

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee**
held on Monday, 13th June, 2011 at Delamere 2, Floor 6, Delamere House,
Delamere Street, Crewe CW1 2JZ

PRESENT

Councillors M Parsons and M Sherratt and P Whiteley

OFFICERS PRESENT

Mrs J Cornes, Licensing Administration Officer
Mrs K Khan, Solicitor
Mr P Mountford, Democratic Services Officer

6 APPOINTMENT OF CHAIRMAN

RESOLVED

That Councillor P Whiteley be appointed Chairman for the meeting.

Councillor P Whiteley in the Chair

7 DECLARATIONS OF INTEREST

No interests were declared.

8 APPLICATION FOR THE VARIATION OF A PREMISES LICENCE: STAFFORDSHIRE KNOT, 15 WEST STREET, CONGLETON CW12 1JN

The Sub-Committee considered an application for the variation of a Premises Licence under section 34 of the Licensing Act 2003 in respect of the Staffordshire Knot, 15 West Street, Congleton.

The applicant, a business partner, and a number of objectors attended the meeting and made representations in respect to the application.

After a full hearing of the application and in accordance with the rules of procedure, the Chairman reported that, having taken account of:

- The Secretary of State's Guidance under section 182 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 representations made at the meeting

The following course of action had been agreed:

RESOLVED

That the Sub-Committee, having taken careful consideration of all the evidence in this matter and having determined that the operating schedule as amended below will be sufficient to prevent harm to the licensing objectives, grants the application on the following basis:

1. The hours for the sale and supply of alcohol and the forms of regulated entertainment applied for will be as follows:

Monday to Sunday 11.00 – 02.00

Christmas Eve and Saturdays and Sundays preceding Bank Holidays
11.00 – 02.30

New Year Eve 11.00 – 04.00

2. The hours the premises are open to the public shall be:

Monday to Sunday 10.00 – 02.30

Christmas Eve and Saturdays and Sundays preceding Bank Holidays
10.00 – 03.00

New Year Eve 10.00 – 04.30

The Sub-Committee has determined to impose the terminal hours referred to above in order to prevent harm to the objective of the prevention of public nuisance in the light of the close proximity of residential properties. The Sub-Committee is mindful of the conditions agreed between the Environmental Health Department and the Applicant, however feels that this terminal hour is a reasonable and proportionate limitation in the light of the evidence provided about the nature of the area in which the premises is located.

3. The following conditions are added to the Premises Licence:

- (a) there shall be no entry to the Premises after 00.30 with the exception of those patrons who have been using the outside areas associated with the Premises;

The Sub-Committee has heard that the applicant's intention is to facilitate pleasant dining conditions by allowing the consumption of food ordered up until 23.00 to be followed by the ability to enjoy relaxed drinking to complete their dining experience. The Sub-Committee has imposed this condition in the interests of the prevention of public nuisance by ensuring that patrons are not entering the premises in the early hours of the morning purely to consume alcohol in the relatively short period before the Premises closes to the public.

- (b) The outside areas associated with the Premises shall only be open for use by patrons until 00.30, with the exception of those patrons who wish to smoke;

- (c) The Designated Premises Supervisor or a member of staff nominated by him shall monitor the outside areas on a regular basis after 00.30 to ensure that a nuisance is not being caused as a result of the use of these areas;

These conditions are again imposed in order to prevent harm to the objective of the prevention of public nuisance in the light of the proximity of residential properties to the outside areas associated with the Premises.

4. The conditions suggested by the Police and Environmental Health Department, and agreed by the applicant, as set out below, are imposed on the grant of the variation to the licence subject to the amendment of Environmental Health condition 4 by the addition of "with the exception of access and egress."

The Police Conditions:

1. A CCTV system will be installed at the premises to the satisfaction of the Police Licensing Officer and this will continuously record at all times the premises are open to the public. Unedited recorded images will be securely stored at the premises for a minimum period of 28 days and copies made freely available upon request to a constable or to an employee of Cheshire Police or the local authority.
2. 2 Door supervisors will be on duty at the premises every Friday and Saturday and on New Years Eve from 10pm and they are to remain at the premises until the premises close to the public.
3. The Designated Premises Supervisor, or another responsible member of the management team, will regularly attend the local Pubwatch meetings.
4. No glass, bottle or other vessel may be taken outside the premises after 10pm.
5. The proof of age scheme Challenge 25 will be operated for all sales of alcohol.

The Environmental Health Conditions:

1. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby residents.
2. Refuse such as bottles shall be disposed of from the premises at a time (i.e. between 08.00 to 22.00) when it is not likely to cause a disturbance to residents in the vicinity of the premises.

3. There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly.
4. Whist regulated entertainment is taking place, all windows and doors shall remain closed.

The Committee would wish 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 have the right to appeal this decision to the Magistrates Court within 21 days as does the Applicant.

Having reported the Sub-Committee's decisions, the Chairman asked that the applicant:

1. consider providing contact details for use by local residents in relation to the public house; and
2. consider providing a doorway from the building direct onto the outside seating area as he had proposed earlier in the meeting.

At the conclusion of the meeting, the Chairman thanked everyone for attending and declared the meeting closed.

The meeting commenced at 9.30 am and concluded at 12.35 pm

Councillor P Whiteley (Chairman)