

CHESHIRE EAST COUNCIL

REPORT TO: LICENSING ACT SUB-COMMITTEE

Date of Meeting:	Monday 21st October 2013 at 10.00am
Report of:	Mrs N Cadman, Licensing Officer
Subject/Title:	Application for a Premises Licence at Chestiki, 4-6 Alderley Road, Wilmslow, SK9 1JX

1.0 Report Summary

- 1.1 The report provides details of an application for premises licence and the proposed operating schedule together with details of relevant representations received in relation to the application.

2.0 Recommendations

- 2.1 The Licensing Act Sub-Committee is requested to determine the application for a new Premises Licence by Chestiki Ltd in respect of:

Chestiki
4-6 Alderley Road
Wilmslow
Cheshire
SK9 1JX

- 2.2 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.

- 2.3 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.

2.4 Licensing Objectives / Guidance / Policy Considerations

- 2.4.1 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.

2.5 Statement of Licensing Policy

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

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

2.7 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 Wilmslow West & Chorley

5.0 Local Ward Members

5.1 Cllr W Fitzgerald
Cllr G Barton

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 the relevant mandatory conditions and conditions consistent with the operating schedule
- (b) Modify the application to such extent as the Authority considers appropriate for the promotion of the Licensing Objectives
- (c) Exclude from the scope of the licence any of the Licensable Activities to which the application relates
- (d) Refuse to specify a person in the licence as the Premises Supervisor
- (e) 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, received on the 27th August 2013, is for the grant of a Premises Licence under section 17 of the Licensing Act 2003.

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

- Films
- Live Music
- Recorded Music
- Performance of Dance
- Anything of a similar description to live and recorded music and dance
- Provision of facilities for making music
- Provision of facilities for dancing
- Provision of facilities for entertainment of a similar description to making music and dancing.
- Late night refreshment
- Sale and supply of alcohol

10.3 The hours applied for are as follows:

Films (to take place indoors only)

Sunday to Thursday 11.00 to 02.30
Friday and Saturday 11.00 to 03.30

Live Music (to take place indoors only)

Sunday to Thursday 11.00 to 02.30
Friday and Saturday 11.00 to 03.30

Recorded Music (to take place indoors and outdoors to 21.00hrs)

Sunday to Thursday 11.00 to 02.30
Friday and Saturday 11.00 to 03.30

Performance of Dance (to take place indoors only)

Sunday to Thursday 11.00 to 02.30
Friday and Saturday 11.00 to 03.30

Anything of a similar description to live and recorded music and dance (to take place indoors only)

Sunday to Thursday 11.00 to 02.30
Friday and Saturday 11.00 to 03.30

Provision of facilities for making music (to take place indoors only)

Sunday to Thursday 11.00 to 02.30
Friday and Saturday 11.00 to 03.30

Provision of facilities for dancing (to take place indoors only)

Sunday to Thursday 11.00 to 02.30

Friday and Saturday 11.00 to 03.30

Provision of facilities for entertainment of a similar description to making music and dancing (to take place indoors only)

Sunday to Thursday 11.00 to 02.30

Friday and Saturday 11.00 to 03.30

Late night refreshment (to take place indoors only)

Sunday to Thursday 23.00 to 02.30

Friday and Saturday 23.00 to 03.30

Sale and supply of alcohol (for consumption both on and off the premises)

Sunday to Thursday 11.00 to 02.00

Friday and Saturday 11.00 to 03.00

Hours Premises are Open to the Public

Sunday to Thursday 09.00 to 02.30

Friday and Saturday 09.00 to 03.30

Seasonal variations for all licensable activities and opening hours:

An extra hour on the day when British Summer Time begins.

From the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day.

One additional hour for the Friday, Saturday, Sunday and Monday of a Bank Holiday weekend.

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

10.5 Relevant Representations

Responsible Authorities:

10.6.1 The Police in their response state: Application received 30th August 2013, from Chestiki Limited for a Premises Licence, 4 - 6 Alderley Road, Wilmslow, SK9 1JX. The application is for Regulated Entertainment and the sale and supply of alcohol and late night refreshments. The proposed Designated Premises Supervisor is yet to be named as none of the applicants' representatives have a Personal Licence. In the operating Schedule the applicants have stated: The Premises Licence Holder will ensure that a comprehensive risk assessment is conducted at intervals of not more than 31 days, into the need for door supervisors to be on duty at the premises. Where door supervisors are deemed appropriate by the risk assessment they will be on duty at the premises from 21:00 hours until the premises close to the public and in such numbers as are deemed appropriate by the risk assessment. This risk assessment will be recorded in writing, produced to a Constable on request and a copy retained at the premises for a period of at least 6 months from the date of the assessment. Providing this is met to the

satisfaction of the Police there are no representations. There are no Police objections.

10.6.2 The Environmental Health Officer states in her response: This Service wishes to submit the following comments under the Licensing objective of the "Prevention of Public Nuisance" in respect of the above application - as follows:

This Service would express concern regarding the fact that the application relates to the playing of live and amplified music on each night of the week – terminating at 02.30 hours or 03.30 hours depending on the night of the week. The present building structure appears to have a number of windows on the upper floor which is the area to be used as a dance floor area. There is no supporting evidence with the application in terms of a description as to what is intended in terms of

- a) The containment of sound (structure)
- b) Noise control from amplified music at source
- c) The provision of air conditioning / a ventilation system to provide a comfortable internal environment for patrons without the need to open windows / doors.

We would also express a concern that the accompanying plans indicate that it is intended to install bi-fold doors to the front façade on the ground floor.

In order to prevent public nuisance from the escape of amplified music from the premises and to address the above concerns, it is recommended that the following points form conditions of an approval:

1. All doors, windows and any other acoustically weak areas of the structure to the first floor are to be acoustically treated in order to retain the entertainment and people noise within the licensed premises (this being the nominated dance floor area)
2. In the event that the ground floor is to host live and recorded music at high volume level, then all doors and windows on the ground floor should also be acoustically treated in order to retain entertainment and people noise to within the building premises.
3. All doors and windows to be kept closed during noisy licensable activities to prevent noise outbreak – in which case a suitable and effective air conditioning / ventilation system should be installed within the premises in order to achieve a comfortable internal environment for patrons. Details of the system are to be forwarded to the Public Protection and Health Service.
4. The bi-fold doors are to remain in a closed position whilst live and recorded music is played within the premises apart from when a 'background level' volume of music is played on either floor of the premises
5. Details of the noise mitigation measures to be incorporated to all acoustically weak areas (e.g. windows) are to be forwarded to this Service for approval prior to installation.
6. No external speakers to be allowed.

There were no responses from any of the other Responsible Authorities.

Other Persons:

10.6.3 The Council has received 20 written objections from local residents and written objections from Cllr W Fitzgerald and Cllr G Barton, Ward Councillors for Wilmslow West & Chorley Ward and Cllr R Menlove, Ward Councillor for Wilmslow East Ward. Copies of these representations are attached as Appendix 2 of this 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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Designation: Licensing Officer
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APPENDICES

Appendix 1 – Premises Licence application form
Appendix 2 - Letters of objection
Appendix 3 – Map of area.