

CHESHIRE EAST COUNCIL

LICENSING ACT SUB-COMMITTEE

Date of meeting **Monday 14th March 2011** **9:30 a.m.**

Report of: **Jane Cornes, Licensing Administration Officer**
Title: **Application for Variation of a Premises Licence**
 Bar 33, 33 Wheelock Street, Middlewich. CW10 9AG

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 Middlewich

5.0 Local Ward Members

Councillor Paul Edwards
Councillor Simon McGrory
Councillor Michael Parsons

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 Man Wai Lee applied on 25th January 2011 for a variation to the Premises Licence (under section 34 of the 2003 Act) for the Premises known as Bar 33, First Floor, 33 Wheelock Street, Middlesbrough, Cheshire. CW10 9AG. The variation applied for is :-
1. To remove condition 1 of Annex 2 of the operating schedule, concerning alcohol only being served as part of a table meal.
 2. Extension of hours for Recorded Music, Provision of facilities for Dancing and Supply of Alcohol until 02:00 hours.

- 10.3 The Designated Premises Supervisor is: Mr Man Wai Lee
- 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 22nd February 2011. During the consultation period representations were made by persons living in the vicinity. The objections are concerned with public nuisance, rowdy and anti-social behaviour, which is believed by the persons making representations, to be associated with this Licence. There have also been representations received from the Environmental Health Officer and Police Licensing Officer in respect of noise nuisance and crime and disorder public nuisance and Prevention of children from harm. Copies of all the representations are attached at :(**Appendix B**). (1-7)

The Police Licensing Officer, Mr David Smethurst, has provided further information attached as (**Appendix C**)

A location plan is also attached (**Appendix D**) showing Bar 33.

No other representations have been received from any of the other 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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