

# CHESHIRE EAST COUNCIL

## REPORT TO: LICENSING ACT SUB-COMMITTEE

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<b>Date of Meeting:</b>	Monday 6 <sup>th</sup> June 2011 at 13.00hrs
<b>Report of:</b>	Mrs N Cadman, Licensing Officer
<b>Subject/Title:</b>	<b>Application for a Premises Licence Cafe Amma, 26-28 Green Lane, Wilmslow</b>

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### **1.0 Report Summary**

1.1 The report provides details of an application for a premises licence together with information as to representations received in relation to the application.

### **2.0 Recommendations**

The Licensing Act Sub-Committee is requested to determine the application for a Premises Licence by Café Amma Ltd in respect of Cafe Amma, 26-28 Green Lane, Wilmslow, SK9 1LD.

### **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 Wilmslow East

### **5.0 Local Ward Members**

Cllr Rod Menlove

### **6.0 Policy Implications**

6.1 The Licensing Authority 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 2011/12 and beyond (Authorised by the Borough Treasurer)**

7.1 Not applicable.

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

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 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 Premises Licence under section 17 of the Licensing Act 2003.

10.2 The operating schedule indicates that the relevant licensable activities applied for are:

Live Music

Recorded Music

Sale and supply of alcohol

Anything of a similar description to live music, recorded music and dance

Provision of facilities for making music

Provision of facilities for dancing

Provision of facilities for entertainment similar to music and dance

Late Night Refreshment

10.3 The hours applied for are as follows:

### **Live Music**

(to take place indoors only)

Monday to Sunday 12.00 to 23.00

### **Recorded Music**

(to take place indoors only)

Monday to Sunday 12.00 to 24.00

### **Sale and supply of alcohol**

(for consumption both on and off the premises)

Monday to Sunday 12.00 to 23.00

### **Anything of a similar description to live music, recorded music and dance**

(to take place indoors only)

Monday to Sunday 12.00 to 24.00

### **Provision of facilities for making music**

(to take place indoors only)

Monday to Sunday 12.00 to 24.00

### **Provision of facilities for dancing**

(to take place indoors only)

Monday to Sunday 12.00 to 24.00

### **Provision of facilities for entertainment similar to music and dance**

(to take place indoors only)

Monday to Sunday 12.00 to 24.00

### **Late Night Refreshment**

(to take place both indoors and outdoors)

Monday to Sunday 23.00 to 24.00

Other times the premises are proposed to be open:

Monday to Sunday 08.00 to 24.00

10.4 Designated Premises Supervisor: Abdul Ahad

10.5 The operating schedule includes the following steps to promote the licensing objectives:

(a) Prevention of crime and disorder

The Licence Holder shall ensure that all staff understand the social responsibilities associated with the sale and supply of intoxicating liquor.

Measures shall be taken to prevent customers leaving the premises with open bottles or glass drinking vessels.

CCTV shall be installed and shall record during opening hours and records shall be kept for a minimum of 28 days. Copies of the CCTV recordings shall be made available to the relevant authorities as soon as reasonably practicable.

There shall be entry and exit policies including proof of age, responsible management of group admissions, non-admission to persons who are drunk and or disorderly or are identified as excluded. There shall be a dispersal policy.

Measures shall be taken to promote sensible drinking, including a commitment not to participate in any promotions which could encourage binge drinking.

There shall be adequate training provided to bar staff to ensure compliance with the law, including documenting such training.

There shall be appropriate levels of exterior lighting to discourage disorder.

(b) Public safety

Toughened safety glass shall be in use at the premises.

The containment of empty bottles shall be secured by one way receptacles and prompt clearing of empty glasses throughout operating times.

Full risk assessments appropriate for the proposed premises operation shall be carried out.

There shall be provision of access routes for emergency vehicles, which shall be kept free of obstruction, and procedures for emergencies including calling the emergency services.

There shall be regular electrical safety and gas safety checks.

Staff shall be trained in evacuation procedures at all times whilst the premises is in use.

There shall be adequate and appropriate first aid equipment and materials available on the premises with sufficient trained first aiders.

The sanitary facilities shall be maintained.

There shall be adequate lighting in place.

There shall be provision and maintenance of appropriate ventilation systems in place.

(c) Prevention of public nuisance

There shall be noise assessments to identify measures required to prevent public nuisance.

Doors and windows shall be kept shut, except for access and egress.

There shall be control over sources of noise, i.e. refrigeration units.

Measures shall be taken to ensure customers leave quietly and minimise disturbance to residents in the area, i.e. signage.

There shall be a winding down period before the premises closes, changing lighting levels and promoting the sale of food and non-alcoholic drinks, also the provision of booking a taxi.

There shall be a zero tolerance policy towards persons who are rowdy when leaving the premises.

There shall be consideration of adequate parking provision in the locality.

The depositing of waste glass into receptacles shall be undertaken at times that will cause minimum disturbance to residents.

Measures shall be taken to prevent noxious smells from causing nuisance to residential properties.

Customers shall not be allowed to drink or dine outside from 22.00.

There shall be no external speakers outside and no live, recorded or background music to be audible outside.

When any form of regulated entertainment is taking place, doors and windows shall be closed.

(d) Protection of children from harm

Staff shall be trained to ensure compliance with the law in relation to consumption of alcohol by persons under the age of 18, including the prevention of adults buying alcohol for children.

Challenge 25 shall be adopted at the premises.

The seating and standing arrangements at the premises shall be suitable for children.

(e) General – all four licensing objectives

The Licence Holders shall ensure staff are trained to fully promote all four licensing objectives and this training shall be reviewed regularly and any appropriate changes for improvement shall be implemented.

10.6 Relevant Representations:

#### Responsible Authorities

10.6.1 The Police state in their response - Application received 23rd March 2011, for a Premises Licence at Cafe Amma, 26-28 Green Lane, Wilmslow.

This is the second application, a previous one was declared null and void due to administration errors on behalf of the applicants. Also the previous application did not fully promote the licensing objectives.

The premises are situated in Wilmslow Town Centre close to all amenities including residential properties and currently operates a bring your own alcohol for consumption with a meal.

This has previously caused problems with underage youths who have obtained alcohol which has then been consumed with a table meal, unfortunately this did get out of hand and created incidents of an Anti-Social nature, which Police had to deal with.

As a result, the applicants were spoken to and the problems addressed to the satisfaction of the Police.

This application meets the four licensing objectives to the satisfaction of the Police and providing these are met there are no Police representations.

10.6.2 The Environmental Health Officer states in his response – We would like the following to be conditioned with the aim of preventing public nuisance due to the proximity of nearby dwellings.

That the applicants plan to have a terminal hour of 22.00hrs for eating and drinking on the external area is made more robust –that this external area is not used at all (eg prevent people gathering etc) at this volunteered hour on each day of the week.

In addition that there is a condition stating that there would be no external speakers or other entertainment located or undertaken outside likely to cause annoyance to local residents.

That all doors and windows are kept closed to prevent internal noise escaping into the wider environment.

That a suitable kitchen odour abatement system be installed, used and maintained in perpetuity of the use

That management controls are used to monitor and control people noise as the external customer capacity is large and general people noise has the capacity to cause a disturbance.

As an informative the applicant should be aware of any planning restrictions that may apply to the premises eg hours of opening.

**The Licensing Authority has received written agreement from the applicant to the Environmental Health Officer's requested conditions, please see Appendix 2 of the report.**

10.6.3 Cheshire Fire Service – No comments.

10.6.4 Local Planning Authority – No response received.

10.6.5 Local Safeguarding Children Board – As Police response.

10.6.5 Health and Safety Officer – No comments.

10.6.6 Trading Standards – No response received.

#### Interested Parties

The Licensing Authority has received a representation from a neighbour objector. Details of this are appended to this report. The neighbour objector has been made aware of the Environmental Health Officer's agreed recommended conditions.

### **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 report writer:

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## **APPENDICES**

Appendix 1 Representation from neighbour objector.

Appendix 2 Written agreement from applicant to Environmental Health conditions.

Appendix 3 Plan of area.