

# CHESHIRE EAST COUNCIL

## REPORT TO: LICENSING ACT SUB-COMMITTEE

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**Date of Meeting:** Monday 11<sup>th</sup> March 2013 at 10:00 a.m.  
**Report of:** Amanda Hinton, Licensing Administration Officer  
**Subject/Title:** **Application to Vary a Premises Licence at Piccolino, 95 King Street, Knutsford, WA16 8JJ**

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### 1.0 Report Summary

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

### 2.0 Recommendations

The Licensing Act Sub-Committee is requested to determine the application to vary a Premises Licence by Restaurant Bar and Grill Limited in respect of Piccolino, 95 King Street, Knutsford, WA16 8JJ.

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. The licensing objectives are (a) the prevention of crime and disorder; (b) public safety; (c) the prevention of public nuisance; and (d) the protection of children from harm.

#### **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 Licence Holder is Restaurant Bar and Grill Limited and the Designated Premises Supervisor is Raffaele Merolle.

10.2 The application is to vary the Premises Licence under section 34 of the Licensing Act 2003, as follows:

(1) The licence holder has applied to remove all annex 2 conditions (as no longer applicable being either pre-2005 conditions or relate to plans which have now changed) and replace with updated conditions.

(2) To alter the layout of the premises to include a roof terrace within the licensable area.

A copy of the application form is attached as Appendix 1.

10.3 The times of the existing licensable activities are:

### **Sale and Supply of Alcohol (for consumption on the premises only)**

Monday to Saturday	10:00 to 24:00 hours
Sunday and Good Friday	12:00 to 23:30 hours
Christmas Day	12:00 to 23:30 hours

From the end of permitted hours on New Years Eve to the commencement of hours on New Years Day.

### **Late Night Refreshment**

Monday to Saturday	23:00 to 00:30 hours
Sunday and Good Friday	23:00 to 24:00 hours
Christmas Day	23:00 to 24:00 hours

From 23:00 hours on New Years Eve to 05:00 hours on New Years Day.

The **opening hours** of the premises are unrestricted.

10.4 The current annex 2 conditions are shown on pages 3 and 4 of the existing premises licence – Appendix 2.

10.5 Relevant Representations:

### Responsible Authorities

10.5.1 The Police and the Fire Service responded and stated they had no representations.

10.5.2 The Environmental Health Department's response is shown as Appendix 3. They are requesting a closing time of 22:00 hours applies to the roof terrace and that no regulated entertainment takes place at the premises.

10.5.3 The applicant's solicitor responded by volunteering agreement to the following conditions relating to the roof terrace:

- (1) The first floor terrace shall be open to customers only between the hours of 9am and 11pm daily.
- (2) Waiter / waitress service shall be provided at all times on the first floor terrace.
- (3) There shall be no vertical drinking on the first floor terrace.
- (4) There shall be no disposal of bottles outside the premises between the hours of 21.00 and 09.00.
- (5) There shall be no disposal of refuse outside the premises or deliveries made to the premises between 21.00 and 07.00.
- (6) The use of low power, low noise speakers shall be used on the first floor terrace only providing these comply with the specific requirements and limitations as detailed in the acoustic report by Sol Acoustics.
- (7) The DPS or Duty Manager will ensure that any noise emanating from the premises shall not cause a noise nuisance to nearby noise sensitive premises. When regulated entertainment is taking place, regular checks shall be made at the boundary of nearby properties to ensure that no noise nuisance is being caused. Details of these checks shall be recorded in a log kept for this purpose.

10.5.4 As the applicant could not agree to Environmental Health conditions in their entirety, Appendix 4 shows the Environmental Health objection to this variation. This insists that the terminal hour for the roof terrace is 22:00 hours and no regulation entertainment shall be permitted on the whole premises.

10.5.5 Local Planning Authority – No response.

10.5.6 Local Safeguarding Children Board – As Police response.

10.5.7 Health and Safety Officer – No response.

10.5.8 Trading Standards – No response.

#### Interested Persons

10.5.9 The Licensing Authority has not received any other representations.

### **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 – Premises Licence application form
- Appendix 2 – Premises Licence document
- Appendix 3 – Environmental Protection response
- Appendix 4 – Environmental Protection objection
- Appendix 5 – Plan of the area