

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee**
held on Friday, 30th July, 2021 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillors S Davies, D Edwardes and R Fletcher

OFFICERS IN ATTENDANCE

Nashwan Fazlani- Legal Officer
Kim Evans- Licensing Officer
Helen Davies- Democratic Services

ALSO PRESENT

Local Resident Objectors:

Nigel Nadan (representing himself and Alison Pettit)
Sarah Turner (representing herself and Robert Turner)
Jeremy Stain
Beverley Dooley (representing Leena Barrington)
Duncan Broomhead
Samantha Snelson

Applicant for the Application:

Jim Curtis (Business Partner speaking on behalf of himself and Louis Smith)

13 APPOINTMENT OF CHAIRMAN

RESOLVED- That Councillor David Edwardes be appointed as Chairman.

14 DECLARATIONS OF INTEREST

In the interests of openness and transparency, it was noted that Councillors David Edwardes, Stan Davies and Rod Fletcher all knew Beverley Dooley as she had previously served as a Borough Councillor at Cheshire East Council.

15 APPLICATION FOR A PREMISES LICENCE AT HILLTOP COUNTRY HOUSE, FLASH LANE, MACCLESFIELD, CHESHIRE, SK10 4ED

The Sub-Committee considered a report regarding an application by Hilltop Country House Events Limited, for a Premises Licence under the Licensing Act 2003 in respect of Hilltop Country House, Flash Lane, Macclesfield, Cheshire, SK10 4ED together with objections and support.

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

- the Applicant and his business partner; and
- six Local Resident Objectors.

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

- The Secretary of State's Guidance under section 182 of the Licensing Act 2003;
- Cheshire East Borough Council's Statement of Licensing Policy; the four licensing objectives (namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm) and the steps appropriate to promote them; and
- All the evidence, including the oral representations made at the meeting and the written representations of interested parties.

The following course of action had been agreed:

RESOLVED:

That the application for a Premises Licence be GRANTED as outlined in the application with some modification:

The hours applied for are as follows:

- Supply of alcohol (for consumption on the premises)
Monday to Sunday – 12:00 to 24:00
- Provision of Live Music (Indoors & outdoors)
Wednesday to Sunday – 12:00 to 24:00
- Provision of Recorded Music (Indoors)
Monday to Sunday – 12:00 to 24:00
- Late Night Refreshment (Indoors & Outdoors)
Monday to Sunday – 19:00 to 22:00

In granting the licence the Sub-Committee used their power pursuant to the Licensing Act 2003 S18(4)(a) to grant the licence subject to the following conditions agreed between the Applicant and Cheshire Constabulary;

CCTV

A CCTV system shall be used and shall be designated and installed in accordance with 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 28 days.

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to provide a Police Officer or an

Authorised Officer of the Licensing Authority data or footage upon request. All requests for footage are to be provided within a reasonable timescale.

Designated supervisors will need to demonstrate that their CCTV system complies with their Operational Requirements. They will need 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

Risk Assessed Door Staff

When there is any specific local event or event being held at the Premises, the Premises Licence Holder or Designated Premises Supervisor shall conduct an assessment of the need for door supervisors, taking into account any advice offered by the Police. Where the assessment shows that door supervision is required, supervisors shall be engaged at such times and as such ratios as are assessed to be necessary.

When such door supervision is employed;

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, contact telephone number 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
- All incidents taking place in the venue

The register shall be available for inspection on demand by an Authorised Officer of the Licensing Authority, Police or Security Industry Authority

Protection of Children from Harm

A 'Challenge 25' police shall be operated at the premises at all times.

The only forms of ID that shall be accepted (at the discretion of management) as proof of age are a valid passport, valid photographic driving licence, a PASS approved age card, HM Services, Warrant card or other reliable photo ID (that has been approved for acceptance by an Authorised Officer of the Licensing Authority or Police).

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 to an Authorised Officer of the Licensing Authority or Police.

The Designated Premises Supervisor or other responsible person shall check and sign the Register of Refusals of Sale of Alcohol 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 delivery 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 Licensing Officers and Police.

The Designated Premises Supervisor or Premises Licence Holder shall conduct six month training reviews with all members of staff authorised to sell, serve or delivery alcohol in order to reinforce the training and 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 the Licensing Officers and Police.

A list of all persons authorised to sell alcohol shall be kept on site and made available for inspection at the request of Licensing Officers and Police.

Clearly visible signage is to be displayed at the entrances and at points of sale indicating it is illegal to sell alcohol to people under the age of 18.

The Sub-Committee also used their power pursuant to the Licensing Act 2003 S18(4)(a) to grant the licence subject to the conditions that were place on the previous licence, which are as follows;

Prevention of Crime and Disorder

Functions and access to the same to be limited to private pre-arranged functions with no access to members of the general public.

Areas around the marquee and barn to be illuminated by security lighting controlled by the Premises Licence Holders.

Public Safety

A risk assessment shall be carried out in relation to the provision of licensable activities within the marquee and barn;

The maximum number of persons allowed in the marquee and barn at any one time shall be in accordance with health, safety and fire specifications for the marquee in use;

External lighting will be provided to illuminate entrances and exits;

Full fire risk assessments shall be carried out and appropriate fire safety equipment installed.

Prevention of Public Nuisance

Signs requesting that patrons leave the premises and grounds quietly having due consideration for surrounding properties shall be displayed at all exits;

No fireworks or other pyrotechnics shall be used other than with prior consent of the Licensing Authority.

Noise from music and associated sources (including DJ's and amplified voices) shall not be audible to such extent that it constitutes a nuisance at nearby residential properties'

The playing of amplified live music and amplified recorded music shall be restricted to within the 'barn' building on the site (as shown on the plan)

Vehicular departure from the site during sensitive hours - i.e. after 11.00pm shall be managed such that noise which may be caused to the residences opposite and adjacent to the entrance to the driveway to Hilltop Country House is effectively controlled and kept to a minimum.

Protection of Children from Harm

Use of the marquee and barn to be restricted to persons attending private pre-arranged functions only and unaccompanied children will not be allowed access

General – All Licensing Objectives

Use of the marquee and barn to be restricted to persons attending private pre-arranged functions only;

Licensable activities shall be restricted to those areas set out on the plan on the application.

The Sub-Committee also used their power pursuant to the Licensing Act 2003 S18(4)(a) to grant the licence subject to the following additional conditions;

The Premises Licence Holder must keep an incident logbook of complaints made pertaining to noise nuisance in which the DPS or other authorised officer must record the following information in respect of such complaints; the name and address of the complainant, a summary of the incident, the date and time it occurred and the steps taken to resolve it. The incident logbook or relevant entries from it must be made available for inspection to a Licensing Officer or Police Officer upon request within 72 hours.

Quarterly noise assessments must be undertaken by a competent person (the Premises Licence Holder, Designated Premises Supervisor or Manager) during the opening hours of the premises. A written record of the noise assessments must be kept for that purpose and should include but not be limited to the following; the time and date of the checks, the person undertaking the checks, the results, any remedial action taken to reduce the level of noise when it is likely to cause a disturbance to local residents.

The meeting commenced at 2.00 pm and concluded at 3.30 pm

Councillor David Edwardes (Chair)