

# CHESHIRE EAST COUNCIL

## LICENSING ACT SUB-COMMITTEE

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**Date of meeting**      **Monday 13<sup>th</sup> June 2011**      **9:30 a.m.**

**Report of:**              **Jane Cornes, Licensing Administration Officer**  
**Title:**                      **Application for Variation of a Premises Licence**  
                                    **Staffordshire Knot, 15 West Street, Congleton**

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### **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 West Ward

### **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 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 Valentino Paolo Martone applied on the 18<sup>th</sup> April 2011 for a variation to the Premises Licence (under section 34 of the 2003 Act) for the Premises known as Staffordshire Knot, 15 West Street, Congleton, Cheshire, CW12 1JN. The variation application is to extend the Licensing activities hours to:-

Live Music	11:00 – 02:30 Every day (Indoors)
Recorded Music	11:00 – 02:30 Every day (Indoors)
Similar Regulated Entertainment	11:00 – 02:30 Every day (Indoors)
Making Music & Dancing	11:00 – 02:30 Every day (Indoors)
Similar Entertainment Facilities	11:00 – 02:30 Every day (Indoors)
Late Night Refreshment	11:00 – 02:30 Every day (Indoors)
Supply of Alcohol	11:00 – 02:30 Every day
	(Christmas Eve and New Years Eve until 04:00 hours)
	Saturday and Sunday of all Bank holidays until 02:30 am

Opening hours of the Premises 10:00 – 03:00 hrs  
(Christmas Eve/New Years Eve opening hours until 04:30)  
Saturday and Sunday of all Bank holidays opening until 03:00 am

The steps offered to promote the licensing objectives are:-

- More stringent management with an emphasis on responsible levels of alcohol sales in order to ensure no drunk or disorderly behaviour which could harm the public occurs.
- Employ more staff including security staff to ensure alcohol is sold in responsible quantities and to stop any anti social behaviour before it can become a public safety issue.
- Stricter sales of alcohol to be enforced.

10.3 The Designated Premises Supervisor is: Mr Valentino Paolo Martone

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 16<sup>th</sup> May 2011. 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, it is believed by the persons making representations, could be associated with this Licence, Copies of the representations are attached at :(**Appendix B**). (1-6)

A location plan is also attached (**Appendix C**) showing Staffordshire Knot 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:

- A CCTV system will be installed at the premises to the satisfaction of the Police Licensing Officer and this will continuously record at all times the premises are open to the public. Unedited recorded images will be securely stored at the premises for a minimum period of 28 days and copies made freely available upon request to a constable or to an employee of Cheshire Police or the local authority.
- Door supervisors will be on duty at the premises every Friday and Saturday and on New Years Eve from 10pm and they are to remain at the premises until the premises close to the public.

- The Designated Premises Supervisor, or another responsible member of the management team, will regularly attend the local Pubwatch meetings.
- No glass, bottle or other vessel may be taken outside the premises after 10pm.
- The proof of age scheme Challenge 25 will be operated for all sales of alcohol.

The Licensing Authority has also received notification from Margaret Hopley (Environmental Health Officer) of Cheshire East Council that agreement has been reached with the applicant for the following conditions to be added 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 22:00) 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.

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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