

# CHESHIRE EAST COUNCIL

## REPORT TO: LICENSING SUB-COMMITTEE

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<b>Date of Meeting:</b>	Thursday 28 <sup>th</sup> January 2010 at 09.30am
<b>Report of:</b>	Mrs N Cadman, Licensing Officer
<b>Subject/Title:</b>	Application for the variation of a Premises Licence – No. 15 Wine Bar, 15 London Road, Alderley Edge, Cheshire.

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### **1.0 Report Summary**

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

### **2.0 Recommendations**

The Licensing Sub-Committee is requested to determine the application for the variation of a Premises Licence by Magnolia Bell Ltd in respect of No.15 Wine Bar, 15 London Road, Alderley Edge.

### **3.0 Reasons for Recommendations**

- 3.1 The Licensing 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 Alderley

### **5.0 Local Ward Members**

Cllr Carolyn M Andrew  
Cllr Elizabeth Gilliland  
Cllr Frank Keegan

### **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 for Transition Costs (Authorised by the Borough Treasurer)**

- 7.1 Not applicable.

### **8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)**

- 8.1 Not applicable.

## **9.0 Legal Implications (Authorised by the Borough Solicitor)**

- 9.1 In accordance with the provisions of section 35 of the Licensing Act 2003, in determining the application the Licensing Authority must, having regard to the representations, take such steps (if any) as it considers necessary for the promotion of the licensing objectives. 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

## **10.0 Risk Management**

- 10.1 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.

## **11.0 Background and Options**

- 11.1 The application is for the variation of a Premises Licence under section 34 of the Licensing Act 2003.

- 11.2 The operating schedule indicates that the relevant licensable activities applied for variation are:

Live Music

Recorded Music

Performance of Dance

Sale and supply of alcohol

Provision of facilities for making music

Provision of facilities for dancing

Late Night Refreshment

- 11.3 The hours applied for are as follows:

**Live Music** (to take place indoors)

Thursday 11.00 to 02.00

Friday & Saturday 11.00 to 03.00

Extend hours to 03.00hrs on Bank Holiday Sundays and Mondays and on Valentines Day (14th Feb), St.Georges Day (23rd April), Xmas Eve (24th Dec), Christmas Day (25th Dec) Boxing Day (26th Dec), New Years Day (1st Jan) & Maundy Thursday.

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

Thursday 11.00 to 02.00

Friday & Saturday 11.00 to 03.00

Extend hours to 03.00hrs on Bank Holiday Sundays and Mondays and on Valentines Day (14th Feb), St.Georges Day (23rd April), Xmas Eve (24th Dec), Christmas Day (25th Dec) Boxing Day (26th Dec), New Years Day (1st Jan) & Maundy Thursday.

**Performance of Dance** (to take place indoors)

Thursday 11.00 to 02.00

Friday & Saturday 11.00 to 03.00

Extend hours to 03.00hrs on Bank Holiday Sundays and Mondays and on Valentines Day (14th Feb), St.Georges Day (23rd April), Xmas Eve (24th Dec), Christmas Day (25th Dec) Boxing Day (26th Dec), New Years Day (1st Jan) & Maundy Thursday.

**Sale and supply of alcohol**

Thursday 11.00 to 02.00

Friday & Saturday 11.00 to 03.00

Extend hours to 03.00hrs on Bank Holiday Sundays and Mondays and on Valentines Day (14th Feb), St.Georges Day (23rd April), Xmas Eve (24th Dec), Christmas Day (25th Dec) Boxing Day (26th Dec), New Years Day (1st Jan) & Maundy Thursday.

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

Thursday 11.00 to 02.00

Friday & Saturday 11.00 to 03.00

Extend hours to 03.00hrs on Bank Holiday Sundays and Mondays and on Valentines Day (14th Feb), St.Georges Day (23rd April), Xmas Eve (24th Dec), Christmas Day (25th Dec) Boxing Day (26th Dec), New Years Day (1st Jan) & Maundy Thursday.

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

Thursday 11.00 to 02.00

Friday & Saturday 11.00 to 03.00

Extend hours to 03.00hrs on Bank Holiday Sundays and Mondays and on Valentines Day (14th Feb), St.Georges Day (23rd April), Xmas Eve (24th Dec), Christmas Day (25th Dec) Boxing Day (26th Dec), New Years Day (1st Jan) & Maundy Thursday.

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

Thursday 23.00 to 02.00

Friday & Saturday 23.00 to 03.00

Extend hours to 03.00hrs on Bank Holiday Sundays and Mondays and on Valentines Day (14th Feb), St.Georges Day (23rd April), Xmas Eve (24th Dec), Christmas Day (25th Dec) Boxing Day (26th Dec), New Years Day (1st Jan) & Maundy Thursday.

Other times the premises are proposed to be open:

Thursday 11.00 to 02.30

Friday & Saturday 11.00 to 03.30

Extend hours to 03.30hrs on Bank Holiday Sundays and Mondays and on Valentines Day (14th Feb), St.Georges Day (23rd April), Xmas Eve (24th Dec), Christmas Day (25th Dec) Boxing Day (26th Dec), New Years Day (1st Jan) & Maundy Thursday.

11.3.1 Designated Premises Supervisor: Mr Jeremy Kevin Roberts

11.4 The operating schedule includes the following steps to promote the licensing objectives: as existing Premises Licence (at Appendix 12).

11.6 Relevant Representations:

#### Responsible Authorities

11.6.1 The Police state in their response: Application received 7 December 2009 for the Variation of Premises Licence which relates to the premises presently known as No 15 Wine Bar, 15 London Road, Alderley Edge.

The premises are currently closed and undergoing comprehensive restoration with a new Premises Licence being issued in July 2009 following the previous owners of the property going into liquidation. The Premises Licence was subsequently (in November 2009) transferred to the present leaseholders – Magnolia Bell Limited – who have taken out a 25 year lease on the property. Part of the Living ventures group the operators are seeking to extend the hours for the sale of Alcohol & Provision of Regulated Entertainment on Thursdays until 0200 and on Friday & Saturday until 0300 plus extending the hours for the same activities on non standard timing dates as listed in the application.

I initially had concerns in relation to the 3.am. finish times at weekends etc., but the operation will still be essentially restaurant led with music in the form of solo/duo/trio singers or musicians from 9.pm. until around midnight with a disco thereafter.

Good quality digital CCTV will be installed and it is already company policy to employ Registered Door Staff at their premises and this will be no exception.

I understand Environmental Health have requested that certain time restrictions are agreed in relation to the use of the rear garden area and first floor balcony.

I understand also that the DPS or deputy will be encouraged to attend any local Alderley Edge Pub Watch Meetings.

Subject to agreement that the following 'Conditions' are placed on the new Premises Licence there are No further Police representations:

1. That SIA Registered Door Security are employed at the premises on those nights when the premises operate until 2 & 3.am. and on other nights when it is deemed practical due to non standard timings being used.
2. CCTV to be installed at the premises and digital records kept for evidential purposes for a minimum of 28 days and made accessible to Police or Local Authority Officers.

The premises are likely to re-open in mid to late 2010.

11.6.2 The Environmental Health Officer states in his response: Subject: Premises Licence Variation: 013822 No.15 Wine Bar, London Road, Alderley Edge

Further to the above application to vary the licence, I can report as follows:

The Environmental Health Service has no record of complaints from local residents / businesses in connection with public nuisance problems emanating from operations at the No.15 Wine Bar under the existing licence reference:PR/062.

The existing licence facilitated a termination of opening hours of 00.30 Sunday to Thursday and 01.30 hours on Fridays and Saturdays. The application to vary seeks an increase in opening hours proposing a terminating time of 02.30 on a Thursday and 03.30 hours on Fridays and Saturdays. I have no evidence to support an objection to this proposal, since as stated the Environmental Health Service has no record of Public Nuisance problems.

That said, I am concerned that the premises have an outdoor rear garden area and a first floor rear balcony which although not currently regulated could in my opinion conceivably generate noise and disturbance problems to local residents caused by customer activities in the external environment at sensitive times. This matter was discussed on site with Mr. Jeremy Roberts who is understood to be the applicant and acting Designated Premises Supervisor for the existing licence on the 30th January 2009. Mr. Roberts was agreeable to a condition to restrict the use of the outside rear garden and first floor rear balcony such that the rear exterior licenced areas shall not be used after 22.00 hours.

I therefore have no objections to the application subject to this agreed condition and a further condition requiring all rear doors and rear windows to be closed whilst regulated entertainment is being carried out.

I understand that the premises will be 'food led' during the day and early evenings and that a significant refurbishment of the premises is planned (including sound proofing) to be carried out in the new year. I am not of the opinion that live and recorded music will cause a problem, since I am informed that the music is intended to compliment dining and may be considered to be 'low key' such as the use of acoustic instruments and jazz type trio's. In addition, it is proposed that customers who need to smoke after 22.00 hours may do so at the front entrance and I am not of the opinion that this will cause public nuisance, in view of the site location.

In conclusion and in view of the foregoing, I have no objections to this application subject to the following conditions:

1. The use of the rear external licenced garden area and the rear external licenced first floor balcony shall only be used between the hours of 09.00 and 22.00 hours.
2. All rear doors and rear windows shall be kept closed whilst regulated musical entertainment is being carried out.

11.6.3 Cheshire Fire Service – No response received.

11.6.4 Local Planning Authority – No response received.

11.6.5 Local Safeguarding Children Board – As Police response.

11.6.5 Health and Safety Officer – No comments.

11.6.6 Trading Standards – No response received.

## Interested Parties

The Licensing Authority has received representation from neighbour objectors and Alderley Edge Parish Council. Details of these representations are appended to this report.

### **12.0 Overview of Year One and Term One Issues**

12.1 Not applicable

### **13.0 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 – 9 Neighbour Objections  
Appendix 10 – Representation from Alderley Edge Parish Council  
Appendix 11 – Plan of area  
Appendix 12 – Premises Licence Summary