

CHESHIRE EAST COUNCIL

REPORT TO: LICENSING ACT SUB-COMMITTEE

Date of Meeting:	Monday 2 August 2010 at 09.30am
Report of:	Mr J Hopper, Licensing Officer
Subject/Title:	<u>Application for a Premises Licence – Canvas Lounge Ltd, 76 King Street, Knutsford, Cheshire.</u>

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 Sub-Committee is requested to determine the application for a Premises Licence by Canvas Lounge Ltd in respect of Canvas Lounge Ltd, 76 King Street, Knutsford, Cheshire.

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 Olivia Hunter
Cllr Tony Ranfield
Cllr Steve Wilkinson

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 18 of the Licensing Act 2003 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 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.

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 Premises Licence granted under section 17 of the Licensing Act 2003.
- 11.2 The operating schedule indicates that the relevant licensable activities applied for are:
Live Music
Recorded Music
Sale and supply of alcohol
Provision of facilities for making music
Late Night Refreshment
- 11.3 The hours applied for are as follows:

Live Music

Thursday to Sunday 17.00 to 23.00

The performance of live music will take place indoors.

There would be live music no more than on a dozen occasions over a twelve month period, usually when a customer is having a birthday celebration, usually acoustic.

Non Standard Timings. We hold between 2/3 charity events and collaborate with Oxjam (Oxfam). These events may take place on a Saturday afternoon.

Recorded Music

Monday to Sunday 10.00 to 01.00

The playing of recorded music will take place indoors.

The recorded music covers the building and is always at a reasonable level so customers can still communicate without having to raise their voices.

Sale and supply of alcohol

Monday to Sunday 10.00 to 01.00

The supply of alcohol will be for consumption both on and off the premises.

Non Standard Timings. On the current licence it states "From the end of permitted hours on New Years Eve to 05.00 on New Years Day"

Provision of facilities for making music

Monday to Sunday 10.00 to 01.00

The facilities for making music will be indoors.

This would involve the use of musical instruments, speakers, microphones etc.

Late Night Refreshment

Monday to Sunday 23.00 to 01.00

The provision of late night refreshment will take place indoors.

Usually served when there has been a birthday celebration, would not be used regularly.

Non Standard Timings. On the current licence it states "from the end of permitted hours on New Years Eve to 05.00 on New Years Day"

11.4 Designated Premises Supervisor: Mr William Childs

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

(a) Prevention of crime and disorder

As part of the renovations the following improvements will be integrated. Updated security alarm system and extra security lighting at the rear.

Extra cameras for the high quality CCTV will be installed, accessible over the internet with a three month playback history.

A good relationship has been established with the local Police, and we actively encourage a Police presence, regular drug swabbing and visits from the drug dogs.

The stock cellar is kept locked at all times and a new drop safe will be installed. The cash draw is removed in the evening.

(b) Public safety

The premises does and will comply with all statutory fire safety controls and food safety regulations.

The CCTV is additional used as a deterrent and has clear signage that it is in operation.

We have and will update the detailed Health & Safety Documentation provided by Phoenix Health & Safety.

As part of the renovations the front door steps will be removed from the pavement and set back to be in line with the building, creating a much safer entrance/exit.

(c) Prevention of public nuisance

The premises has and will endeavour to keep noise to a minimum. The premises shall be adequately sound proofed, with windows and doors closed during regulated entertainment to minimise any nuisance to neighbouring parties.

The 800ltr waste bin is collected twice a week and is kept within the premises boundaries.

(d) Protection of children from harm

The business has been operating the Challenge 21 scheme and has now taken the advice of the Police Licensing Officer and raised it to 25 years.

All staff are trained to check customers ages only accepting passports or driving licences. We also employ local staff that have a community knowledge.

We also try to discourage strong language.

(e) General – all four licensing objectives

William Childs is the owning manager and is rarely off site when open for business. He is responsible for supporting and training the staff regarding licensing objectives. As licensee he attends and is a committed member of the Pubwatch scheme. The business has been operating the Challenge 21 scheme and has now taken the advice of the Licensing Officer and raised it to 25 years. There has not been and will not be any 'drinks promotions' at the premises.

11.6 Relevant Representations:

Responsible Authorities

11.6.1 The Police state in their response:

Application received 7 June 2010 for the Grant of a Premises Licence in relation to premises known as 'Canvas Lounge Ltd' King Street, Knutsford.

The premises have operated at first floor level in these premises since early 2003 with an Art Gallery using the space at ground floor level. This gallery went out of business in September 2009 and the applicant has subsequently gained Planning Permission (10/0120M & 09/3205M) for Change of Use & Signage to create a new central shop front with a bar servery at ground floor level plus new toilets and new fire exits.

This application seeks to add 'Live Music' to the licensable activities but this will be on an occasional basis only and mainly acoustic in style.

No other changes to the way the premises operate are planned nor will the nature of the business and it is hoped that all will be up and running by the end of July 2010.

There are No Police Representations.

11.6.2 Environmental Health – No response received.

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 comment.

11.6.6 Trading Standards – No representation made.

Interested Parties

The Licensing Authority has received representation from four neighbour objectors. 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:

Name: Mr J Hopper

Designation: Licensing Officer

Tel No: 01625 504205

Email: jim.hopper@cheshireeast.gov.uk

APPENDICES

Appendix 1 – 4 Neighbour Objections

Appendix 5 – Summary of existing Premises Licence

Appendix 6 – Conditions attached to existing Premises Licence

Appendix 7 – Plan of area

APPENDIX 1

From:

Sent: 28 June 2010 13:44

To: LICENSING (Cheshire East)

Subject: Canvas Lounge, 76 King Street, Knutsford

The Licensing Officer

Dear Sir or Madam

I live in close proximity to the Canvas Lounge and I wish to make the following representations regarding their application to vary their existing premises licence.

1. Public Safety.

This application by the Canvas Lounge follows a successful planning consent to utilise the ground floor which was previously confined to retail use. Until now the sale and consumption of alcohol and the playing of live and amplified music has been confined to the upper two storeys of the building and a garden terrace at the rear. Once the whole building is licenced the focus of the premises will inevitably move to the ground floor front of the building. This will create a risk to public safety for customers and passers-by.

The entrance of the Canvas Lounge is located at a particularly dangerous part of King Street. Firstly there is little or no raised footpath, a feature that is recognised as encouraging pedestrians to be less aware of their relationship to passing vehicular traffic. Secondly, on approach traffic have a restricted view of the entrance until almost upon it. Thirdly, smoking prohibitions now mean that people gather outside licenced premises in large numbers. If this were allowed to happen here it would create a pocket of inebriated people effectively stood in the road. This would create a danger to them and cause an obstruction to other foot passengers who might be forced in to the road to pass by. Restrictions should be added to the licence that preclude customers congregating outside the front of the premises.

2. The Prevention of Public Nuisance.

The applicant seeks to extend the hours for which sale and consumption of alcohol are permitted. This will only add to the general level of nuisance to which those of us who live in the town centre are subject. I also refer to my previous comment regarding smokers and drinkers congregating outside licenced premises but in this case causing a noise nuisance rather than a danger.

Clearly this variation is being sought so that the ground floor can be brought fully into play with the rest of the building. Under the current operation there is already, at times, a significant level of noise pollution emanating from the premises. There have been no structural modifications to absorb or contain the leakage of sound from this building the use of which has gradually changed from a simple retail outlet into what can only be described as a wine bar/night club.

The original Premises Licence was granted to the then owner of an art gallery who was seeking to provide alcohol to customers as an ancillary to the sale of art works. Had the original application been associated with a request to change a retail premises, at a stroke, into a wine bar or night club I have sufficient confidence in the Licensing Authority to imagine they would have imposed more stringent sound leakage controls. If this variation is granted it should include measures to limit the public nuisance that loud amplified music can bring. Restrictions on the times alone at which amplified music can be played would not be sufficient. There would need to be a re-assessment of the building and its use in relation to its capacity to render levels of noise tolerable to nearby residents.

From:

Sent: 29 June 2010 11:27

To: HOPPER, Jim

Subject: Re: Canvas Lounge, Knutsford

Thank you for your reply. I intended my e mail of 28 June 2010 to be representations to be placed before the Licensing Committee. Please advise if I need to submit them in writing seperately as I do not have a great deal of time left before the cut off date. My understanding of the nature of the application is based on the sight of a letter sent to a neighbour. I confess I read it in haste and must have misunderstood the detail. Personally, I had expected The Canvas Lounge to apply for a new Premises Licence as I was aware they were extending the use of the premises and might fall foul of Sect 36 Licensing Act 2003 had they sought a variation of the existing licence. As it is I think it is entirely right they are applying for a new licence. That being the case my representations regarding Public Safety and Public Nuisance remain other than the reference to extending permitted hours. There seems little point in opposing that part of the application in view of the Committees previous decisions to allow similar hours to other nearby establishments. I did want the Committee to understand their decisions are effecting the lives of those of us who live in the town centre. Our apartment block has been subject of two seperate acts of criminal damage and one of theft in the month of June alone. Certainly in the first case during the early hours by unidentified drunks and probably also in the second, it is only the time of discovery of this second attack that precludes us being specific as to the time it was committed.

APPENDIX 2

From:

Sent: 28 June 2010 18:13

To: LICENSING (Cheshire East)

Subject: Canvas Lounge 76,king street,wa16 6ed, licensing application.

Canvas Lounge
76 King Street
WA16 6ED

Licensing Application.

We write in connection with the above as residents in the very near vicinity of the above premises.

We strongly object to the terms of the proposed licence

There is a substantial residential area very near to this bar - Old Market Place,apartments overlooking the old market square and housing on Egerton square.

To offer recorded music 7 nights a week up until 1 am with potential use of speakers and microphone will create a public nuisance for the residents of these properties and others. Already we regularly are woken by drunken,shouting,screaming, fighting and other anti social behaviour from people spilling out of nearby pubs and bars who are fuelled with alcohol.

The noise coming from this bar on the occasions it has held 'Charity Functions' and other events has been unacceptable.

The building is old with very little insulation .The front door has always been propped open during opening hours and we presume this will be the entrance and exit for every customer and smoker.

Customers will have the opportunity to drink for extended hours up until 1 am, 7 days a week. This will cause increased nuisance and stress for residents. It will encourage petty crime such as urinating, turning bins over, throwing drink cans and other garbage into gardens and drives (which already happens late at night and in the early morning). Residents need to sleep in order get up in the morning to work!

The behaviour of customers leaving drinking premises in the early hours is likely to encourage crime and disorder and undermine public safety.

The application is unreasonable. Granting it will affect parking in residential streets and unbearable noise up to and beyond 1.00am 7 nights a week.

Yours sincerely

APPENDIX 3

From:

Sent: 29 June 2010 08:24

To: LICENSING (Cheshire East)

Subject: Canvas lounge 76 King st Knutsford WA16 6ED

I have received notification that The Canvas Lounge has applied for permission to open a bar downstairs at 76 King St. I live at ** king St and the noise level is horrendous at the weekends until about 2am in the morning. The screaming and shouting from the people who frequent this bar is appauling. I strongly disagree with this application and hope that Cheshire East Council will deny this application. I would appreciate a reply to this email.

Thank you for your consideration.

Sincerely,

APPENDIX 4

From:

Sent: 04 July 2010 14:54

To: LICENSING (Cheshire East)

Subject: canvas lounge music bar - knutsford

I hereby object to the application by the above bar for music to be played between 17.00 and 1.00 monday to sunday due to the noise nuisance to nearby residents and aslo possible rowdiness from crowds leaving the bar late at night.

from:

APPENDIX 5



Premises Licence Summary

Premises Licence Number:

MBC/PR/0193

Premises Details

Postal address of Premises or, if none, ordnance survey map reference or description:

Canvas Lounge Ltd
76 King Street
Knutsford
Cheshire

Post Town: Knutsford

Post Code: WA16 6ED

Telephone Number: 01565 653424

Where the Licence is time limited, the dates:

Not applicable.

Licensable activities authorised by the Licence:

Recorded Music
Sale and supply of alcohol
Late Night Refreshment

The time the Licence authorises the carrying out of licensable activities:

Recorded Music (to take place indoors)

Monday to Sunday 10.00 to 01.00

Sale and supply of alcohol

Monday to Sunday 10.00 to 01.00

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

Late Night Refreshment (to take place indoors)

Monday to Sunday 23.00 to 01.00

From the end of permitted hours on New Years Eve to 05.00 on New Years Day.

The opening hours of the Premises:

Monday to Sunday 10.00 to 02.30

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

Where the Licence authorises supplies of alcohol, whether these are on and/or off supplies:

For consumption either on or off the premises.

Name, (registered) address of holder of Premises Licence:

Mr William Deayton Childs
139 Knutsford Road
Wilmslow
Cheshire
SK9 6EL

Registered number of holder, for example company number, charity number (where applicable):

Not applicable.

Name of designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol:

Mr William Deayton Childs

State whether access to the Premises by children is restricted or prohibited:

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (1) He is the child of the holder of the premises licence.
- (2) He resides in the premises, but is not employed there.
- (3) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (4) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

.....
Legal Service Manager

APPENDIX 6

Annex 1 - Mandatory Conditions

1. No supply of alcohol may be made under this Premises Licence –
 - (a) at a time when there is no designated premises supervisor in respect of the Premises Licence, or
 - (b) at a time when the designated premises supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under this Premises Licence must be made or authorised by a person who holds a Personal Licence.

Annex 2 - Conditions consistent with the Operating Schedule

Prevention of Crime and Disorder

1. The premises shall have security alarms, mortice locks and outside security lighting.
2. Excess stock shall be kept in the cellar which shall be kept locked at all times.
3. There shall be a swipe card door access system in order for existing known customers to access the premises after 23.00 when the doors shall be closed to the general public. These swipe cards shall only be provided to known existing customers with proof of identification recorded onto a database which shall be provided if necessary.

Public Safety

4. The premises shall comply with statutory fire safety controls and food safety regulations.

Prevention of Public Nuisance

5. The premises shall be adequately sound proofed to minimise noise nuisance to neighbouring properties.

Protection of Children from Harm

6. The Challenge 21 scheme shall be in use at the premises.

General – All Licensing Objectives

7. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
 - (1) He is the child of the holder of the premises licence.
 - (2) He resides in the premises, but is not employed there.
 - (3) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
 - (4) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition “bar” includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

8. Where there is provided in the Premises an entertainment for children, or an entertainment at which the majority of the persons attending are children, then, if the number of children attending

the entertainment exceeds one hundred, it shall be the duty of the person providing the entertainment to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate, and to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and to take all other reasonable precautions for the safety of the children

9. Where the occupier of the Premises permits, for hire or reward, the Premises to be used for the purpose of an entertainment, he shall take all reasonable steps to secure the observance of the provisions of condition (8) above.

10 The premises will have hot and cold food and non- alcoholic beverages available during the whole time they are open to the public

Annex 3 - Conditions attached after a hearing by the Licensing Authority

None.

Annex 4 - Plans

See attached.