

CHESHIRE EAST COUNCIL

LICENSING ACT SUB-COMMITTEE

Date of meeting **Friday 17th December 2010** **2:00 p.m.**

Report of: **Jane Cornes, Licensing Officer**
Title: **Application for New Premises Licence**
 No 1 The Courtyard, 26 West Street, Congleton, CW12 1JR

1.0 Report Summary

- 1.1 The purpose of the report is to provide details of an application for a Premises Licence under section 17 of the Licensing Act 2003 ('the 2003 Act'). It outlines the application and representations received from interested parties in relation to the application.

2.0 Recommendations

- 2.1 The Licensing Act Sub-Committee is requested to:
- 2.1.1 consider the application and relevant representations received; and
- 2.1.2 determine the application for the grant of a Premises Licence.

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 2003 Act.

4.0 Wards Affected

- 4.1 Congleton Town West

5.0 Local Ward Members

Councillor Gordon Baxendale
Councillor Roland Domleo
Councillor David Topping

6.0 Policy Implications

- 6.1 The Licensing Authority has adopted a Statement of Licensing Policy in accordance with section 5 of the 2003 Act and Guidance issued under section 182 of the 2003 Act.

7.0 Financial Implications 2010/11 and beyond

7.1 None

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 necessary for the promotion of the licensing objectives. Section 18 (4) provides that the authority may (a) grant the licence subject to conditions; (b) exclude from the scope of the licence any of the licensable activities to which the application relates; (c) to refuse to specify a person in the licence as the premises supervisor; or (d) to reject the application.

9.0 Risk Assessment

9.1 Section 181 and Schedule 5 of the 2003 Act make provision for appeal to the Magistrates' Court of any decision made by the Licensing Authority.

10.0 Background and Options

10.1 Mr Timothy Andrew Crichton and Mr Aaron Brys Davies applied on 26TH October 2010 for a Premises Licence (under section 17 of the 2003 Act) for an Italian Restaurant namely No 1 The Courtyard at 26 West Street, Congleton, Cheshire CW12 1JR. The operating schedule within the application indicates that the following licensable activities are applied for:

Sale and supply of alcohol

Plays (both indoors and outdoors)

Films (both indoors and outdoors)

Indoor sporting events

Live music (both indoors and outdoors)

Recorded music (both indoors and outdoors)

Performance of dance (both indoors and outdoors)

Anything of a similar description to live music, recorded music or dance (both indoors and outdoors)

Provision of facilities for making music (both indoors and outdoors)

Provision of facilities for dancing (both indoors and outdoors)

Provision of facilities for entertainment of a similar description to making music and dancing (both indoors and outdoors)

Late night refreshment (both indoors and outdoors)

10.2 The hours applied for are as follows:

Sale and supply of alcohol

Monday to Sunday 09.00 to 02.00

New Years Eve 09.00 to 03.30

Regulated entertainment (as set out in 10.1 above)

Monday to Sunday 09.00 to 02.00

New Years Eve 09.00 to 03.30

Late night refreshment

Monday to Sunday 23.00 to 02.00

New Years Eve 23.00 to 03.30

Hours Premises Open to the Public

Monday to Sunday 09:00 to 02:30

New Years Eve 09:00 to 04:00

- 10.3 The proposed Designated Premises Supervisor is: Timothy Crichton
- 10.4 The operating schedule includes a number of steps to promote the licensing objectives. A copy of this information attached to the report as **Appendix A**.
- 10.5 During the consultation period representations were made by persons living and working in the vicinity. The objections concern the potential for public nuisance, rowdy and anti-social behaviour and property damage, together with alcohol related crime being increased due to the granting of the licence application and in particular the closing time of 02:30 a.m. Copies of the representations are attached at (**Appendix B**). (1-8)

Also attached is a location plan (**Appendix C**)

- 10.6 The Licensing Authority has been advised that Mr Smethurst, (Cheshire Police Licensing Officer) met with the applicant to discuss the application. The Licensing Authority has received notification from the Police that an agreement was reached with the applicants that the following conditions would be attached to the licence in order to promote the licensing objectives:
- The proof of age scheme Challenge 25 will be operated for all sales of alcohol.
 - The Designated Premises Supervisor will regularly attend, or delegate to another responsible member of staff to attend, meetings of the local Pubwatch and actively support its aims.
 - A CCTV system will be installed at the premises to the satisfaction of the Police Licensing Officer and it must record at all times the premises are open to the public. Unedited images must be securely retained for at least 28 days and copies made freely available upon request to a constable or an employee of the Police Authority, Local Authority or SIA.
 - At all times the premises are open to the public there will be a member of staff on duty who is competent to operate the CCTV system and provide any copies requested.
 - Every Friday and Saturday and on New Years Eve there will be at least one door supervisor employed at the premises from 8pm until the premises close to the public, except when the ONLY part of the premises open to the public is the Tiamo restaurant at the front of the premises when this condition will not apply.

- The premises licence holder shall take all responsible steps to ensure that no open vessel is taken out of the premises onto any public footway or highway.

The Licensing Authority has also received notification from the Environmental Health Service that Margaret Hopley (Environmental Health Officer) of Cheshire East Council has met with the applicant and agreed the following conditions to the licence to promote the licensing objectives:

1. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby residents.
2. Refuse such as bottles shall be disposed of from the premises at a time (i.e between 08:00 to 20:00) when it is not likely to cause a disturbance to residents in the vicinity of the premises.
3. There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly.
4. Whilst regulated entertainment is taking place, all windows and doors shall remain closed.
5. Regulated entertainment outside to cease by midnight (00:00).

No other representations have been received from any of the Responsible Authorities.

- 10.7 In determining the application, the Licensing Act Sub-Committee must have regard to representations made by the applicant and any representations received from responsible authorities or interested parties. The Committee is required to take such steps (if any) as it considers necessary for the promotion of the licensing objectives.

11.0 Overview of Day One, Year One and Term One Issues

- 11.1 Not Applicable

12.0 Access to Information

There are no background papers associated with this report.

For further information:

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