

Licensing Act Sub-Committee

Agenda

Date:	Tuesday, 27th August, 2019
Time:	2.00 pm
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 Review to the Premises Licence at Symposium, 70a Grove Street, Wilmslow SK9 1DS (Pages 7 - 40)**

To consider an application for a review of the Premises Licence for Symposium, 70a Grove Street, Wilmslow.

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.



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Licensing Act Sub Committee

Date of Meeting: 27 August 2019

Report Title: Application for a review to the Premises Licence at Symposium,
70a Grove Street, Wilmslow, SK9 1DS

Senior Officer: Frank Jordan - Executive Director Places

1. Report Summary

- 1.1. The report provides details of an application for a review to the Premises Licence, under section 51 of the Licensing Act 2003 and outlines the evidence presented by the parties in relation to the review.

2. Recommendations

- 2.1. The Licensing Act Sub-Committee is requested to determine the application for a review of the Premises Licence by Cheshire Police, in respect of:

Symposium
70a Grove Street, Wilmslow, SK9 1DS

- 2.2. The Licensing Act Sub-Committee is requested to consider the review Application and any relevant representations and determine what steps, if any, it considers are appropriate to promote the Licensing Objectives.
- 2.3. Acting in the capacity of Licensing Authority, Members must seek to promote the Licensing Objectives. And where Members consider that matters have engaged one or more of the Objectives, they may exercise their discretion. The Licensing Objectives are:
- The prevention of crime and disorder
 - Public Safety
 - The prevention of public nuisance
 - The protection of children from harm

- 2.4. 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 the application and the evidence presented by the parties in relation to the review.
- 2.5. Finally, Members are also reminded that in determining the application, consideration also needs to be given to:
- The rules of natural justice
 - The provisions of the Human Rights Act 1998

3. 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, and provide reasons why the recommendation/s has been made. Link your reasons into appropriate council policies and corporate objectives.

4. Other Options Considered

- 4.1. Not applicable

5. Background

- 5.1. The application was received by the Licensing Authority by Cheshire Police and sent out for consultation on the 10th July 2019. The application is to review a Premises Licence under section 51 of the Licensing Act 2003.
- 5.2. The grounds for the review application are:
- Prevention of Crime and Disorder
 - Public safety

The full details of the grounds for the review are set out in the application at Appendix 1

- 5.3. A copy of the Premises Licence setting out the premises licence holder, Designated premises supervisor and conditions etc. is appended to this report at Appendix 2.
- 5.4. Within the prescribed consultation period in relation to the review, the Premises Licence Holder has submitted a statement in relation to the review application, a copy of the statement is attached at Appendix 3. Further discussions have been made between the Premises Licence holder

and Cheshire Police, the outcome of the discussion has resulted in an application from the Premises Licence Holder for a Minor Variation, to add conditions proposed by Cheshire Police to the premises licence. The application is still subject to consultation and has not reached the point whereby a determination of the application can be made at the time of writing. A copy of the proposed conditions for the Minor Variation Application is appended to this report at Appendix 4.

5.5. Responsible Authorities:

- 5.5.1. The Council's Environmental Protection team have not submitted a representation

5.6 Other Persons:

- 5.6.1 The Council has not received any representations from the public.
- 5.6.2 Although not considered a valid representation, the Council received an email supporting Cheshire Police's application from Wimsow Town Council.

6. Implications of the Recommendations

6.1. Legal Implications

- 6.1.1 Sub-section 52(2) of the Licensing Act 2003 prescribes that before determining an application for a review received in accordance with section 51, the Licensing Authority must hold a hearing to consider the review application and any relevant representations.
- 6.1.2 Sub-section 52(3) states that the authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers, appropriate for the promotion of the Licensing Objectives.

The steps set out within sub-section (4) are:

- i. Modify the conditions of the licence, which could include either imposing further conditions on the licence or changing (for example, further restricting) the hours of certain licensable activities, where this is proportionate and relevant to the licensing objectives. This may also include a requirement that unregulated entertainment becomes regulated again between

the hours of 8am and 11pm. For this purpose, the conditions of the licence are modified if any of them are altered or omitted, or any new condition is added.

- ii. Exclude a licensable activity from the scope of the licence
- iii. The Sub-Committee may decide that it is proportionate and relevant to the Licensing Objectives to remove one or more of the licensable activities.
- iv. Remove the designated premises supervisor.
- v. Suspend the licence for a period not exceeding three months
- vi. Revoke the licence

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

6.1.4 By virtue of section 52(11) of the Licensing Act 2003, any decision of the Sub-Committee to take one or more of the steps set out above does not have effect:

- (a) Until the end of the period given for appealing against the decision or
- (b) If the decision is appealed against, until the appeal is disposed of.

6.1.5 Members are also reminded of the statutory obligation placed on the Local Authority under section 17 of the Crime and Disorder Act 1998 to exercise its various functions, doing all that it can to prevent Crime and disorder, and Anti-social Behaviour, behaviour adversely affecting the environment as well the misuse of drugs, alcohol and re-offending in the Local Environment.

6.2. Finance Implications

6.2.1. There are no financial implications

6.3. Policy Implications

6.3.1. The Licensing Authority has adopted a Statement of Licensing Policy in accordance with section 5 of the Licensing Act 2003.

- 6.3.2. The Licensing Authority must also have due regard to the guidance issued under section 182 of the Licensing Act 2003.
- 6.3.3. 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.

6.4. Equality Implications

- 6.4.1. There are no direct equality implications

6.5. Human Resources Implications

- 6.5.1. There are no human resources implications

6.6. Risk Management Implications

- 6.7. The Licensing Sub-Committee will hear representations made on behalf of both the applicant and the 'relevant person' who has submitted their representation(s) and will make a decision on the basis of the evidence presented to it. The Licensing Act 2003 makes provision for an appeal to the Magistrates' Court of any decision made by the Licensing Authority.

6.8. Rural Communities Implications

- 6.8.1. There are no direct implications for rural communities.

6.9. Implications for Children & Young People/Cared for Children

- 6.9.1. There are no direct implications for children and young people.

6.10. Public Health Implications

- 6.10.1. There are no direct implications for public health.

6.11. Climate Change Implications

- 6.11.1. There are no direct implications for Climate Change

7. Ward Members Affected

- 7.1. Wilmslow West and Chorley - Councillor Iain Macfarlane
- 7.2. Wilmslow East – Councillor David Jefferay
- 7.3. Wilmslow West and Chorley - Councillor Mark Goldsmith

8. Consultation & Engagement

- 8.1. Consultation in respect of submitting an application to review a Premises Licence Application is prescribed in the Licensing Act 2003 and has been fully complied with.

9. Access to Information

- 9.1. The background papers relating to this report can be made available by contacting the report writer.

10. Contact Information

- 10.1. Any questions relating to this report should be directed to the following officer:

Name: Jennifer Knight

Job Title: Senior Licensing Officer

Email: Jennifer.knight@cheshireeast.gov.uk

Appendix 1 – Application

Appendix 2 – Premises Licence

Appendix 3 – Statement from Premises Licence Holder

Appendix 4 – Conditions proposed in Minor Variation application

Appendix 5 – Map of the premises

[Insert name and address of relevant licensing authority and its reference number (optional)]

**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.

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

I Inspector [REDACTED]

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

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

Symposium
70A Grove Street
Wilmslow
Cheshire

Post town Wilmslow

Post code (if known) SK9 1DS

Name of premises licence holder or club holding club premises certificate (if known)

[REDACTED]

Number of premises licence or club premises certificate (if known)

PR/0750

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

☐

2) a responsible authority (please complete (C) below)

X

3) a member of the club to which this application relates (please complete (A) below)

☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr

☐

Mrs

☐

Miss

☐

Ms

☐

Other title

(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

☐

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Cheshire Police Macclesfield Police Station Brunswick Street Macclesfield SK10 1HQ
Telephone number (if any) N/A
E-mail address (optional) [REDACTED]

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

- X
- X
- ☐
- ☐

Please state the ground(s) for review (please read guidance note 2)

The grounds for the Review are that the premises have facilitated the employment of illegal immigrants who are either in the country illegally or working without a valid visa.

There has been a significant number of violent crimes and disorder as well as reports of drug dealing within the premises.

The current premises licensing conditions are for a Greek Restaurant and do not reflect the current business model being operated at the premises namely a late night bar/night club.

The nature and style of the operation of the premises is undermining the licensing objectives particularly:

- Prevention of Crime and Disorder
- Public safety

Please provide as much information as possible to support the application (please read guidance note 3)

On the evening of 7th of June 2019 Operation Skyscraper, run by Cheshire Police with partnership agencies carried out licensing checks in the area of Wilmslow, where a number of licensed premises were visited including Symposium in Wilmslow.

During the visit the DPS was not present and he was not able to attend the premises. He was spoken to over the phone and advised officers to speak with a member of staff called Tania who was a personal licence holder and who was in the best position to help, however Tania was unable to answer all of our questions satisfactorily.

Checks carried out within the premises revealed two persons (toilet attendants, one male one female) who were living and working illegally. They were arrested in relation to immigration offences – overstayed their VISA. (One of them had overstayed for 14 years.) Both were taken to Police Custody where they were interviewed the following day by Border Force officers. They were released on bail and currently reporting to Immigration on a regular basis whilst Border Force officers continue their investigation.

Dave Lightfoot (SIA) spoke to the premises on the night regarding the door company they were employing as the door company doesn't exist, according to Companies House it was dissolved back in 2016. One of the door supervisors has his own company so to ensure that the door supervisors were operating legally it was agreed that he would be head door supervisor for the time being with responsibility for the other staff. The SIA will be following up on this and taking any appropriate action.

The history of the premises is as follows: the applicant applied for and was granted Premises License for a Greek Restaurant called Stolen LAMB on 30th June 2011. The license was then varied to change the operating model (Restaurant and Bar) and to extended their opening hours on the 18th April 2016. They then changed the name to its current name (Symposium) on 20th April 2017 and they have been operating ever since as a late night bar/nightclub.

In addition to this we have checked our police computer systems and found a number of incidents of Crime and disorder. – January to present day

Number of incidents: 13

From reviewing 13 incidents since January of this year there were in total -

Theft – 2 recorded crimes

Violence –10 recorded crimes including one for assault Police

Sexual offences – 1 recorded crime

Drugs – 2 reported incidents of drug dealing inside the club

ASB – two reported incidents of disturbance/antisocial behaviour

The majority of the incidents occur on Saturdays and Sundays and almost entirely between 01:00 and 03:00 hours.

There appear to be some issues with CCTV – the time it is kept for and ability to provide copies to the police. In addition there are some issues around the CCTV cameras coverage which needs to be reviewed and addressed.

Symposium themselves fail to report incidents such as fights within the nightclub at the time or after; instead it is victims who contact the Police after the incidents by which point much of the evidence which could have been obtained has been lost.

Two people arrested on 7th of June for immigration offences. They were working at the Symposium as toilet attendants.

On one occasion (February) there was a large scale fight which resulted in 4 reports of assault and one of sexual assault. The fight broke out inside the premises.

At this time we are not seeking revocation of the license. We are looking into amend the license conditions to reflect the business model currently operated and if the committee feel it appropriate we would welcome a reduction in the hours open to the public and the hours where licensable activities can take place from 03:00 to 01:00 hrs.

Please tick ✓ yes

☐

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☐
- I understand that if I do not comply with the above requirements my application will be rejected ☐

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date 10/07/19

.....

Capacity Police Inspector – Macclesfield Local Policing Unit.

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.



Premises Licence Summary

Premises Licence Number:

PR/0750

Premises Details

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

The Symposium
70a Grove Street
Wilmslow
Cheshire

Post Town: Wilmslow

Post Code: SK9 1DS

Telephone Number: 01625 419571

Where the Licence is time limited, the dates:

Not applicable

Licensable activities authorised by the Licence:

Live Music
Sale and supply of alcohol
Provision of facilities for making music
Late Night Refreshment

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

Live Music (to take place indoors only)

Monday to Sunday 18.00 to 01.00

New Years Eve extend by two hours

Sale and supply of alcohol

Monday to Sunday 11.30 to 03.00

New Years Eve extend by one hour

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

Monday to Sunday 18.00 to 03.00

New Years Eve extend by one hour

Late Night Refreshment (to take place indoors only)

Monday to Sunday 23.00 to 24.00

New Years Eve extend by one hour

The opening hours of the Premises:

Monday to Sunday 11.30 to 03.00
New Years Eve extend by one hour

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

for consumption on the premises only

Name, (registered) address of holder of Premises Licence:

Mr George Hadjiyiannis
152 Manchester Road
Wilmslow
SK9 2JW

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

Not applicable

Name of designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol:

Mr George Hadjiyiannis

State whether access to the Premises by children is restricted or prohibited:

No children under the age of 18 shall be allowed entry to the premises without the supervision of an adult.

Licence issued on 26th June 2019



.....
Signed by Amanda Fallows on behalf of
Cheshire East Borough Council

Annex 1 - Mandatory Conditions (as applicable)

1. No supply of alcohol may be made under this Premises Licence –
 - a) at a time when there is no designated premises supervisor in respect of the Premises Licence, or
 - b) at a time when the designated premises supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under this Premises Licence must be made or authorised by a person who holds a Personal Licence.

Where a Village Hall is exempt from needing DPS under s.19 Licensing Act 2003

Every supply of alcohol under the premises licence must be made or authorised by the Management Committee.

Mandatory condition where the licence authorises the exhibition of films

The admission of children to the exhibition of any film must be restricted in accordance with section 20 of the Licensing Act 2003. Admission of children must be restricted in accordance with any recommendation made by the British Board of Film Classification or the Licensing Authority.

Prohibited conditions: plays

1. In relation to a premises licence which authorises the performance of plays, no condition may be attached to the licence as to the nature of the plays which may be performed, or the manner of performing plays, under the licence.
2. But subsection (1) does not prevent a licensing authority imposing, in accordance with section 18(2)(a) or (3)(b), 35(3)(b) or 52(3), any condition which it considers necessary on the grounds of public safety.

Mandatory condition: Door supervision

Each individual engaged in security activities at the premises must either:

- a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- b) be entitled to carry out that activity by virtue of Section 4 of the Private Security Industry Act 2001.

**LICENSING ACT 2003 (MANDATORY LICENSING CONDITIONS)(AMENDMENT)
ORDER 2014**

MANDATORY CONDITIONS

Condition 1

1. The responsible person must ensure that staff on relevant premises no not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:
 - a) Games or other activities which require or encourage, or are designed to require or encourage individuals to –

- i. Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- ii. Drink as much alcohol as possible (whether within a time limit or otherwise);
- b) Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- c) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- d) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- e) Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

Condition 2

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

Condition 3

1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
 - a) A holographic mark, or
 - b) An ultraviolet feature

Condition 4

The responsible person must ensure that –

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

- i. Beer or cider: ½ pint;
 - ii. Gin, rum, vodka or whisky: 25ml or 35ml; and
 - iii. Still wine in a glass: 125ml;
- b) These measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- c) Where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014

- 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 2. For the purposes of the condition set out in paragraph 1—
 - a) 'duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - b) 'permitted price' is the price found by applying the formula—

$$P = D + (D \times V)$$

Where —

- i. P is the permitted price,
 - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- c) 'relevant person' means, in relation to premises in respect of which there is in force a premises licence—
- i. the holder of the premises licence,
 - ii. the designated premises supervisor (if any) in respect of such a licence, or
 - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- d) 'relevant person' means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- e) 'valued added tax' means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the Operating Schedule

Prevention of Crime and Disorder

Entry to the premises shall be refused to any person who appears to be intoxicated.

Any disorderly persons shall be asked to leave.

The premises shall be alarmed.

Staff shall be trained in the Licensing Act 2003 objectives.

Public Safety

There shall be clearly marked fire exits and fire extinguishers and Health & Safety standards shall be reviewed on a regular basis.

Extractor and fire equipment shall be tested on a regular basis.

Prevention of Public Nuisance

Staff shall be trained to handle public nuisance.

There shall be a notice displayed requesting customers to leave the premises quietly.

Protection of Children from Harm

No children under the age of 18 shall be allowed entry to the premises without the supervision of an adult.

Challenge 25 shall be adopted at the premises with proof of identity required using photo type drivers licence, passport or other proof of age document.

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

Not applicable.

Annex 4 - Plans

See attached.

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Dear Licensing Committee -Cheshire East Council,

I am making representation on behalf of the Symposium Cocktail Bar & Live Music Venue, Wilmslow.

Following a visit from the Licensing Team and the Pro-active Police Team of Cheshire East on Thursday 25th April under operation Sky Scraper and a further meeting on Friday 19th July with Sergeant [REDACTED] and [REDACTED] of the licensing division , we understand and respect that our current Premises Licence and operation clearly needs adjusting and changing to suit the style of business we have become.

I would like to take this opportunity to stress how important Safety and Prevention of Crime and Disorder to both the Public and our staff members is to us and we are grateful for the assistance and guidance we have been given in the recent 3 months by Cheshire East Police and Licensing. My parents and I originally took on a new lease on 70 a Grove Street in May 2011 and transformed the former derelict Chinese restaurant into a family run Greek restaurant.

Unfortunately due to the venue being a first floor restaurant with limited lighting, we struggled to create much trade during the day times, along with mistakes made in our first year with slow service, we failed to make it a successful business. After 5 years we agreed a change must be made as it was impossible to continue financially.

At this point, our family friend [REDACTED] had bought my parents share of the business and we decided to rebrand ourselves the Symposium (Greek for "meeting place") and concentrate more on live music with Ancient Greek style cocktails and small meze plates, we believed that there was a demand for a mature place to drink after the neighbouring restaurants and pubs close for the over 25's market and a 3am licence extension would be helpful.....it was granted.

In the past 3 years we have failed to create a dining culture within the Symposium apart from our jazz evenings, comedy evenings and Greek nights once a month where there is a demand for food. These night however struggle to work more than once per month. The venue itself does not appeal for everyday dining due to its dark ambience and format.

What clearly does work is the demand for cocktails and other alcoholic beverages and live music from the hours of 23.30 to 03.00. 80% of our trade comes between 01.00 am and 03.00am. It is important to us to do everything we can to maximise safety and prevent crime and disorder to both the public and our staff members whilst keeping our licensing until 03.00 am. Without this we would have no choice but to close the business. There are 9 fulltime employees and 3 partime employees currently working in our company.

We believe we have a reputation for being a safe place to socialise amongst many regulars who visit us week in week out.

We believe there are many areas in the business we do well , however due to us being naïve and inexperienced in certain areas and a unfamiliar with certain troublemakers we have made mistakes and there have been incidents. With the following list of conditions added to our license and now the support and guidance of Cheshire East Police and Licensing , we strongly believe we now have everything we need to operate a safe and reputable venue in the town for many years to come.

Conditions we propose are

- (1) During our operation skyscraper we were informed that the Premises Licence summary must be displayed. This is now on display . **We propose The Premises Licence Summary to be on show at all times as condition on our licence**
- (2) We also failed to provide the Full Premises Licence, we have purchased a new one form Cheshire East Council and this is now safely on the premises, **we propose it as a condition on our licence to always have the full premises licence on the premises**
- (3) We failed to provide a security sign- In register . We have now sourced one and it has been approved as fit for use by [REDACTED] of the licensing division, **we propose it as a condition on our licence to always have a security signing in book on the premises filled in daily**
- (4) After 2 years of trading we decide it would be more effective to employ our security direct as they had become regular fulltime staff. We did not know however there was a non-front line licence needed in order to do this. It was made aware in operation skyscraper and I immediately applied for my own front- line licence and it has been approved. Confirmation of this was shown to [REDACTED] and Sg [REDACTED] in our meeting on 19th July. **We propose it as a condition on our licence the director of security to have a non- front line licence or use a fully licensed company**
- (5) We were found to have toilet attendants working for tips in both the gents and ladies toilets with expired visas. I take full responsibility as being naïve to expect this, all employees have the relevant documents to work but this was an area that I failed to inspect as it was in my opinion not employed members of staff. I do now realise that in some form they are and I failed to maximise safety to the public and other members of staff with my ignorance. This will ever happen again, if we do decide to re-employ toilet attendants we shall make sure we will request the documents which demonstrate entitlement to work in the Uk (sent to us by [REDACTED]) and **we propose it as a condition on our licence to always follow the documents which demonstrate entitlement to work in the Uk**
- (6) During the investigation it was brought to our attention that the CCTV was not working correctly. We understand how important it is to have a full working camera system. [REDACTED] of licensing has put us in touch with [REDACTED] (camera expert of Cheshire East Police) who is advising us on updating our system and extending from 5 days to 28day replay facility. This will be rectified within the next 2 weeks. It was also suggested by Sg [REDACTED] that we have body worn cameras worn by our security members, this was a product I was unaware of and we have decided to source and add it to our camera system. **We propose it as a condition on our licence to be 28day CCTV and regularly serviced.**
- (7) We were informed that we should have an incident report and refusals register to hand. We have sourced them and have had them approved as fit for use by [REDACTED]. **We propose it as a condition on our licence to always have an up to date incident report book on the premises.**
- (8) We have been informed that there must be proof of staff training in place regarding the sale of alcohol. We have sourced a staff training manual and have had it approved as fit for us by [REDACTED] and she has also advised us of a drink less enjoy more program that we have included in our induction training manual. [REDACTED] has sent us the Written Authorisation for the Sale of Alcohol certificates and we will be issuing these once the

relevant staff members are re trained after the final conditions are approved. **We propose it as a condition on our licence all staff members involved in the service of alcohol must have Written Authorisation for the Sale of Alcohol certificates**

- (9) We have been aware that there has been a suggestion of reducing the trading hours to maximise public safety and the prevention of crime and disorder. Any reduction in trading hours will inevitably force the business to close, after discussion with both Mrs [REDACTED] and Sg [REDACTED] on July 19th we collectively suggest to make our security operation stronger that a condition to stop any entrance after 2.00 am will allow us to concentrate more on the guests already in the building and less on those wanting to enter. We also have a 260 guest capacity rule. We propose reducing the guest capacity to 220 guests at any time maximising safety by less guests to monitor per doorman.

We therefore propose no entry after 02.00 hrs and maximum capacity of 220 at anytime as a condition on our licence.

- (10) We have been sent a revised Violence Risk assessment program to be completed by all members of staff. We have found this very helpful and have added it to our induction program along with quarterly refreshers for our existing members of staff. **We propose it as a condition on our licence for annual Violence risk Assessment to be completed and to be logged**

- (11) We have been made aware that there have been 10 reported incidents regarding violence, 6 being from one event including an accusation of sexual harassment. I was personally present on this occasion as acting Duty Manager . There was an argument amongst two separate groups of women which resulted in punches being thrown . This was the first time anything like this has happened on our premises , I believe the security on the evening handled the escort of those involved well but have now been advised that I as DPS should have reported the situation to the police. We are now developing our Violence risk assessment and have relevant training in place as to what point we contact the police . In regards to the sexual harassment I understand to be due to the way a lady was escorted by a security member, this I do not believe was avoidable in order to escort the said lady out of the premises . We will however (as advised by Sg [REDACTED]) have a 'Unreasonable Force Warning ' as part of our induction and a refresher quaterley for existing members of security. We have also been made aware of the *ask for angela* project. I am personally very impressed with this project and will be including it in our induction training to all staff. **We propose an ' Unreasonable Force Warning and S.I.A code of conduct ' log book to be completed and to be logged as part of our conditions.** We have also been advised by Sg [REDACTED] to enquire about joining the town link radio group. I have made enquiries with licensing on this and await advice.

- (12) We have been advised by Mr [REDACTED] of The SIA that standard policy is for every 50 guests there are 1 member of security. We have also been advised by C.I [REDACTED] that we can be more efficient with our security in relation to our busy/ quiet times. **We propose a condition that for every 40 guests there is one member of security.** This will also improve customer safety and the prevention crime and disorder by having a more security per guest ratio

- (13) We as a company have a reputation that drugs is not welcome in our premises and we will not turn a blind eye to it. After discussions with Sg [REDACTED] we have been advised

neither our staff nor security are allowed to enter a toilet cubicle whilst occupied if we believe there is drug taking go on. We have got this wrong on numerous occasions, we have now instructed our staff and security that this is not allowed, **we do however request a right to search policy** as this will reduce the chances of drug taking. We have also been advised by Sg [REDACTED] to have a 'safe' present for confiscated drugs should we find any amongst our search and these will be placed in a sealable confiscation bag provided by Cheshire East Police and collected.

(14) We have been advised by Sg [REDACTED] that our security members must wear colour coded vests with their S.I.A badge number visible on their arm, **We embrace this and propose it as a condition on our licence**

(15) We have been advised by Sg [REDACTED] that one of the other reported incidents did not take place in our premises but it involved guests that came from our premises and had altercations with guests from the Revolution bar across the Street. It is not right to serve alcohol until 03.00am and eject the guest from the premises then close the door. We should make sure we do our best to ensure the guests get home safely and escort as many as we can into their taxis. Should a condition of a 2.00am door closing policy be instructed as requested above **we propose a further condition that between the hours of 03.00am – 4.00am we have a relevant dispersals condition that ensures the orderly and gradual dispersal of our guests**

(16) We have always been aware of the local Pubwatch group and added there is now 3 staff members including myself involved. **We propose a condition to constantly update the pub watch ban list on the premises on a daily basis as part of our opening procedure.**

We appreciate this is a long list of conditions, since the visit we have embraced all advise and regulations made by Cheshire East Police and Licensing and have acted immediately. We will do this with any conditions you agree to propose forward.

Once the conditions are sent to us we shall create an immediate action plan to enforce them all and update our Duty Managers Opening , Closing and Weekly checklists as well as Directors General checklist.

We will not see any of these proposed conditions as rules by the council but necessary company policy we embrace to conduct a safe and professional operation which we want to be.

Yours Faithfully



Premises Licence Holder The Symposium, Wilmslow

Appendix 4

Prevention of Crime & Disorder

CCTV to be upgraded at the premises within 28 days of these conditions being added to the licence to ensure that the

CCTV system is compliant with the below conditions:

A CCTV system shall be used and shall be designed and installed in accordance with the Cheshire Constabulary's CCTV

guidance document called 'CCTV in Licensed Premises – An Operational Requirement'. This system shall be in operation at

all times when licensable activities are taking place.

Recorded CCTV images will be maintained and stored for a period of twenty-eight days and shall be produced to the Police

or Licensing Authority upon request.

Designated supervisors will need to demonstrate that their CCTV system complies with their

Operational requirements. Management at the premises will need to be able to demonstrate the following:-

- Recordings are fit for their intended purpose,
- Good quality images are presented to the officer in a format that can be replayed on a standard computer
- The supervisor has an understanding of the equipment/training,
- Management records are kept,
- Maintenance agreements and records are maintained,
- Data Protection principles and signage are in place.

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Door Staff

All persons employed at the premises to carry out a security activity must be authorised to carry out that activity by a

licence granted under the Private Security Industry Act 2001 or entitled to carry out that activity by virtue of section 4 of

that Act.

Management at the premises will hold a valid SIA non-frontline licence, allowing them to employ their own fulltime door

staff or they will employ a reputable fully licensed security company.

The premises will employ door supervisors on a ratio of one door supervisor for every 40 guests present at the premises.

Door Supervisors shall be required to wear reflective waistcoats or jackets to approved standard- to be a specified colour,

with approved lettering "security" front and rear and a clear plastic pocket to display the SIA badge in a prominent position.

A written record shall be kept on the premises by the Designated Premises Supervisor of every person employed on the

premises as a door supervisor in a register kept for that purpose. That record shall contain the following details:-

- The door supervisor's name, date of birth and home address
- His/her Security Industry Authority licence number
- The time and date he/she starts and finishes duty
- The time of any breaks taken whilst on duty
- Each entry shall be signed by the door supervisor
- Record of all incidents taking place in the venue

That register shall be available for inspection on demand by an Authorised Officer of the Council, the Security Industry

Authority or a Police Constable.

The premises are to consider the use body worn video cameras by the door supervision; where such cameras are used; the

footage will be stored securely for 28 days and will be made available to police, SIA Officer or an appropriate member of

the licensing authority upon request.

A violence risk assessment program shall be adopted by the premises, the training is to be completed by all members of

staff as part of their staff induction with refresher training to be completed at quarterly intervals. The training is to be

recorded

Policies

Search Policy for Weapons & Drugs

The Premise Licence Holder shall put in place a search policy to cover both drugs and weapons for the premises, which

shall be to the satisfaction of Cheshire Constabulary. The Premises Licence Holder or Designated Premises Supervisor shall

then ensure that this search policy is complied with at all times when the premises are open for licensable activities.

Conspicuous notices advising customers of the search policy shall be displayed at all entrances to the premises.

There shall be a suitable safe available for the safe storage of suspected drugs seized or found in the premises. The items to

be placed within Police supplied drugs bags and appropriately labelled and sealed until handed over to the Police.

The premises will adopt a dispersal policy from the time that guests start to leave the premises, with door supervision

encouraging guests to leave the area quickly and quietly.

There will be no entry/re-entry to the premises after 02:00 am.

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There will be no more than 220 customers in the premises at any one time. The management must be able to demonstrate

how the numbers of customers are being controlled and provide details of the number of customers on the premises when

requested by police or an officer from the local authority.

Entry to the premises shall be refused to any person who appears to be intoxicated.

Any disorderly persons shall be asked to leave.

Any customer who behaves inappropriately will be barred from the premises and their details passed to Pubwatch.

No person who is subject of a court banning order or who is restricted access through a Pubwatch scheme will be allowed

in the premises providing that the details of the person have been provided to the premises by the licensing authority or

Cheshire Constabulary.

Management of the premises will be a member of the local pubwatch and they will actively participate in the scheme.

Incident Book

An incident book shall be kept at the premises, and made available to the police or authorised council officers, which will

record the following:

All crimes reported

Lost property

All ejections of customers

Any complaints received

Any incidents of disorder

Any seizure of drugs or offensive weapons

Any faults in the CCTV

Any visit by a relevant authority or emergency service

Availability of DPS/Personal Licence Holder

The DPS or a Personal Licence Holder shall be on duty on Friday and Saturday evenings. At other times the DPS, a personal

licence holder or trained member of staff nominated in writing by the DPS shall be on duty at all times the premises are

open to the public.

Public Safety

There shall be clearly marked fire exits and fire extinguishers and the health and safety standards shall be reviewed on a

regular basis.

Extractor and fire equipment shall be tested on a regular basis in accordance with recommendations from Cheshire Fire.

Appropriate and sufficient first aid provisions will be available at the premises at all times.

Regular safety checks shall be carried out by staff.

Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.

Prevention of Public Nuisance

Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the

area quietly.

All deliveries to the premises must be made via the entrance marked on the premises plan.

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No deliveries may be made to the premises between 22:00 hours and 08:00 hours

The Premises Licence holder or their representative shall conduct regular assessments of the noise coming from the

premises and shall take steps to reduce the level of noise where it is likely to cause disturbance to local residents.

A written record of those assessments and the remedial action taken shall be kept and will include the date, time of the

checks and the name of the person carrying out the checks. Details of the remedial action will also be recorded.

Prevention of Children from Harm

A "Challenge 25" policy shall be operated at the premises at all times.

The only forms of ID that shall be accepted (at the discretion of the Management) as proof of age are a valid passport, a

valid photographic driving licence, a PASS approved proof of age card, HM Services Warrant Card or other reliable photo ID

(that has been approved for acceptance by the Police or an Officer of the Local Authority)

Publicity materials notifying customers of the operation of the "Challenge 25" scheme shall be displayed at the premises.

The Designated Premises Supervisor or Premises Licence Holder shall operate and maintain an up-to-date Register of

Refusals of Sale of Alcohol, indicating the date, time and reason for refusal which shall

be made available for inspection by Local Authority Officers and the Police. The DPS or other responsible person shall

check and sign the register once a week.

Alternatively an electronic point of sale refusals log shall be kept.

A documented training programme shall be introduced for all staff in a position to sell, serve or deliver alcohol. A written

record for each member of staff shall be kept of the content of such training and shall be made available for inspection at

the request of Local Authority Officers and Police.

The DPS or Premises Licence Holder shall conduct six monthly training reviews with all members of staff authorised to sell,

serve or deliver alcohol in order to reinforce the training and to promote best practice. A written record for each member of

staff shall be kept of the content of such reviews and shall be made available for inspection at the request of Local

Authority Officers and Police.

A list of persons authorised to sell alcohol shall be kept on site and made available for inspection at the request of Local

Authority Officers and Police.

Misc

The premises licence holder or designated premises supervisor when employing staff members will

Carry out checks on the person to ensure that they have the right to live and work in the UK, any

Concerns regarding a potential employee are to be brought to the attention of the appropriate authorities.

All checks made and the outcome will be documented in an appropriate book or spreadsheet and this will be made

available for inspection at the request of Local Authority Officers and Police.



12/8/2019

Symposium
Wilmslow



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