

# CHESHIRE EAST COUNCIL

## LICENSING ACT SUB-COMMITTEE

---

**Date of meeting:** 14 March 2011  
**Report of:** Peter Simester, Licensing Administration Officer  
**Title:** Application to vary a Premises licence  
The Victoria, 91-93 Victoria Street, Crewe, CW1 2JN

---

### **1.0 Report Summary**

- 1.1 The purpose of the report is to request that the Licensing Act Sub-Committee consider an application by Admiral Taverns (780) Limited to vary the Premises licence at The Victoria, 91-93 Victoria Street, Crewe, CW1 2JN. The Council has received representations from the Environmental Health team at Cheshire East Council, the Chief Police Officer and three interested parties.

### **2.0 Recommendations**

- 2.1 The Licensing Act Sub-Committee is requested to determine the application for the variation of the 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 Licensing Act 2003.

### **4.0 Wards Affected**

- 4.1 Crewe East

### **5.0 Local Ward Members**

- 5.1 Cllr S Conquest  
Cllr M Martin  
Cllr C Thorley

### **6.0 Policy Implications**

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

## **7.0 Financial Implications 2010/11 and beyond (Authorised by the Borough Treasurer)**

7.1 Not applicable.

## **8.0 Legal Implications (Authorised by the Borough Solicitor)**

8.1 Where relevant representations are received in relation to an application for the variation of a Premises licence under section 34 of the Licensing Act 2003, the licensing authority must hold a hearing within 20 working days (of the end of the consultation period) to consider the application and relevant representations.

8.2 Section 35 of the Licensing Act 2003 states that, before determining the application, the licensing authority must hold a hearing to consider the application and any relevant representations. In accordance with the provisions of section 35 of the Act, the authority must, having regard to the application and any relevant representations, take such of the steps mentioned in sub-section (4), if any, 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 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 is for the variation of an existing Premises licence under section 34 of the Licensing Act 2003. A copy of the existing licence is attached as Appendix 1.

### **10.2 Summary of proposed changes:**

- (i) To extend the opening hours to the public.
- (ii) To extend the hours for the sale of alcohol.
- (iii) To extend the hours of provision of regulated entertainment.
- (iv) To extend the hours of provision of entertainment facilities.
- (v) To extend the hours of provision of late night refreshment.

#### **(i) Opening hours**

Proposed opening hours:

Monday to Wednesday:	09:00 to 00:30
Thursday	09:00 to 01:30
Friday & Saturday	09:00 to 02:30
Sunday	09:00 to 00:30

The applicant proposes to open between 09:00 and 02:30 on all Bank Holidays, Christmas Eve, Boxing Day and New Year's Day.

(ii) Sale of alcohol

Proposed times:

Monday to Wednesday:	09:00 to 00:00
Thursday	09:00 to 01:00
Friday & Saturday	09:00 to 02:00
Sunday	09:00 to 00:00

(iii) Provision of regulated entertainment

Includes: Films, Indoor sporting events, Live music, Recorded music, Performances of dance, Anything of a similar description. Indoors only.

Proposed times:

Monday to Wednesday:	09:00 to 00:00
Thursday	09:00 to 01:00
Friday & Saturday	09:00 to 02:00
Sunday	09:00 to 00:00

(iv) Provision of entertainment facilities

Facilities for Making music, Dancing and Entertainment of a similar description. Indoors only.

Proposed times:

Monday to Wednesday:	09:00 to 00:00
Thursday	09:00 to 01:00
Friday & Saturday	09:00 to 02:00
Sunday	09:00 to 00:00

(v) Provision of late night refreshment

Proposed times:

Monday to Wednesday:	23:00 to 00:00
Thursday	23:00 to 01:00
Friday & Saturday	23:00 to 02:00
Sunday	23:00 to 00:00

The applicant proposes to extend the times for sale of alcohol, provision of regulated entertainment, provision of entertainment facilities and late night refreshment to between **09:00 and 02:00** on all Bank Holidays, Christmas Eve, Boxing Day and New Year's Day.

### 10.3 Response from Responsible Authorities

The **Environmental Health** team at Cheshire East Council have objected to the proposed variation of this Premises licence. They are currently investigating complaints of noise nuisance arising from The Victoria public house in relation to noise from regulated entertainment as well as noise from individuals going outside to the front of the premises to exit the premises or to have a cigarette.

The full response from the Environmental Health team is shown in Appendix 2.

The **Chief Officer of Police** has asked for three additional conditions to be added to the Premises licence before the variation is granted. These are as follows:

- i. A minimum of two door supervisors will be on duty at the premises from 21:00, and they shall remain at the premises until they close to the public, on every Friday and Saturday, every Bank Holiday, Christmas Eve, Boxing Day, New Year's Eve and New Year's Day.
- ii. There shall be no entry or re-entry allowed into the premises after 00:30 unless as a result of observing the ban on smoking in public places.
- iii. A CCTV system is to be maintained 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 Security Industry Authority.

The applicant has indicated that conditions ii. and iii. are acceptable but does not feel it is viable to have door staff on duty during all of the above days

### 10.4 Responses from Interested Parties

The licensing authority has received representations from two local residents and from the owners of a rented property in the vicinity of The Victoria public house. Details of these representations are shown in Appendix 3.

A location plan is included as Appendix 4.

## 11.0 Overview of Year One and Term One Issues

11.1 Not applicable.

## 12.0 Access to information

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

Name: Peter Simester  
Designation: Licensing Administration Officer  
Tel. no: 01270 537114  
E-mail: peter.simester@cheshireeast.gov.uk

**Appendices:**

- Appendix 1: Existing Premises licence.
- Appendix 2: Representation from Environmental Health team.
- Appendix 3: Representations from interested parties
- Appendix 4: Location plan.