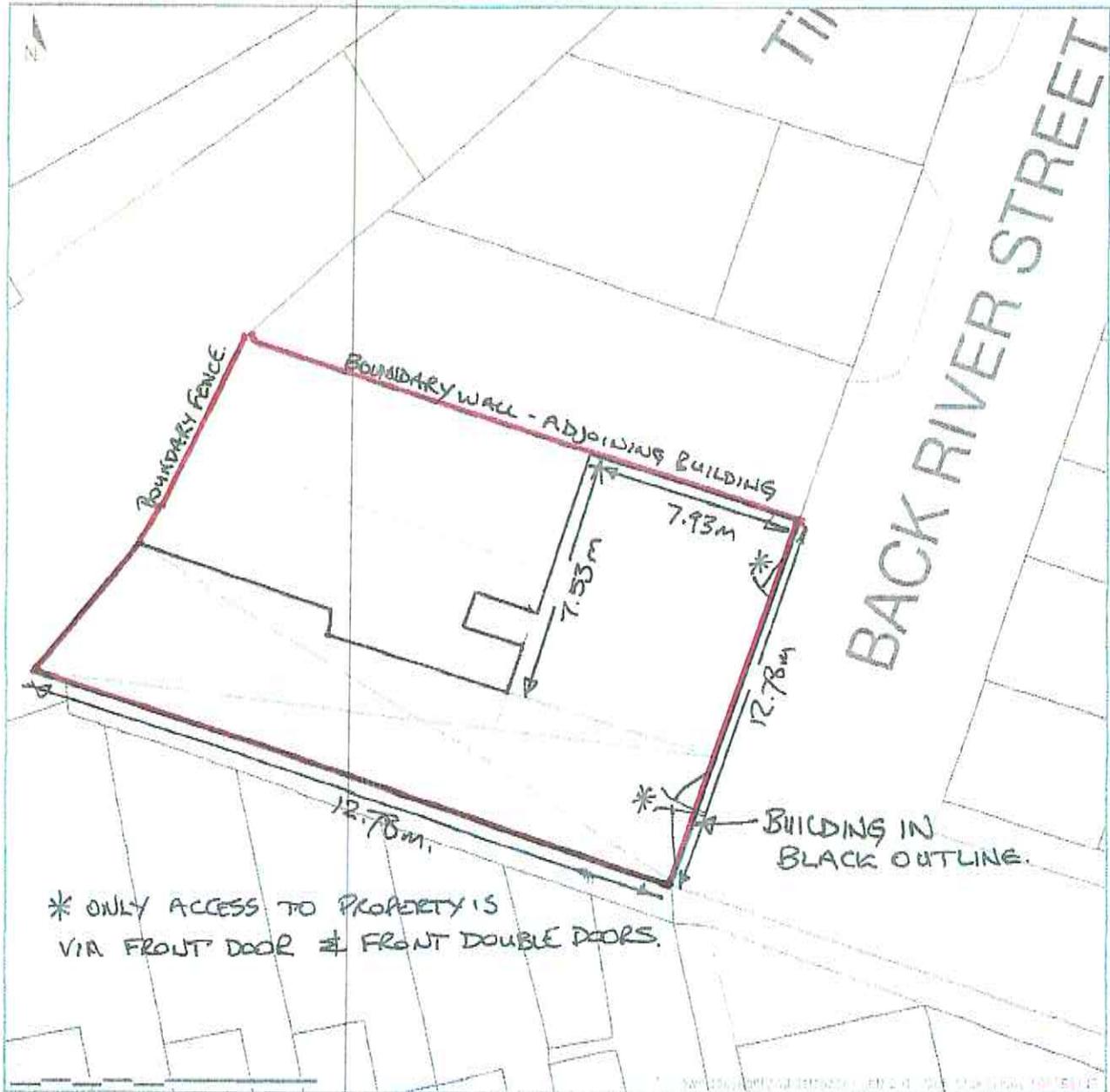
24 Mar 2017

GROUND FLOOR



- ALL EXTERNAL WALLS WILL BE INSULATED FOR RETENTION OF WARMTH AND NOISE REDUCTION
- ALL WINDOWS WILL BE DOUBLE/TRIPLED GLAZED FOR RETENTION OF WARMTH AND NOISE REDUCTION
- THERE ARE NO PROPOSED CHANGES TO THE EXISTING BRICK 1. ROUIZE BRICK INTERIOR & EXTERIOR WALLS

Old Saw Mill, Back River Street, Congleton, CW12 1HJ



Block Plan shows area bounded by: 385378.13, 363152.09 385714.13, 363160.09 (at a scale of 1:200) The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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KNIGHT, Jennifer

From: LICENSING (Cheshire East)
Sent: 12-Apr-2017 10:09
To: KNIGHT, Jennifer
Subject: FW: RE; Application for premises licence The Old Saw Mill

From:
Sent: 12-Apr-2017 10:02
To: LICENSING (Cheshire East)
Subject: Re: RE; Application for premises licence The Old Saw Mill

I am replying with reference to your letter dated 11/4/17 ref:-052034. I am quite surprised you will not take my letter concerning the Old Saw Mill as it did state the inconvenience it would bring to residents in the very close vicinity. Over the years I and others have had experienced disorderly behaviour from people gathering outside to drink and smoke whatever,they have been abusive,leave bottles and cans (which at times have been in my backyard) We as residents do no need any disorder bringing to the area. As I stated the noise , having lights shining into all surrounding house bedrooms,(which is definitely a disturbance and nuisance to parents trying to get babies to sleep). Children used outside to play and with the amount of cars now driving in,parents have had to stop them.

On Tuesday, 11 April 2017, 12:02, LICENSING (Cheshire East) <Licensing_CE@cheshireeast.gov.uk> wrote:

Good Morning,

Thank you for your correspondence, please see attached response and guidance for making a representation under the Licensing Act 2003

Many Thanks,
Licensing Team

From:
Sent: 10-Apr-2017 12:33
To: LICENSING (Cheshire East)
Subject: Fw: RE; Application for premises licence The Old Saw Mill

On Monday, 10 April 2017, 12:23,

To Head of licensing,
I besides a lot of other residents strongly object to the above premises being granted this licence on the grounds of The Saw Mill is only -5 feet away from some gardens of the surrounding area and the rest about 30-40 feet away,with which a lot have babies or small children that are in bed between 6-8pm the live music,performances which they state is going to be outside as well as in is just totally unacceptable in such an enclosed area,even at weekends its the only time a lot of people get together with families and spend time in the garden,the last thing you need is the pace and quiet being invaded after a weeks work you just want to peaceful time. As for the sale of alcohol on/off the premises we have enough unsavoury characters sat on the wall and in the alleyway congregating drinking beer etc which they purchase obviously from Bargain Booze,but then we the residents have to clean the beer cans and bottles away

because they just throw them anywhere, whilst on this subject has already been selling cider ,I know a least three people that have been purchasing it regularly(is that not breach of regs). There have already been art exhibitions as well.

As far as I am aware there have been various venues put in for these licences that have had them rejected on the grounds of they have been too close to residential properties(which would disrupt residents sleep,enjoyment of their gardens and basic home life) the Saw Mill is far closer than they were. The Environmental Health should be looking very closely at this.

When they first came they stated they did not want to upset or cause concern for the neighbouring families and would work with them, all that was obviously idle chat as what they are proposing will just annoy and upset the neighbours with noise and yet more cars and people coming and going at all times of the day/evening and weekends, what gets me is that the people running this proposal would not like it behind their gardens and especially all weekend as well.

If wanted all this he should have found more suitable premises other than right in the centre of all surrounding houses/families, it is totally unfair to expect residents to have to put up with this especially those with small children,shift workers, it is bad enough now when the light are on till late at night they shine into all surrounding houses and it is very bright, so how kids get to sleep I don't know,even people who attend the Saw Mill have stated it is TOTALLY the wrong place to set it up . They obviously have little or no consideration for the neighbours.

On another point all of these people he is trying to attract WHERE are they going to park its terrible at the moment even residents cant park in the street when he has something on, they all just seem to dump the vehicles anywhere wether it fully on the pavements or in Residents Only areas.

They already have performances and live music booked which he is at this moment selling tickets for Wed 12th April,Sat 29th April and something for Sat 10th June . Should he be doing this as I believe after phoning planning his application has not had a decision made on it(so is this breach of regulations) which everybody else has to abide with but they just seem to do as they please.

Please look at this application with the consideration and well being of the residents it is going to have an impact on especially babies,children. People like to spend time in their gardens with family without having noise and continual disturbances (WHICH THIS WILL DEFINATELY HAVE)

Not only is this not a good proposal what sort of impact will it have if we want to sell our property, because I for one would not even look if I knew that was behind me.

resident-who will be effected.

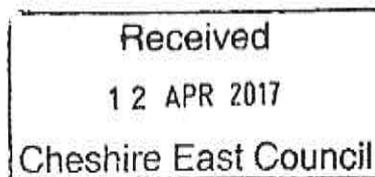
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Legal documents: The Council does not accept service of legal documents by email.



The Licensing Section,
Cheshire East Council,
Municipal Buildings,
Earle Street, Crewe,
CW1 2BJ.

Date 7 April 2017

Dear Sir or Madam

Re : Old Sawmill premises application.

I refer to the above application and a number of concerns expressed by the residents of River Street, North Street Congleton and the surrounding area.

An application for a Premises License has been made by the Sawmill, Back River Street Congleton. I believe that any additional activities, particularly those taking place in the evening, at night and into the early hours of the morning, would have a severe and detrimental effect, placing an unacceptable burden on the lives of the residents of River-North Street and the surrounding area.

I would urge you to pay close attention to the types of properties in very close proximity to the Sawmill. River Street, in particular, has a mix of residents from young families, the elderly and supported and sheltered housing for vulnerable people.

It is my firm belief that granting a premises licences to the Sawmill would cause undue stress, anxiety and disruption to the family life of the young families and distress to the vulnerable and elderly residents.

In addition the available parking at the Sawmill is virtually non-existent. Residents already suffer on a daily basis as visitors to the Sawmill consistently block their drives, making it impossible for them to open their outward-opening gates to enter or exit their own premises. Any extension to opening times as a result of being granted a Premises Licence would only exacerbate this already unacceptable situation.

Congleton is already well serviced by a number of licenced premises, there are several premises within a very short distance of the Sawmill offering a wide range of services to patrons. The location of the Sawmill, particularly its proximity to sheltered housing, vulnerable and elderly tenants makes it totally unacceptable as Licenced Premises.

Due Diligence checks also indicate that alcohol is already being dispensed at the premises and events are being advertised and tickets offered for sale with the advice to bring your own alcohol only to events that are due to take place before the public consultation has expired.

I believe the applicants are so confident that a licence will be granted, they are advertising future events on this basis.

I feel this flagrant disregard for the law and Licencing process needs to be investigated and if found to be correct, the application should be refused and appropriate action taken against the applicant.

This is an individual statement as this has yet to be discussed by the Town Council, but I will be raising this matter at the next CTC Full Council meeting to express the concerns of the residents of River Street and surrounding areas, the total lack of support they feel they have received, the total disregard of the tenants and users of the Sawmill for the residents and their quality of life.

10/04/2017

I am writing to protest the application for a licence at the Congleton Community Partnership, they made an application on the 24th of march for a licence so they could have, performance of plays, exhibition of films, performance of live music, performance of dance, (all indoors and outdoors), and sale and supply of alcohol (for consumption both on and off the premises) Monday to Saturday 08:00 to 22:00 hours and Sunday 10:00 to 16:00 hours.

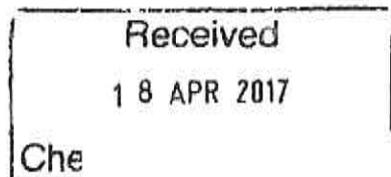
The part of the licence that I am Protesting Against is the alcohol supply and live music! My flat is positioned very close to the old saw mill and I feel that providing the Congleton community partnership with permission for these things will cause me and my son great disturbance.

I believe this more so as they held an event on the 31st of march and it made my 3 year old son very unsettled, he wanted to know who all the people were and what was going on it didn't help that they were arriving at 19:00 which is his bedtime. People were arriving at the property at 19:00 and they left at 22:00, when people were leaving they caused disturbance as there were car lights shining into my property and my neighbours property and they were peeping as they left, also there was a few people gathered outside of the property till about 22:30 talking and laughing which sounded really loud as the main door to the property is right by my bedroom window of my ground floor flat and I could hear them word for word over my television

Congleton Community Partnership is supposed to be rewarding for the community and providing these licences with cause great distress to this community, there has already been issues with parking from their customers and on the 10th of April they caused more distress by trying to cut down a tree on my landlords property which provides me with privacy, so that they could plant their own flowers and trees which would cause an obstruction for me and my neighbours getting to our gas and electric meters.

I don't think it would be fair to cause anymore disturbance to this community, I have lived in my flat for three and a half years and I would feel the need to move if they were given permission for these licences, I imagine that other neighbours would feel the same. If the Congleton Community Partnership would like to bring the community together then they should respect their neighbours, like the neighbours have respected and supported them on growing the business. Allowing the application will cause a lot of unnecessary tension.

Received
12 APR 2017
Cheshire East Council



Reference Application for a premises license for;
The Old Saw Mill, Back River St, Congleton, CW12 11TS.

Dear Sirs,

I am the owner of
which contains 4, 2 bedroom flats.

These flats are yards from the
above and contain young children.

My tenants are very anxious about
what is happening at The Old Saw Mill,
especially with regard to noise and alcohol
consumption. We are completely against
this application and are ~~horrified~~ horrified
that this quiet residential area can have
loud music with people consuming alcohol
within a few feet of their windows.

Yours faithfully,

()

Relevant Sections of Cheshire East Licensing Policy

9. Prevention of Public Nuisance 15 | Page

9.1 If Relevant Representations are received the Licensing Authority, when making an objective judgment about what constitutes a nuisance in respect of an application or review of a premises licence or certificate, will take a broad common law meaning when considering matters such as:

- Noise from premises
- Waste
- Litter
- Car parking
- Light pollution
- Noxious odours

9.2 In considering the potential impact of licensed premises on the surrounding locality the Licensing Authority, when in receipt of any Relevant Representations will take into account the type of entertainment activity proposed hours of operation, the capacity of the premises, the character of the areas and the proximity to local residents. Consideration will be given to the potential steps which could be taken to reduce the risk of nuisance occurring. This will particularly apply in areas where there is residential accommodation in the proximity of the premises.

Noise and Vibration

9.3 In order to enforce the provisions of the Environmental Protection Act 1990 (which relate to noise nuisance) the Police, Environmental Health Officers and Licensing Officers will liaise to ensure that adequate control measures are properly used to protect the local environment. Any action taken will be conducted in accordance with relevant enforcement policies

9.4 Consideration will be given to whether the operating schedule contains adequate measures to prevent noise and vibration, generated from within the premises, outside it, or from an open site, that may cause disturbance. Stricter conditions will be considered on premises in areas that have denser residential accommodation or have residential accommodation close to them. Noise includes music and human voices. Measures in the Operating Schedule may include installation of soundproofing, air conditioning, acoustic lobbies, sound limitation devices or locking doors at specified hours. If the proposed operating schedule fails to address noise nuisance issues, the Environmental Health Department may request that an independent acoustic report is conducted. Environmental Health may use any recommendations from such a report to propose amendments to the Operating Schedule or suggest conditions for the consideration of any (Sub) Committee.

9.5 Applicants will be expected to have included measures in their Operating Schedules that make adequate provision to:

- Restrict the generation of any noise within the premises and from activities associated with the premises in the vicinity, or from an open air site
- Limit the escape of any noise from the premises or open air site
- Restrict any noise emissions to below levels that could affect people in the vicinity going about their business, at work and when at home both while relaxing and while sleeping

- Minimise and control any noise from customers arriving and departing from the premises

9.6 The Licensing Authority will not impose conditions on licensed premises that cannot be directly controlled, or on matters not related to the vicinity of the premises.

9.7 If it is considered that any noise emanating from within the curtilage of a licensed premise is causing a public nuisance, under the provisions of the Anti-Social Behaviour Act 2003, an Authorised Officer can require its immediate closure for a period of up to 24 hours. It should be noted that the 'test' is a lesser one than that required to determine a Statutory Noise Nuisance and the statutory defence of 'best practicable means' is not available.



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