

CHESHIRE EAST COUNCIL

LICENSING ACT SUB-COMMITTEE

Date of meeting **Monday 10th January 2011** **9:30 a.m.**

Report of: **Jane Cornes, Licensing Officer**
Title: **Application for Variation of a Premises Licence**
 Lounge Bar AP Health and Fitness Club

1.0 Report Summary

- 1.1 The purpose of the report is to provide details of an application for the variation of an existing Premises Licence under section 34 of the Licensing Act 2003 ('the 2003 Act'). It outlines the current licence authorisations together with the evidence presented by the parties in relation to the application.

2.0 Recommendations

- 2.1 The Licensing Act Sub-Committee is requested to:
- 2.1.1 consider the variation application and any relevant representations received; and
- 2.1.2 determine what steps, if any it considers are necessary for the promotion of the licensing objectives.

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 Rural Ward

5.0 Local Ward Members

Councillor Les Gilbert
Councillor Andrew Kolker
Councillor John Wray

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 2011/12 and beyond

- 7.1 None

8.0 Legal Implications

- 8.1 Where relevant representations are received in relation to an application for the variation of a Premises Licence under section 34, the Licensing Authority must hold a hearing within 20 working days (of the end of the consultation period) to consider both the application and the relevant representations.
- 8.2 Section 35 of the 2003 Act provides that before determining the application, the authority must hold a hearing to consider it and any relevant representations. In accordance with the provisions of section 35 of the 2003 Act, 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 necessary for the promotion of the licensing objectives. Sub-section 35(4) provides that the authority may: (a) modify the conditions of the licence; or (b) reject the whole or part of 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 David Wright applied on 10th November 2010 for a variation to the Premises Licence (under section 34 of the 2003 Act) for the Premises known as Lounge Bar AP Health and Fitness Club, Station Road, Holmes Chapel, Cheshire. CW4 8AA. The variation applied for :-

1. To remove Annex 2 Conditions consistent with the operating schedule
2. Remove all member conditions
3. To enable the premises to be open to the general public.

The variation application also includes adding on to the existing licence Exhibition of Films Indoors:-

Sunday to Thursday	12:00 – 00:00 (Midnight)
Friday and Saturday	12:00 – 02:00

- 10.3 The Designated Premises Supervisor is: Mr David Wright
- 10.4 A copy of the Premises Licence for the above mentioned premises is attached as : **Appendix A**.
- 10.5 The consultation period for this variation application ended on 8th December. 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 which is believed by the persons making representations to be associated with this Licence, Copies of the representations are attached at :(**Appendix B**). (1-15)

Also attached is a plan of the Premises: (**Appendix C**)

A location plan is also attached (**Appendix D**) showing Lounge Bar highlighted and surrounding residential area.

- 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 applicant that the following conditions would be attached to the licence in order to promote the licensing objectives:
- The proof of age scheme Challenge 21 will be operated for all sales of alcohol.
 - The Designated Premises Supervisor, or other nominated responsible person, will regularly attend their local Pubwatch meetings.
 - A minimum of one door supervisor will be on duty at the premises from 10pm and remain at the premises until they close to the public on every Friday and Saturday and on New Years Eve.
 - There shall be no entry or re entry allowed into the premises after 1am.
 - No open or sealed vessel may be taken outside the premises after 10pm.
 - No sales of alcohol for consumption off the premises may take place after 10pm.
 - There shall be conspicuously displayed at each exit from the premises an A4 sized sign requesting customers to 'please leave the premises quietly and make your way home with respect to residents'.
 - 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 14 days and copies made freely available upon request to a constable or an employee of the Police Authority, Local Authority or SIA.

The Licensing Authority has also received notification from Sarah Edge (Senior Environmental Health Officer) of Cheshire East Council that agreement has been reached with the applicant for the following condition to be added to the licence to promote the licensing objectives:

1. No nuisance shall be caused by noise coming from the Premises.

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:

<i>Officer:</i>	<i>Mrs Jane Cornes</i>
<i>Designation:</i>	<i>Licensing Officer</i>
<i>Tel No:</i>	<i>(01270) 537113</i>
<i>Email:</i>	<i>jane.cornes@cheshireeast.gov.uk</i>