

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee**
held on Tuesday, 21st August, 2012 at The Tatton Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

Councillor P Whiteley (Chairman)

Councillors Rhoda Bailey and D Mahon

OFFICERS IN ATTENDANCE

Fiona Crane, Lawyer
Kim Evans, Licensing Team Leader
Nikki Cadman, Licensing Officer
Julie Zientek, Democratic Services Officer

15 APPOINTMENT OF CHAIRMAN

RESOLVED – That Councillor P Whiteley be appointed Chairman.

16 DECLARATIONS OF INTEREST

There were no declarations of interest.

17 APPLICATION FOR A PREMISES LICENCE: THE BLACK SWAN, TRAP STREET, LOWER WITHINGTON, MACCLESFIELD, SK11 9EQ

The Sub-Committee considered a report regarding an application by The Sprout Pub Company Ltd for a Premises Licence for The Black Swan, Trap Street, Lower Withington.

The following attended the hearing and made representations with respect to the application:

- a representative of the applicant
- a solicitor representing the applicant
- a local resident
- two representatives of the Environmental Health Service

The applicant's solicitor reported that all objections except two had been withdrawn following amendments to the proposed operating schedule, copies of which were circulated at the meeting.

After a full hearing of the application and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of:

- The Secretary of State's Guidance under section 182 of the Licensing Act 2003
- Cheshire East Borough Council's Statement of Licensing Policy
- The four licensing objectives (namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm)
- All the evidence, including the oral representations made at the meeting and the written representations of interested parties

the following course of action had been agreed:

RESOLVED

(a) That the application for a Premises Licence be granted, subject to the revised operating schedule which had been circulated at the meeting, as follows:

Activity	Timings
Plays (Indoors)	09:00 – 00:00
Plays (Outdoors)	09:00 – 18:00
Films (Indoors)	09:00 – 00:00
Indoor Sporting Events	09:00 – 00:00
Live Music (Indoors)	09:00 – 00:00
Recorded Music (Indoors)	09:00 – 00:00
Performances of Dance (Indoors)	09:00 – 00:00
Anything of a Similar Description to Live Music, Recorded Music or Performances of Dance (Indoors)	09:00 – 00:00
Provision of Entertainment Facilities for Making Music (Indoors)	09:00 – 00:00
Provision of Entertainment Facilities for Dancing (Indoors)	09:00 – 00:00
Entertainment of a Similar Description to Provision of Entertainment Facilities for Making Music or Dancing (Indoors)	09:00 – 00:00
The Sale of Alcohol	09:00 – 00:00
Late Night Refreshment	09:00 – 00:00
Permitted Opening Times	09:00 – 00:30

Conditions

General – all four licensing objectives

All staff will be trained in relation to the licensing objectives so as to prevent crime and disorder and public nuisance and to promote the prevention of children from harm and public safety. Said training will be documented and will be made available to an authorised officer upon request.

The prevention of crime and disorder

CCTV will be installed at the premises. Said CCTV system shall comply with the following criteria:

- The system shall display on any recording the correct time and date of the recording
- The system shall be recording during all hours the premises is open to the public
- Recordings shall be held for a minimum of 30 days after the recording is made and will be made available to the Police for inspection upon request.
- As a minimum, the CCTV will capture a head and shoulders image of any person who enters the premises.

A staff member who is conversant with the operation of the CCTV system will be on the premises at all times that licensable activities are taking place. This staff member will be able to show data or footage with the minimum of delay when requested.

The prevention of public nuisance

Clear, legible and conspicuous notices requesting patrons to avoid causing noise, nuisance or disturbance to local residents shall be displayed at public exits.

There shall be no live music or recorded music permitted outdoors.

Regulated entertainment noise from the premises shall not be audible from the boundary of noise sensitive properties.

Whenever regulated entertainment takes place, regular assessments of the noise emanating from the premises will be conducted, with remedial action being taken whenever the level of noise is considered likely to cause a disturbance to any local residents. A written assessment will be made of said assessments in a log book kept for that purpose and shall include the time and date of the checks, the name of the person making the checks and the results, including any remedial action.

There shall be notices at all public exits from the premises, in a place that they can be seen and easily read, reminding customers to leave quietly and with respect to local residents.

Doors and windows shall remain closed whenever amplified live music is hosted by the premises, except in the event of an emergency or for the purposes of access and egress.

There shall be no disposal of bottles outside the premises between the hours of 21:00 and 09:00.

Prior to the last member of staff leaving the premises, they shall check that no customers remain in the car park and secure the car park by use of the erectable bollards.

The protection of children from harm

A written 'Challenge 21' Policy shall be in place. This policy shall be actively promoted and will state that any person who attempts to purchase alcohol who appears to be under 21 years of age shall be asked to provide identification to prove that they are 18 years of age or over. The following forms of identification will be acceptable:

- a) Passport;
- b) Photo Driving Licence;
- c) PASS accredited holographic Proof of Age Card; or
- d) Any other form of identification which may be agreed with the local police licensing unit.

All staff will be suitably trained in relation to the challenge 21 policy. The training will be documented and will be made available to an authorised officer upon request.

There shall be no persons under the age of 18 permitted to remain on the premises after 22:00, unless attending a pre-arranged private function.

(b) That the following further conditions be included in addition to the conditions volunteered within the operating schedule which had been circulated at the meeting:

- There shall be no external speakers at the premises.
- Outdoor Plays shall not be amplified
- A written "Challenge 25" Policy shall be in place. This policy shall be actively promoted and will state that any person who attempts to purchase alcohol who appears to be under 25 years of age shall be asked to provide identification to prove that they are 18 years of age or over.

The applicant and parties who had made relevant representations were reminded of the right to appeal the decision to the Magistrates Court within 21 days.

18 NOTICE OF TEMPORARY EVENT: V BAR, 26 WEST STREET, CONGLETON CW12 1JR

The Sub-Committee considered a report regarding a temporary event notice served under the provisions of the Licensing Act 2003 together with an objection notice served in relation to the temporary event notice under section 104 of the Licensing Act 2003.

The following attended the hearing and made representations with respect to the temporary event notice:

- the Licence holder
- a representative of the Licence holder
- two representatives of the Environmental Health Service

After a full hearing and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of:

- The Secretary of State's Guidance under section 182 of the Licensing Act 2003
- Cheshire East Borough Council's Statement of Licensing Policy
- The four licensing objectives (namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm)
- All the evidence, including the oral representations made at the meeting and the objection notice

the following course of action had been agreed:

RESOLVED - That a counter notice be given to the Notice of Temporary Event under section 105 of the Licensing Act 2003, on the grounds that the licensing objective of the prevention of public nuisance would not be met.

The meeting commenced at 10.00 am and concluded at 1.55 pm

Councillor P Whiteley (Chairman)