

# CHESHIRE EAST COUNCIL

## Licensing Act Sub-Committee

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<b>Date of Meeting:</b>	Thursday 22 <sup>nd</sup> November 2012
<b>Report of:</b>	Amanda Hinton, Licensing Administration Officer
<b>Subject/Title:</b>	Application for a Premises Licence at 93 King Street, Knutsford, WA16 6EQ

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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 Galia Ltd in respect of 93 King Street, Knutsford, WA16 6EQ.

Acting in the capacity of Licensing Authority, Members must seek to promote the Licensing Objectives, and where Members consider matters have engaged one or more of the objectives, they may exercise their discretion.

Members of the Licensing Sub-Committee are reminded that they may not exercise discretion in any case, merely because it considers it desirable to, and should provide reason(s) for any decision taken, or where they might consider departing in any way from the Policy or Guidance.

#### **Licensing Objectives / Guidance / Policy Considerations**

The relevant representations engage the licensing objectives. The Sub-Committee in respect of this application is referred to the Guidance issued under Section 182 of the Licensing Act 2003, specifically those sections relating to the licensing objective, premises licenses and hearings.

#### **Statement of Licensing Policy**

Members should carefully consider the relevant sections of the Council's Statement of Licensing Policy.

Members are reminded that should any conditions be added, they should be practical, enforceable and appropriate to promote the Licensing Objectives.

Finally, Members are also reminded that in determining the application in accordance with the Licensing Act 2003, Members must also have regard to:

- The rules of natural justice
- The provisions of the Human Rights Act 1998

### **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 Knutsford

### **5.0 Local Ward Members**

5.1 Cllr S A Gardiner  
Cllr O Hunter  
Cllr P S Raynes

### **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 (Authorised by the Director of Finance and Business Services)**

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 appropriate 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:

Recorded Music  
Late Night Refreshment  
Sale and Supply of Alcohol (for consumption both on and off the premises)

- 10.3 The hours applied for are as follows:

**Recorded Music (to take place indoors only)**

Monday to Saturday 10:00 to 00:30 hours  
Sunday 12:00 to 23:30 hours  
Seasonal Variations – Christmas Day and Good Friday 12:00 to 24:00 hours, from the end of permitted hours on New Years Eve to the commencement of hours on New Years Day.

**Late Night Refreshment (to take place indoors only)**

Monday to Saturday 23:00 to 00:30 hours  
Sunday 23:00 to 24:00 hours  
Seasonal Variations – Christmas Day and Good Friday 23:00 to 24:00 hours, from 23:00 hours on New Years Eve to 05:00 hours on New Years Day.

**Sale and Supply of Alcohol (for consumption both on and off the premises)**

Monday to Saturday 10:00 to 24:00 hours  
Sunday 12:00 to 23:30 hours  
Seasonal Variations – Christmas Day and Good Friday 12:00 to 24:00 hours, from the end of permitted hours on New Years Eve to the commencement of hours on New Years Day.

The hours the premises shall be open to the public

Monday to Saturday 10:00 to 00:30 hours  
Sunday 12:00 to 24:00 hours  
Seasonal Variations – Christmas Day and Good Friday 12:00 to 24:00 hours, from the end of permitted hours on New Years Eve to the commencement of hours on New Years Day.

- 10.4 Designated Premises Supervisor: Dawn Pritchard

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

**General**

All staff are aware of the need to promote the licensing objectives as a whole, with particular attention to the laws regarding the sale of alcohol to children. The Challenge 25 policy will be adopted.

## **Prevention of Crime & Disorder**

At all times when the premises are open there will be sufficient trained members of staff on duty to ensure adequate supervision of the premises.

## **Public Safety**

Ensuring all fire exits are kept clear, unlocked and unobstructed at all times when the public are admitted and that all fire fighting equipment is regularly checked and found to be in good order.

Adequate first aid equipment to be on site and available for immediate use.

## **Prevention of Public Nuisance**

Given the method of operation, it is not envisaged that any public nuisance will occur. The rear of the premises is double glazed to minimise any noise escape.

Following representation from Environmental Health, the following conditions have been agreed:

All necessary steps shall be taken to ensure that any noise from the premises shall not be at a level which could cause a noise nuisance at the boundary of the nearest residential premises, therefore:

Noise emanating from the premises as a result of regulated entertainment shall not be clearly audible at the boundary of any adjacent residential premises.

## **Protection of Children from Harm**

Appropriate signage will be employed dealing with under age sales and relating to the effect of s149 Licensing Act 2003, advising persons under 18 that they commit an offence by attempting to purchase alcohol.

### 10.6 Relevant Representations:

#### Responsible Authorities

10.6.1 The Police state in their response: The application is for Regulated Entertainment and the sale and supply of alcohol. The proposed Designated Premises Supervisor is Dawn Pritchard, personal licence details 036676 from Salford City Council. This application meets the four licensing objectives to the satisfaction of the Police there are no Police representations.

10.6.2 The Environmental Health Department state in their response: The following conditions should be applied under the Prevention of Public Nuisance:

(a) All necessary steps shall be taken to ensure that any noise from the premises shall not be at a level which could cause a noise nuisance at the boundary of the nearest residential premises, therefore:

(b) Noise emanating from the premises as a result of regulated entertainment shall not be clearly audible at the boundary of any adjacent residential premises.

On 23<sup>rd</sup> October 2012, the Licensing Authority received written confirmation from the applicant's agent, Nick Dickinson, that the conditions are agreed as recommended by Environmental Health.

10.6.3 The Cheshire Fire Service state in their response: Please post no comment to the following applications - 93 King Street.

10.6.4 Local Planning Authority – No response.

10.6.5 Local Safeguarding Children Board – As Police response.

10.6.5 Health and Safety Officer – No response.

10.6.6 Trading Standards – No response.

#### Interested Persons

10.6.7 The Licensing Authority has received 1 letter of representation from a neighbour objector. A copy of this representation is appended to the report.

### **11.0 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 - Letter from interested person.

Appendix 2 – Map of area.