

Licensing Act Sub-Committee

Agenda

Date: Thursday 3rd November 2011
Time: 9.30 am
Venue: Charles Roe Room, Heritage Centre, Roe Street,
Macclesfield, SK11 6UT

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Appointment of Chairman**

To appoint a Chairman for the meeting

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests and for Members to declare if they have pre-determined any item on the agenda

3. **Application for a Premises Licence: Café Waterside, Clarence Mill, Clarence Road, Bollington, Macclesfield, Cheshire** (Pages 5 - 24)

To consider an application for a Premises Licence for Café Waterside, Clarence Mill, Clarence Road, Bollington

4. **Application for a Premises Licence: Alderley Edge Golf Club, Brook Lane, Alderley Edge, SK9 7RU** (Pages 25 - 32)

To consider an application for a Premises Licence for Alderley Edge Golf Club, Brook Lane, Alderley Edge

THERE ARE NO PART 2 ITEMS

For requests for further information

Contact: Julie Zientek
Tel: 01270 686466
E-Mail: julie.zientek@cheshireeast.gov.uk

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CHESHIRE EAST COUNCIL

PROCEDURE FOR HEARINGS – LICENSING ACT 2003

The Licensing Committee

The full Licensing Committee consists of fifteen elected Members of the Council. From this full Committee will be drawn sub-committees of three members to deal with licensing functions under the Licensing Act 2003. The Chairman and Vice Chairman of the Licensing Committee shall have the discretion to refer a matter up to a hearing of the full Licensing Committee.

Officers at Hearings

- **The Committee Officer** introduces all parties and records the proceedings
- **The Legal Adviser** provides independent advice to the Members on legal matters and procedure.
- **The Licensing Officer** will introduce the matter and outline the application; the officer will also answer any questions Members may have.

PROCEDURE

NOTE: If the Sub-Committee has not already elected a Chairman, that will be the first item of business.

1	Chairman	The Chairman will: (i) call the matter to be considered; (ii) call for any declarations of interest; (iii) ask all parties to introduce themselves; (iv) summarise the procedure to be followed at the hearing; (v) will consider any request made by a party for another person to appear at the hearing; (v) will advise the parties of any maximum period of time in which it has to present its case (if a maximum is imposed this shall be equal for all parties).
2	Licensing Officer	Will introduce and summarise the application, highlighting areas of contention or dispute.
3	Committee Members	May ask questions of the Licensing Officer
4	Applicant	Will present his/her case, calling witnesses, as appropriate. <i>(If necessary, applicant will produce any notices required by law. Legal Adviser will draw attention to this if required.)</i>
5	Responsible Authorities (who have made representations)	Each in turn may ask <u>questions</u> of the applicant, by way of clarification.

6	Local residents (ie. defined as “interested parties”)	To be invited to ask <u>questions</u> of the applicant, by way of clarification. <i>It is normal practice for a spokesperson only to speak on behalf of a group of residents.</i>
7	Committee Members	Each in turn may ask <u>questions</u> of the applicant.
8	Applicant	May make a <u>statement</u> or ask his witnesses to clarify any matters which he feels are unclear, or may have been misunderstood.
9	Responsible Authorities	Will make their representations.
10	Applicant	Or his representative or witnesses to ask <u>questions</u> of Responsible Authorities represented at the meeting, by way of clarification.
11	Local residents (ie. defined as “interested parties”)	May ask <u>questions</u> of the Responsible Authorities represented at the meeting, by way of clarification. (Note: This is not the point at which local residents should be stating their objections.)
12	Committee Members	May ask <u>questions</u> of the Responsible Authorities represented at the meeting
13	Local residents (ie. defined as “interested parties”)	The local residents who are objecting to the application will be invited <u>to make observations on the application</u> and present the bases of their objections.
15	Applicant	Or his representative or witnesses may ask <u>questions</u> of the Local Residents, by way of clarification.
16	Committee Members	May ask <u>questions</u> of the Local Residents.
17	Chairman	To invite both Responsible Authorities and Local Residents to make their closing addresses.
18	Applicant	Or his representative will <u>briefly summarise the application</u> and comment on the observations and any suggested conditions.
19	Committee	<u>Will retire</u> to consider the application. The Committee may request the Legal Advisor to advise on legal issues.
20	Committee	Will return to <u>give its decision</u> , with reasons, which will be announced by the Chairman and subsequently confirmed in writing to the applicant and to all the parties that made representations.

		In cases where a decision cannot be given at the end of the hearing, parties will be advised of the decision within five working days.
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Notes

1. The hearing shall normally be held in public. There may be occasions on which the Committee find it necessary to exclude members of the press and public; any such decision will be taken on the basis that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing taking place in public.
2. The Chairman may require any person behaving in a disruptive manner to leave the hearing and may (a) refuse to permit that person to return, or (b) permit him/her to return only on such conditions as the authority may specify, but any such person may submit in writing any information which they would have been entitled to provide orally if they had not been required to leave.
3. Prior to the hearing each party shall have given notification and served documentation (eg statements of witnesses or reports of experts) as required. Late representations and evidence will only be considered with the agreement of all parties.
4. Anyone entitled to be heard may be represented by any person, whether or not that person is legally qualified.
5. Hearsay will be permitted but the Sub-Committee will be reminded to give it appropriate weight.
6. Due note shall be taken of the provisions of the Hearings Regulations 2005.
7. The Chair may, in the interests of expediency or convenience of the parties, vary the procedure from time to time, provided notice is given to the parties and the rules of natural justice are observed.

SUMMARY OF PROCEDURE

- 1 Chairman appointed (if this has not been done previously).
- 2 Chairman to call for declarations of interest and request that all parties introduce themselves.
- 3 Chairman summarises the procedure for the hearing
- 4 The Licensing Officer summarises the application
- 5 Applicant to present his/her case.
- 6 Applicant to be questioned by all parties (to clarify points only) following which, he/she can clarify any other matters which he/she feels may have been misunderstood when the application was presented.
- 7 Applicant to be questioned by the Committee.
- 8 Responsible Authorities to make their representations following which they can be questioned by all parties by way of clarification.
- 9 **Local residents** (defined as interested parties) will be invited to present the bases of their objections, following which they can be questioned by all parties by way of clarification.
- 10 The applicant will be invited to sum up his/her case
- 11 Committee/Sub-Committee withdraws to make its decision
- 12 Committee/Sub-Committee returns to announce its decision to all present.

CHESHIRE EAST COUNCIL

LICENSING ACT SUB-COMMITTEE

Date of Meeting:	Thursday 3 November 2011 at 09.30am
Report of:	Mrs N Cadman, Licensing Officer
Subject/Title:	Application for a Premises Licence Café Waterside, Clarence Mill, Clarence Road, Bollington, Macclesfield, Cheshire.

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 Act Sub-Committee is requested to determine the application for a Premises Licence by Ms Julie Ann Taylor in respect of Café Waterside, Clarence Mill, Clarence Road, Bollington, Macclesfield, SK10 5JZ.

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 Bollington

5.0 Local Ward Members

Councillor Peter Hayes
Councillor Bill Livesley

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 2011/12 (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 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.

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 is for Premises Licence under section 17 of the Licensing Act 2003.
- 10.2 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
- 10.3 The hours applied for are as follows:

Live Music (to take place both indoors and outdoors)

Monday to Sunday 10.15 to 22.00

Outdoor live music shall be acoustic only ceasing at 18.00hrs

On 12 occasions per calendar year, extend hours to 23.00.

Christmas Eve extend hours to 23.00, New Years Eve extend hours to 01.00.

Recorded Music

(to take place both indoors and outdoors)

Monday to Sunday 10.15 to 22.00

On 12 occasions per calendar year, extend hours to 23.00.

Christmas Eve extend hours to 23.00, New Years Eve extend hours to 01.00.

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

Monday to Sunday 10.15 to 22.00

On 12 occasions per calendar year, extend hours to 23.00.

Christmas Eve extend hours to 23.00, New Years Eve extend hours to 01.00.

Provision of facilities for making music (to take place both indoors and outdoors)

Monday to Sunday 10.15 to 22.00

On 12 occasions per calendar year, extend hours to 23.00.

Christmas Eve extend hours to 23.00, New Years Eve extend hours to 01.00.

Other times the premises are proposed to be open:

Monday to Sunday 10.15 to 22.30

On 12 occasions per calendar year, extend hours to 23.00.

Christmas Eve extend hours to 23.00, New Years Eve extend hours to 01.00.

10.4 Designated Premises Supervisor: Ms Julie Ann Taylor

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

(a) Prevention of crime and disorder

There shall be no irresponsible drinks promotions.

Sale of alcohol shall be by waiter/waitress service only.

The Licence Holder shall work closely with the local Police to uphold the licensing objectives.

Disorderly conduct shall not be tolerated at the premises.

(b) Public safety

Customers shall be encouraged to eat food with their drink.

Staff shall be trained to support care for customers and neighbours.

(c) Prevention of public nuisance

Challenge 25 shall be operating at the premises.

There shall be no dancing facilities.

There shall be a log of rejected customers.

Over consumption of alcohol shall not be encouraged.

(d) Protection of children from harm

The Licence Holder shall maintain a family friendly atmosphere at the premises.

(e) General – all four licensing objectives

The premises shall primarily be a cafe tea room.

The following conditions have been recommended by the Environmental Health Officer and have been agreed with the applicant to form part of Premises Licence:

The use of any outdoor areas by members of the public for the purpose of eating or drinking shall terminate at 21.30 hours.

The playing of live music outdoors shall be restricted to acoustic instruments only (i.e. no amplified instruments / amplified voice) and should terminate at 18.00 hours on any day.

The playing of recorded music indoors shall be background music only.

The playing of live music indoors shall be restricted to acoustic instruments only (i.e. no amplified instruments / amplified voice).

Regular monitoring shall be made by the management to ensure that noise from the premises is controlled - for the purpose of ensuring that nuisance is not caused to the residents of the nearest properties.

10.6 Relevant Representations:

Responsible Authorities

10.6.1 The Police state in their response: Application received 14th September 2011, Julie Ann Taylor for a Premises Licence at Cafe Waterside, Clarence Mill, Bollington, SK10 5JZ. Café Waterside overlooks the canal at the front of Clarence Mill. The café is already serving late breakfast on weekdays and lunches and light snacks, teas, coffees every day except Monday. The application is intended to add regulated entertainment and the sale and supply of alcohol. The proposed Designated Premises Supervisor is Julie Ann Taylor. I visited the premises on Thursday 29th September 2011, and observed the Blue Notice was correctly displayed. I took pictures which I can produce if required. This application meets the four licensing objectives to the satisfaction of the Police and providing these are met there are no Police representations.

10.6.2 The Environmental Health Department state in their response: I would refer to the above application for a Premises Licence. Under the Licensing Objective of the 'prevention of public nuisance', I would wish to make the following comments and recommendations. As residential properties are situated within Clarence Mill, I would wish to ensure that noise nuisance / loss of residential amenity is not caused to the occupiers of the nearest dwellings and would therefore recommend that the following conditions are attached to an approval of this application.

1. The use of any outdoor areas by members of the public for the purpose of eating or drinking shall terminate at 21.30 hours.
2. The playing of live music outdoors shall be restricted to acoustic instruments only (i.e. no amplified instruments / amplified voice) and should terminate at 18.00 hours on any day.
3. The playing of recorded music indoors shall be background music only.
4. The playing of live music indoors shall be restricted to acoustic instruments only (i.e. no amplified instruments / amplified voice).
5. Regular monitoring shall be made by the management to ensure that noise from the premises is controlled - for the purpose of ensuring that nuisance is not caused to the residents of the nearest properties.

10.6.3 The Cheshire Fire Service state in their response: No objections to the following: Café Waterside, Clarence Mill, Bollington.

10.6.4 Local Planning Authority – No representation made in respect of this application.

10.6.5 Local Safeguarding Children Board – As Police response.

10.6.5 Health and Safety Officer – No response received.

10.6.6 Trading Standards – No response received.

Interested Parties

10.7 The Licensing Authority has received support from Bollington Town Council in light of the applicant's agreement with the Environmental Health Officer's recommended conditions. The Licensing Authority has received representations from neighbour objectors. All objectors were made aware of the applicant's agreement to adopt the Environmental Health Officer's recommended conditions. In light of the agreement with the Environmental Health Officer's recommended conditions, one of the neighbour objectors has withdrawn their objection. Details of the representations are appended to this report.

12.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Mrs N Cadman
Designation: Licensing Officer
Tel No: 01270 685957
Email: nikki.cadman@cheshireeast.gov.uk

APPENDICES

Appendix 1 – Representation from Bollington Town Council
Appendix 2 – Representation from neighbour objector subsequently withdrawn
Appendix 3 – Petition from neighbour objectors
Appendices 4 – 5 Representations from neighbour objectors
Appendix 6 - Plan of area.

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APPENDIX 01

CADMAN, Nikki

From: Bollington Town Council [bollington.tc@btconnect.com]
Sent: 11 October 2011 11:13
To: CADMAN, Nikki
Cc:

Subject: Cafe Waterside Clarence Mill Bollington - Premises Licence

Hi Nikki

At the meeting of the Town Council last week this item was considered and residents of Clarence Mill were present. The residents were concerned about potential noise and disturbance and it was felt that noise from customers and music, particularly outside during the evening, could cause nuisance and this should be strictly controlled.

I am now aware that Environmental Health have proposed conditions (shown below) and I am also aware that the residents would be happy for the application to be approved subject to these conditions being applied.

These conditions address the Town Council's concerns and we will support this application subject to them applied and enforced.

1. The use of any outdoor areas by members of the public for the purpose of eating or drinking shall terminate at 21.30 hours
2. The playing of live music outdoors shall be restricted to acoustic instruments only (i.e. no amplified instruments / amplified voice) and should terminate at 18.00 hours on any day
3. The playing of recorded music indoors shall be background music only
4. The playing of live music indoors shall be restricted to acoustic instruments only (i.e. no amplified instruments / amplified voice).
5. Regular monitoring shall be made by the management to ensure that noise from the premises is controlled - for the purpose of ensuring that nuisance is not caused to the residents of the nearest properties.

David Naylor
Town Clerk

From:
Sent: 10 October 2011 10:28
To: CADMAN, Nikki
Subject: Re: PREMISES LICENCE APPLICATION - CAFE WATERSIDE,
CLARENCE
MILL, BOLLINGTON

Dear Nikki

Thank you for the update.

As I mentioned in my original Email I have no axe to grind with the owner nor do I have any concerns in the way the current owner manages her premises. I'm sure that the conditions mentioned below will be adhered to and I am considerate to the fact that businesses, in this current economic climate, need to diversify to survive and grow. For these reasons I think the adjustments detailed below are reasonable and, on the basis they will form part of the enforceable conditions, I therefore formally withdraw my objection.

I trust this clarifies matters

Kind Regards

On Mon, Oct 10, 2011 at 10:08 AM, CADMAN, Nikki
<nikki.cadman@cheshireeast.gov.uk> wrote:

From: CADMAN, Nikki
Sent: 10 October 2011 10:09
To:
Subject: PREMISES LICENCE APPLICATION - CAFE WATERSIDE, CLARENCE
MILL,
BOLLINGTON

Dear

Further to your email of 7th October 2011 regarding the above application. I write to inform you that our Environmental Health Officer has requested that the following conditions be placed on the Premises Licence. The applicant, Miss Taylor has agreed to these conditions in writing, so they will now form part of the enforceable conditions on the Premises Licence. In light of this amendment to the original application, I wonder if you could let me know if you would like to make any changes to your representation/objection.

I look forward to hearing from you at your earliest convenience.

Yours sincerely

Nikki Cadman

Licensing Officer

Cheshire East Council

As residential properties are situated within Clarence Mill, I would wish to ensure that noise nuisance / loss of residential amenity is not caused to the occupiers of the nearest dwellings and would therefore recommend that the following conditions are attached to an approval of this application.

1. The use of any outdoor areas by members of the public for the purpose of eating or drinking shall terminate at 21.30 hours
2. The playing of live music outdoors shall be restricted to acoustic instruments only (i.e. no amplified instruments / amplified voice) and should terminate at 18.00 hours on any day
3. The playing of recorded music indoors shall be background music only
4. The playing of live music indoors shall be restricted to acoustic instruments only (i.e. no amplified instruments / amplified voice).
5. Regular monitoring shall be made by the management to ensure that noise from the premises is controlled - for the purpose of ensuring that nuisance is not caused to the residents of the nearest properties.

From:

Sent: 07 October 2011 02:12

To: CADMAN, Nikki; LICENSING (Cheshire East)

Subject: Cafe Waterside, Clarence Mill, Bollington

Dear Nikki

I would like to object against the application for a licence to serve alcohol and live / recorded music until 10 p.m at Cafe Waterside, Clarence Mill, Bollington. I have no axe to grind with the current owner and have no issues with the way in which the Cafe is being managed at the moment. I cannot reasonably object to alcohol being served with food up until 5pm, it's current closing time but it is simply not an appropriate venue for the serving of alcohol and playing live and recorded music in the evening time. I believe that it would

constitute a public nuisance if the licence was allowed in it's current proposed form.

There are presently 39 licensed premises in Bollington according to figures provided by yourselves. According to the 2001 census the population of Bollington is 7095 (presumably this figure includes children). Figures quoted online suggest the 2011 figure, although not officially confirmed, is 7300. The adult population of Bollington is more than adequately provided for by the current number of licensed premises, many of whom I should imagine are struggling to survive in the current economic climate. On the main road through Bollington you will find a licensed premise every few hundred yards.

Many of the residents here justifiably feel 'under siege' at the moment. Despite numerous objections to the recent applications for a new church and 19 new apartments here at Clarence Mill (many of which cited the lack of capacity in the car park to cope with the huge increase in demand for car parking spaces if planning permission was granted) permission was granted after an appeal (following an initial refusal by Cheshire East Council) to the Planning Inspectorate. If Cafe Waterside were to be granted the licence they seek then this would put even more pressure on the quality of life and available car parking.

Quite simply, a unit within a Grade 2 Listed Building where every noise, car doors slamming etc. is magnified, is not the place for live and recorded music to be played. If you live in one of the apartments on the car park side of the mill you can hear every noise in the car park. Similarly if you live in one of the canal side apartments above the Cafe you are able to clearly hear every conversation of people sat outside the cafe or walking past. If a licence was granted to serve alcohol and play music until 10 p.m. this would be a real public nuisance. You only have to observe people seated or stood outside of a pub late at night to observe behaviour, including shouting and loud voices, which causes a public nuisance. The effect here at Clarence Mill would be magnified such are the acoustics of the site coupled with the canal running alongside the entire length of the mill.

I think that it should be made known that there is a S106 (Town and Country Planning Act 1990) Deed of Agreement in force (dated 27th March 2001) which specifies planning obligations (for the Mill site) that shall be binding and enforceable - this is currently being investigated by the Cheshire East Council Planning Enforcement Officer and their Solicitor after it was brought to their attention. Included in the list of obligations of this Agreement is the "Commercial Unit Usage Class", which should be limited to B1 Class Use or Residential use on the site in order to provide protection for the residential

element.

The only real peace residents here have is evenings and weekends when all of the commercial users of the site, except Canalside Community Radio, have gone. If Café Waterside were granted the licence they seek then whether live or recorded music was played inside the cafe or outside it would have a very real and significant effect on the quality of life for residents here, some of whom have simply had enough and have put their homes up for sale.

Yours Sincerely

APPENDIX 03

CADMAN, Nikki

From:**Sent:** 10 October 2011 16:41**To:** CADMAN, Nikki**Cc:****Subject:** Fw: Cafe Waterside (Clarence Mill) Application**Follow Up Flag:** Follow up**Due By:** 11 October 2011 09:30**Flag Status:** Red**Attachments:** CafeWaterside1Email20111010.jpg; CafeWaterside2Email20111010.jpg

Dear Ms Cadman,

We write to object against the Application for a premises licence to allow the playing of live/recorded music and the sale and supply of alcohol until 10 pm Monday to Sunday at the Cafe Waterside, Clarence Mill, Bollington.

Please find attached email to you which certain Clarence Mill residents whose signatures appear at the end of this document fully endorse. The majority of the undersigned reside in Canalside Apartments above the Cafe. This document we and collectively composed and therefore we fully support the comments made.

Yours sincerely,

11/10/2011

Friday, 7 October, 2011 2:13

From: [REDACTED]
 Date: Fri, Oct 7, 2011 at 2:11 AM
 Subject: Cafe Waterside, Clarence Mill, Bollington
 To: "CADMAN, Nikki" <nikki.cadman@cheshireeast.gov.uk>, licensing@cheshireeast.gov.uk

Dear Nikki

I would like to object against the application for a licence to serve alcohol and live / recorded music until 10 p.m. at Cafe Waterside, Clarence Mill, Bollington. I have no axe to grind with the current owner and have no issues with the way in which the Cafe is being managed at the moment. I cannot reasonably object to alcohol being served with food up until 5pm, it's current closing time but it is simply not an appropriate venue for the serving of alcohol and playing live and recorded music in the evening time. I believe that it would constitute a public nuisance if the licence was allowed in it's current proposed form.

There are presently 39 licensed premises in Bollington according to figures provided by yourselves. According to the 2001 census the population of Bollington is 7095 (*presumably this figure includes children*). Figures quoted online suggest the 2011 figure, although not officially confirmed, is 7300. The adult population of Bollington is more than adequately provided for by the current number of licensed premises, many of whom I should imagine are struggling to survive in the current economic climate. On the main road through Bollington you will find a licensed premise every few hundred yards.

Many of the residents here justifiably feel 'under siege' at the moment. Despite numerous objections to the recent applications for a new church and 19 new apartments here at Clarence Mill (*many of which cited the lack of capacity in the car park to cope with the huge increase in demand for car parking spaces if planning permission was granted*) permission was granted after an appeal (*following an initial refusal by Cheshire East Council*) to the Planning Inspectorate. If Cafe Waterside were to be granted the licence they seek then this would put even more pressure on the quality of life and available car parking.

Quite simply, a unit within a Grade 2 Listed Building where every noise, car doors slamming etc. is magnified, is not the place for live and recorded music to be played. If you live in one of the apartments on the car park side of the mill you can hear every noise in the car park. Similarly if you live in one of the canal side apartments above the Cafe you are able to clearly hear every conversation of people sat outside the cafe or walking past. If a licence was granted to serve alcohol and play music until 10 p.m. this would be a real public nuisance. You only have to observe people seated or stood outside of a pub late at night to observe behaviour, including shouting and loud voices, which causes a public nuisance. The effect here at Clarence Mill would be magnified such as the acoustics of the site coupled with the canal running alongside the entire length of the mill.

APPENDIX 03

I think that it should be made known that there is a S106 (*Town and Country Planning Act 1990*) Deed of Agreement in force (*dated 27th March 2001*) which specifies planning obligations (*for the Mill site*) that shall be binding and enforceable - this is currently being investigated by the Cheshire East Council Planning Enforcement Officer and their Solicitor after it was brought to their attention. Included in the list of obligations of this Agreement is the "Commercial Unit Usage Class", which should be limited to B1 Class Use or Residential use on the site in order to provide protection for the residential element.

The only real peace residents here have is evenings and weekends when all of the commercial users of the site, except Canalside Community Radio, have gone. If Café Waterside were granted the licence they seek then whether live or recorded music was played inside the cafe or outside it would have a very real and significant effect on the quality of life for residents here, some of whom have simply had enough and have put their homes up for sale.

Yours Sincerely

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APPENDIX 04

CADMA

From:**Sent:** 11 October 2011 08:21**To:****Cc:** CADMAN, Nikki;

jlemall.com

Subject: Re: Cafe Waterside, Clarence Mill, Bollington - objection against application of Cafe Waterside

Nikki,

I also object to this application for the reasons cited below.

Kind regards,

On 10 Oct 2011, at 21:38

Hello Nikki

I would like to object against the application for a licence to serve alcohol and live / recorded music until 10 p.m at Cafe Waterside, Clarence Mill, Bollington.

My reasons are stated below and you will see that I am in agreement with other residents who have objected against this licence application.

I have no axe to grind with the current owner and have no issues with the way in which the Cafe is being managed at the moment. I cannot reasonably object to alcohol being served with food up until 5pm, it's current closing time but it is simply not an appropriate venue for the serving of alcohol and playing live and recorded music in the evening time. I believe that it would constitute a public nuisance if the licence was allowed in it's current proposed form.

There are presently 39 licensed premises in Bollington according to figures provided by yourselves. According to the 2001 census the population of Bollington is 7095 (*presumably this figure includes children*). Figures quoted online suggest the 2011 figure, although not officially confirmed, is 7300. The adult population of Bollington is more than adequately provided for by the current number of licensed premises, many of whom I should imagine are struggling to survive in the current economic climate. On the main road through Bollington you will find a licensed premise every few hundred yards. Many of the residents here justifiably feel 'under siege' at the moment. Despite numerous objections to the recent applications for a new church and 19 new apartments here at Clarence Mill (*many of which cited the lack of capacity in the car park to cope with the huge increase in demand for car parking spaces if planning permission was granted*) permission was granted after an appeal (*following an initial refusal by Cheshire East Council*) to the Planning Inspectorate. If Cafe Waterside were to be granted the licence they seek then this would put even more pressure on the quality of life and available car parking.

11/10/2011

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Yours Sincerely

CADMA

From:**Sent:** 10 October 2011 21:38**To:** CADMAN. Nikki**Cc:****Subject:** Cafe Waterside, Clarence Mill, Bollington - objection against application of Cafe Waterside

Hello Nikki

I would like to object against the application for a licence to serve alcohol and live / recorded music until 10 p.m at Cafe Waterside, Clarence Mill, Bollington. My reasons are stated below and you will see that I am in agreement with other residents who have objected against this licence application.

I have no axe to grind with the current owner and have no issues with the way in which the Cafe is being managed at the moment. I cannot reasonably object to alcohol being served with food up until 5pm, it's current closing time but it is simply not an appropriate venue for the serving of alcohol and playing live and recorded music in the evening time. I believe that it would constitute a public nuisance if the licence was allowed in it's current proposed form.

There are presently 39 licensed premises in Bollington according to figures provided by yourselves. According to the 2001 census the population of Bollington is 7095 (*presumably this figure includes children*). Figures quoted online suggest the 2011 figure, although not officially confirmed, is 7300. The adult population of Bollington is more than adequately provided for by the current number of licensed premises, many of whom I should imagine are struggling to survive in the current economic climate. On the main road through Bollington you will find a licensed premise every few hundred yards.

Many of the residents here justifiably feel 'under siege' at the moment. Despite numerous objections to the recent applications for a new church and 19 new apartments here at Clarence Mill (*many of which cited the lack of capacity in the car park to cope with the huge increase in demand for car parking spaces if planning permission was granted*) permission was granted after an appeal (*following an initial refusal by Cheshire East Council*) to the Planning Inspectorate. If Cafe Waterside were to be granted the licence they seek then this would put even more pressure on the quality of life and available car parking.

Quite simply, a unit within a Grade 2 Listed Building where every noise, car doors slamming etc. is magnified, is not the place for live and recorded music to be played. If you live in one of the apartments on the car park side of the mill you can hear every noise in the car park. Similarly if you live in one of the canal side apartments above the Cafe you are able to clearly hear every conversation of people sat outside the cafe or walking past. If a licence was granted to serve alcohol and play music until 10 p.m. this would be a real public nuisance. You only have to observe people seated or stood outside of a pub late at night to observe behaviour, including shouting and loud voices, which causes a public nuisance. The effect here at Clarence Mill would be magnified such are the acoustics of the site coupled with the canal running alongside the entire length of the mill.

I think that it should be made known that there is a S106 (*Town and Country Planning Act 1990*) Deed of Agreement in force (*dated 27th March 2001*) which specifies planning obligations (*for the Mill site*) that shall be binding and enforceable - this is currently being investigated by the Cheshire East Council Planning Enforcement Officer and their Solicitor

11/10/2011

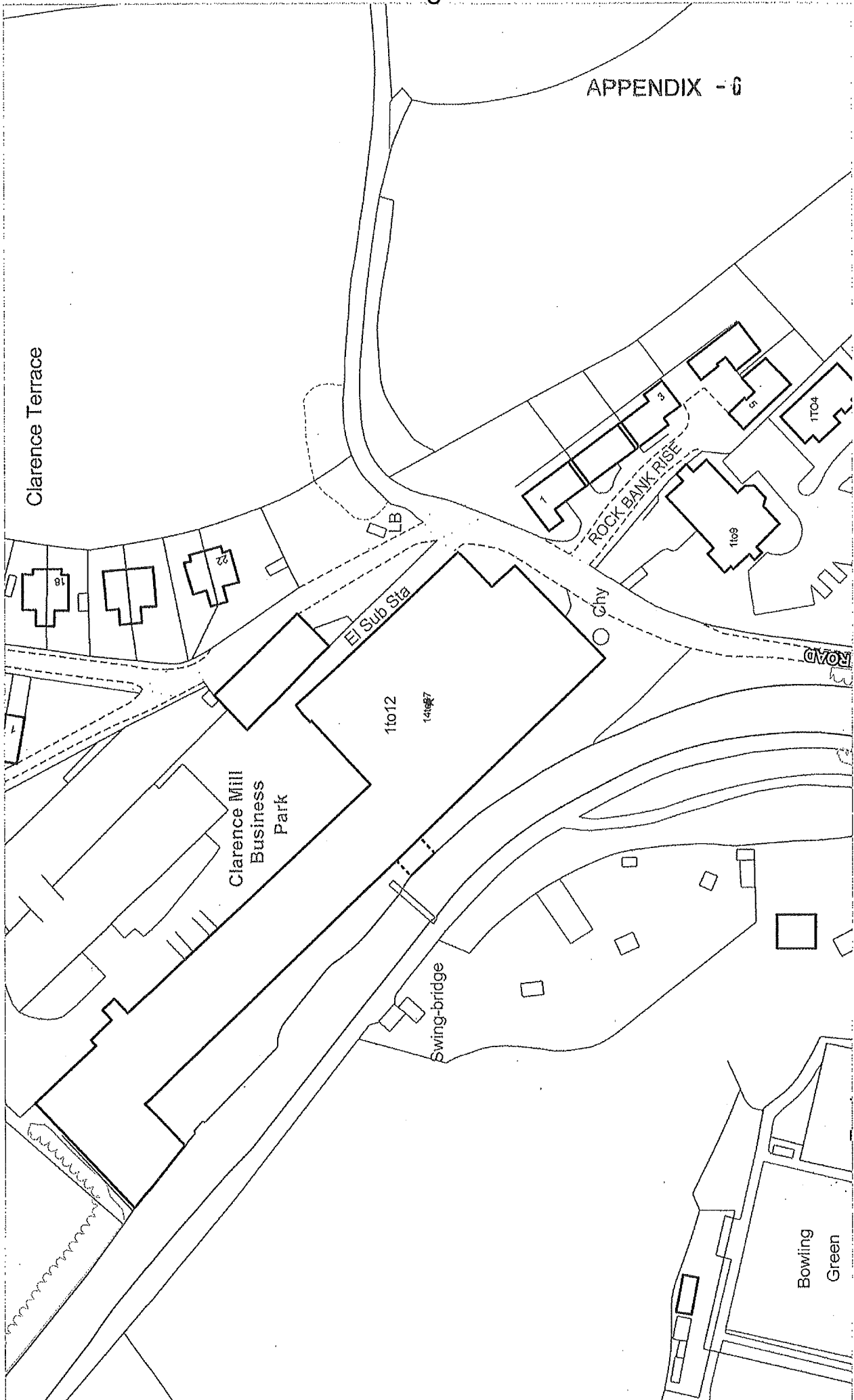
APPENDIX 05

after it was brought to their attention. Included in the list of obligations of this Agreement is the "Commercial Unit Usage Class", which should be limited to B1 Class Use or Residential use on the site in order to provide protection for the residential element.

The only real peace residents here have is evenings and weekends when all of the commercial users of the site, except Canalside Community Radio, have gone. If Café Waterside were granted the licence they seek then whether live or recorded music was played inside the cafe or outside it would have a very real and significant effect on the quality of life for residents here, some of whom have simply had enough and have put their homes up for sale.

Yours Sincerely

APPENDIX - G



CHESHIRE EAST COUNCIL

LICENSING ACT SUB-COMMITTEE

Date of Meeting:	Thursday November 2011 at 10.30am
Report of:	Mrs N Cadman, Licensing Officer
Subject/Title:	Application for a Premises Licence Alderley Edge Golf Club, Brook Lane, Alderley Edge SK9 7RU

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 Act Sub-Committee is requested to determine the application for a Premises Licence by Alderley Edge Golf Club Ltd in respect of Alderley Edge Golf Club, Brook Lane, Alderley Edge, Cheshire.

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 East

5.0 Local Ward Members

Cllr Rod Menlove

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 2011/12 (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 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.

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 is for Premises Licence under section 17 of the Licensing Act 2003.

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

Live Music

Recorded Music

Performance of Dance

Performance of Plays

Film Exhibitions

Sale and supply of alcohol

Anything of similar description to live music, recorded music and dance

Provision of facilities for making music

Provision of facilities for dancing

Provision of facilities for entertainment similar to music and dance

Late Night Refreshment

- 10.3 The hours applied for are as follows:

Live Music

(to take place indoors only)

Sunday to Thursday 12.00 to 23.00

Friday and Saturday 12.00 to 24.00

Christmas Eve extend terminal hour by 1 hour.

New Years Eve extend terminal hour by 2 hours.

Recorded Music

(to take place indoors only)

Sunday to Thursday 12.00 to 23.00

Friday and Saturday 12.00 to 01.00

Christmas Eve extend terminal hour by 1 hour.

New Years Eve extend terminal hour by 2 hours.

Performance of Dance

(to take place indoors only)

Sunday to Thursday 12.00 to 23.00

Friday and Saturday 12.00 to 01.00

Christmas Eve extend terminal hour by 1 hour.

New Years Eve extend terminal hour by 2 hours.

Performance of Plays

(to take place indoors only)

Monday to Sunday 12.00 to 22.00

Christmas Eve extend terminal hour by 1 hour.

New Years Eve extend terminal hour by 2 hours.

Film Exhibitions

(to take place indoors only)

Monday to Sunday 12.00 to 22.00

Christmas Eve extend terminal hour by 1 hour.

New Years Eve extend terminal hour by 2 hours.

Sale and supply of alcohol

(for consumption both on and off the premises)

Sunday to Thursday 11.00 to 23.00

Friday and Saturday 11.00 to 01.00

Christmas Eve extend terminal hour by 1 hour.

New Years Eve extend terminal hour by 2 hours.

Anything of similar description to live music, recorded music and dance

(to take place indoors only)

Sunday to Thursday 12.00 to 23.00

Friday and Saturday 12.00 to 01.00

Christmas Eve extend terminal hour by 1 hour.

New Years Eve extend terminal hour by 2 hours.

Provision of facilities for making music

(to take place indoors only)

Sunday to Thursday 12.00 to 23.00

Friday and Saturday 12.00 to 01.00

Christmas Eve extend terminal hour by 1 hour.

New Years Eve extend terminal hour by 2 hours.

Provision of facilities for dancing

(to take place indoors only)

Sunday to Thursday 12.00 to 23.00

Friday and Saturday 12.00 to 01.00

Christmas Eve extend terminal hour by 1 hour.

New Years Eve extend terminal hour by 2 hours.

Provision of facilities for entertainment similar to music and dance

(to take place indoors only)

Sunday to Thursday 12.00 to 23.00

Friday and Saturday 12.00 to 01.00

Christmas Eve extend terminal hour by 1 hour.

New Years Eve extend terminal hour by 2 hours.

Late Night Refreshment

(to take place indoors only)

Sunday to Thursday 23.00 to 23.30

Friday and Saturday 23.00 to 01.00

Christmas Eve extend terminal hour by 1 hour.

New Years Eve extend terminal hour by 2 hours.

Other times the premises are proposed to be open:

Sunday to Thursday 11.00 to 23.30
Friday and Saturday 11.00 to 01.30

Christmas Eve extend terminal hour by 1 hour.
New Years Eve extend terminal hour by 2 hours.

10.4 Designated Premises Supervisor: Jennifer Lynne Hart

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

(a) Prevention of crime and disorder

The premises shall be fully alarmed and security lighting shall be fitted to the exterior of the premises.

All staff shall be trained in the four licensing objectives and the penalties for non-compliance.

In the event of any misbehaviour, those responsible shall be required by the management, to leave the premises.

(a) Public safety

A common sense approach shall be applied to maximum numbers at the premises.

Fire exits shall be clearly sign posted and shall be kept clear at all times.

Fire equipment shall be tested annually.

Health and safety checks shall be carried out annually.

Electrical equipment shall be tested annually.

(b) Prevention of public nuisance

There shall be a steward living on site in the premises.

Notices shall be displayed at exits asking members and visitors to respect neighbours and to leave quietly.

(c) Protection of children from harm

The steward shall ensure that all members of staff are instructed in the offence provisions of the Licensing Act and Challenge 25 shall be adopted.

Proof of age shall be established by driving licence, passport or a proof of age scheme.

(d) General – all four licensing objectives

All staff, contractors and club members shall be informed of the four licensing objectives.

10.6 Relevant Representations:

Responsible Authorities

10.6.1 The Police state in their response: Application received 20th September 2011, from Alderley Edge Golf Club Limited for a Premises Licence at Alderley Edge Golf Club, Brook Lane, Alderley Edge, Cheshire, SK9 7RU. The Premises currently operate with a Club Premises Certificate but are finding this increasingly restraining and costly having to cover non-members functions with Temporary Events Notices, so have decided to opt for a Premises Licence. The proposed Designated Premises Supervisor is Jennifer Lynne Hart. I visited the premises on Wednesday 5th October 2011, and observed the Blue Notice was correctly displayed. I took pictures which I can produce if required. This application meets the four licensing objectives to the satisfaction of the Police and providing these are met there are no Police representations. There are no Police objections.

10.6.2 The Environmental Health Department state in their response: I would refer to the application for a premises licence - which has been made by Alderley Edge Golf Club and would wish to make the following comments / recommendations on behalf of the Environmental Health Service under the licensing objective of the prevention of public nuisance:

It is recognised that there are a number of dwellings in relatively close proximity to the application site and that noise from the premises should therefore be controlled at all times – particularly from the playing of amplified music and 'people' noise .

I have made a site visit and viewed the room(s) in which entertainment is proposed to take place and the intervening rooms and discussed the proposal with the steward.

It is my opinion that the intervening locker rooms and the spike bar offer a barrier / protection to residents of the nearest dwellings from the function room(s). The windows to the function room(s) and spike bar are double glazed and in good condition. Whilst there are a number of openable windows, they are all lockable. Ventilation is provided by an existing air conditioning system and therefore this negates the necessity to have windows open during events. The entrance door is a double door lobby area which is located in the furthest position away from the nearest residencies. Notices are to be displayed by the door to request that patrons leave quietly.

I am informed that a number of functions / events have already been held at the Golf Club under the provision of temporary event notices. Such events have included the playing of amplified music in terms of the employment of discos and live bands as entertainment. I have checked the Environmental Health records and have been unable to find that any complaints in respect of noise from such events have been lodged to this Service.

In conclusion, in taking all the above points into consideration, I would not raise an objection to the granting of a Premises Licence. I would, however, recommend that

in the interest of protecting the nearby residents from noise escape, the following conditions should be attached to a Licence.

1. All openable windows to the club lounge, dining room and spike bar should remain closed during the playing of live and recorded music indoors (other than background music) to prevent the escape of noise from the premises.
2. The management should be responsible for making regular checks around the perimeter of the premises during functions to ensure that noise levels are consistently controlled. A record of such monitoring checks should be maintained.
3. Management should be responsible for ensuring that 'people noise' on the outdoor patio area is controlled at all times and that patrons should cease using that area after 22.00 hours during any function / event.

10.6.3 The Cheshire Fire Service state in their response: No objections to the following:
Alderley Edge Golf Club, Brook Lane, Alderley Edge.

10.6.4 Local Planning Authority – No response received.

10.6.5 Local Safeguarding Children Board – As Police response.

10.6.5 Health and Safety Officer – No response received.

10.6.6 Trading Standards – No response received.

Interested Parties

10.7 The Licensing Authority has received a representation from neighbour objectors. Details of this are appended to the report.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Mrs N Cadman
Designation: Licensing Officer
Tel No: 01270 685957
Email: nikki.cadman@cheshireeast.gov.uk

APPENDICES

Appendix 1 – Representation from neighbour objectors.

Appendix 2 – Plan of area.

APPENDIX 01

3 - OCT 2011

29 September 2011

The Licensing Section
Cheshire East Council
Westfields, Middlewich Road
Sandbach
Cheshire CW11 1HZ.

Dear Sirs,

Subject: Alderley Edge Golf Club Licensing Application dated 14/09/11

Whilst we accept that the Golf Club's presence in our area gives us some green space amenity, we do think it should be incumbent on them that they remain a good neighbour. The sheer scale of this music performance licence would disturb that relationship.

Our objections are

1. The proposed hours for this licence extension are excessive, particularly the number of occasions on which the licence will operate beyond 11pm.
2. This is a quiet residential area, and it must be a requirement that the club restricts noise levels (at all times) to the tranquil average for this area.

We do not object to the odd social event; however the extent of this change needs to be severely restricted in the interests of the peaceful council tax payers of this area.

APPENDIX - 2

