

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee**
held on Monday, 27th September, 2010 at The Capesthorne Room - Town
Hall, Macclesfield SK10 1DX

PRESENT

Councillor P Whiteley (Chairman)

Councillors T Beard and A Ranfield

OFFICERS PRESENT

Mrs N Cadman (Licensing Officer) and Mrs K Khan (Licensing Solicitor)

13 APPOINTMENT OF CHAIRMAN

RESOLVED – That Councillor P Whiteley be appointed Chairman.

14 DECLARATIONS OF INTEREST

There were no declarations of interest.

15 APPLICATION FOR PREMISES LICENCE - PARK TAVERN, 158 PARK LANE, MACCLESFIELD

The Sub-Committee considered a report regarding an application from Vale Inn Ltd for the grant of a Premises Licence under section 17 of the Licensing Act 2003.

The applicants and a number of local residents attended the hearing and made representations with respect to the application.

After a full hearing of the application and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of:

- The Secretary of State's Guidance under section 182 of the Licensing Act 2003
- Cheshire East Borough Council's Statement of Licensing Policy
- The four licensing objectives (namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm)
- All the evidence, including the oral representations made at the meeting and the written representations of interested parties, the Police and Environmental Health,

the following course of action had been agreed:

RESOLVED – That the application to grant a Premises Licence for Vale Inn Ltd be granted as follows:

Recorded Music

Monday to Sunday 10.00 to 24.00

The playing of recorded music will take place indoors.

Seasonal variations: Christmas Eve – extend terminal hour by 2 hours, New Years Eve – Extend terminal hour up until start of New Years Day trading.

Sale and supply of alcohol

Monday to Sunday 12.00 to 24.00

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

Seasonal variations: Christmas Eve – extend terminal hour by 2 hours, New Years Eve – Extend terminal hour up until start of permitted hours on New Years Day

Late Night Refreshment

Monday to Sunday 23.00 to 24.00

The provision of late night refreshment will take place indoors.

Seasonal variations: Christmas Eve – extend terminal hour by 2 hours, New Years Eve – Extend terminal hour up until start of New Years Day trading.

Hours Premises are open to the public

Monday to Sunday 10.00 to 00.30

Seasonal variations: Christmas Eve – extend terminal hour by 2 hours, New Years Eve – Extend terminal hour up until start of permitted hours on New Years Day.

In addition the following conditions were imposed:-

1. The Designated Premises Supervisor shall ensure that all reasonable steps are taken to ensure that open bottles/cans/vessels are not taken from the premises onto the street at any time and are not taken into the beer garden after 20.00.
2. The outdoor area to the rear of the premises (known as the beer garden) shall not be used by patrons for any purpose after 21.00 hours on any day.
3. Signs shall be erected within the beer garden and by the access door to the beer garden to request patrons to be considerate of the residential amenity of neighbours in terms of noise.
4. Signs shall be erected by the front door to request that patrons leave the premises quietly in terms of respecting the residential amenity of neighbours.

5. The Designated Premises Supervisor or a member of staff nominated by him shall ensure that the beer garden and the area on the street immediately in the vicinity of the premises are monitored on a regular basis to ensure that noise nuisance is not caused and to ensure that persons leaving the premises disperse in an orderly manner.

In respect of the application relating to the exhibition of films the Committee resolved the following:-

Whilst the Sub-Committee heard evidence from the Environmental Health Officer about the prevention of public nuisance in relation to noise resulting from the exhibition of films, the Sub-Committee felt that it had been provided with insufficient information within the operating schedule in relation to other significant issues in this regard. In particular, the Sub-Committee noted that there was no provision in relation to (a) supervision/attendants within the function room; (b) emergency exits and escape routes; and (c) emergency lighting. The Sub-Committee determined that it had not been provided with sufficient information about how this licensable activity would be carried out at the premises to enable it to impose conditions which would mitigate any harm to the licensing objectives. This element of the application was therefore refused.

The Committee wished to highlight the fact that should problems relating to the licensing objectives be linked to the operation of licensable activities at this premises then Responsible Authorities or Interested Parties may call for a review of the licence at any time.

Parties who made relevant representations were reminded of the right to appeal the decision to the Magistrates Court within 21 days as was the Applicant.

The meeting commenced at 12.30 pm and concluded at 3.10 pm

Councillor P Whiteley (Chairman)