

Licensing Act Sub-Committee

Agenda

Date:	Friday 2nd December 2011
Time:	9.30 am
Venue:	Committee Suite 1,2 & 3, Westfields, Middlewich Road, Sandbach CW11 1HZ

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 and at the foot of each report.

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 Premises Licence: 30-34 Lawton Street, Congleton CW12 1RS** (Pages 5 - 22)

To consider an application for a Premises Licence for 30-34 Lawton Street, Congleton

THERE ARE NO PART 2 ITEMS

For requests for further information

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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 **Friday 2 December 2011 9.30 am**

Report of: **Nikki Cadman, Licensing Officer**

Title: **Application for Premises Licence
30-34 Lawton Street, Congleton. CW12 1RS**

1.0 Report Summary

- 1.1 The purpose of the report is to provide details of an application for a Premises Licence under section 17 of the Licensing Act 2003 ('the 2003 Act'). It outlines the application and representations received from interested parties in relation to the application.

2.0 Recommendations

- 2.1 The Licensing Act Sub-Committee is requested to:
- 2.1.1 consider the application and relevant representations received; and
- 2.1.2 determine the application for the grant of a Premises Licence.

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 2003 Act.

4.0 Wards Affected

- 4.1 Congleton West

5.0 Local Ward Members

Councillor Gordon Baxendale
Councillor Roland Domleo
Councillor David Topping

6.0 Policy Implications

- 6.1 The Licensing Authority has adopted a Statement of Licensing Policy in accordance with section 5 of the 2003 Act and Guidance issued under section 182 of the 2003 Act.

7.0 Financial Implications 2011/12 and beyond

7.1 None

8.0 Legal Implications

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 Assessment

9.1 Section 181 and Schedule 5 of the 2003 Act make provision for appeal to the Magistrates' Court of any decision made by the Licensing Authority.

10.0 Background and Options

10.1 Sedgwick Riley Ltd applied on 30th September 2011 for a Premises Licence (under section 17 of the 2003 Act) in relation to premises described as a 'cultural entertainment venue' at 30-34 Lawton Street, Congleton CW12 1RS, currently a vacant shop. The operating schedule within the application indicates that the following licensable activities are applied for:

Sale and supply of alcohol (for consumption both on and off the premises)
Films (indoors)
Live music (indoors)
Recorded music (indoors)

10.2 The hours applied for are as follows:

Sale and supply of alcohol For consumption off the premises

Sunday to Thursday 07.00 to 00.00
Friday and Saturday 07.00 to 02.00

For consumption on the premises

Sunday to Thursday 11.00 to 00.00
Friday and Saturday 11.00 to 02.00

New Years Eve 09.00 to 03.30

To continue from 11.00 to 02.00 on Valentines Day, St Georges Day, Christmas Eve, Christmas Day, Boxing Day, New Years Eve, Maundy Thursday and the Sunday and Monday of each bank holiday

Regulated entertainment

Live Music

Monday to Sunday inclusive 07.00 to 00.00
Christmas Eve and New Years Eve 07.00 to 02.00

Regulated entertainment

Recorded Music

Sunday to Thursday 07.00 to 00.00
Friday and Saturday 07.00 to 02.00
To continue from 11.00 to 02.00 on Valentines Day, St Georges Day, Christmas Eve, Christmas Day, Boxing Day, New Years Eve, Maundy Thursday and the Sunday and Monday of each bank holiday

Regulated entertainment

Films

Sunday to Thursday 07.00 to 00.00
Friday and Saturday 07.00 to 02.00

Hours Premises Open to the Public

Sunday to Thursday 07.00 to 00.00
Friday and Saturday 07.00 to 02.00
To continue from 11.00 to 02.00 on Valentines Day, St Georges Day, Christmas Eve, Christmas Day, Boxing Day, New Years Eve, Maundy Thursday and the Sunday and Monday of each bank holiday

- 10.3 The proposed Designated Premises Supervisor is: Bronwyn Riley
- 10.4 The operating schedule includes a number of steps to promote the licensing objectives. A copy of this information attached to the report as **Appendix A**.
- 10.5 During the consultation period representations were made by persons living in the vicinity. Copies of the representations are attached at (**Appendix B**). (1-3)

Also attached is a location plan (**Appendix C**)

- 10.6 The Licensing Authority has been advised that Mr Smethurst, (Cheshire Police Licensing Officer) met with the applicant to discuss the application. The Licensing Authority has received notification from the Police that an agreement was reached with the applicants that the following conditions would be attached to the licence in order to promote the licensing objectives:
- The proof of age scheme Challenge 25 will be operated for all sales of alcohol.

- The premise licence holder will, if he/she receives written notification from the Police Licensing Officer that they are required to do so, provide a minimum of two door supervisors every Friday and Saturday from 8pm until the premises close to the public.
 - The premises licence holder will, if he/she receives written notification from the Police Licensing Officer that they are required to do so, install a tamper proof CCTV system on the premises to the satisfaction of the Police Licensing Officer. That CCTV system will be used to record during all hours that the premises are open for business, its images be recorded and securely retained in an unedited form for a period of not less than 21 days and copies be made freely available on demand to an employee of the Local Authority, Security Industry Authority or a Police Constable.
 - Seating for at least 50 people must be provided at all times.
- 10.7 The Licensing Authority also received representation from the Cheshire Fire and Rescue Service on 4th October 2011. The representation was subsequently withdrawn on 19th October 2011 following agreement between Cheshire East Fire and Rescue Service and the applicant that the following conditions would be attached to the licence.
- Means of escape. The amended plans now show two front doors, both of which are to be turned to open outwards, the rear doors are also to be turned to open outwards. The maximum occupancy is to be 200 persons.
 - A fire alarm is to be provided to BS5839, type M.
 - Emergency lighting is to be provided throughout to BS5266
- 10.8 No other representations have been received from any of the Responsible Authorities.
- 10.9 In determining the application, the Licensing Act Sub-Committee must have regard to representations made by the applicant and any representations received from responsible authorities or interested parties. The Committee is required to take such steps (if any) as it considers necessary for the promotion of the licensing objectives.

11.0 Access to Information

There are no background papers associated with this report.

For further information:

Officer: Mrs Nikki Cadman
Designation: Licensing Officer
Tel No: (01270) 685957
Email: nikki.cadman@cheshireeast.gov.uk

30-34 LAWTON STREET, CONGLETON CW12 1RS

P – describe the steps you intend to take to promote the four licensing objectives:

A) General – all four licensing objectives

- No drinks promotions
- Offer a wider than average choice of low alcohol and non-alcoholic drinks, including quality teas and coffees
- Provide reasonably priced soft drinks.
- Not offering any 'alcopops'
- Offer 125ml wine glasses as standard, 175ml as large
- Price list to include ABV and units of alcohol
- Offer 1/3 pint glasses of beer
- Focus on real ale and unusual beverages to attract mature clientele.
- Provide plenty of seating.
- Provide good quality food
- More than one personal licence holder on payroll
- Focus on staff training

B) The prevention of crime and disorder

- Staff will be trained to be vigilant to over-consumption.
- Posters regarding safe limits of alcohol consumption, anti drink-driving and zero drug tolerance will be displayed.
- Flat surfaces in WCs will be wiped with Vaseline or WD40 to help prevent drug use.
- Toilets will be checked frequently.
- Will join Congleton Pubwatch scheme.
- Will join Congleton ArcAngel scheme.
- An incident book will be kept.
- Lawton Street is well lit and covered by local authority CCTV.
- Street lights right outside the property will help with feeling of safety on leaving the premises.

C) Public safety

- Fire risk assessment carried out and to be maintained.
- Staff will be trained in safety procedures and what to do in the event of a fire.
- Capacity limit set at 300.
- Plan to operate within Health & Safety at Work etc Act 1974 with documented Health & Safety policy and documented risk assessment.
- Food – The HACCP principles of food suppliers has been checked, the owner-manager has level 2 Food Safety and all staff will be trained in basic food safety. Menu is very limited and only uses a combi-microwave.
- Hygiene – Whole property will be subject to daily and weekly cleaning schedules with individual tasks to be signed off by responsible staff when completed.

D) The prevention of public nuisance

- Signs will be put up regarding respecting neighbours.
- No glasses or bottles to be taken outside.
- Bottle bins will not be emptied in the evening but stored indoors until the next morning.
- Smoking area to be provided at rear of property to avoid congregation on Lawton Street.
- Staff will be trained to be vigilant to over-consumption of alcohol.
- Whilst this is a town centre location, (and there are pubs and bars in the very close vicinity hosting live music, DJs and karaoke), in recognition of the fact that there are a few domestic dwellings nearby, all live music in this venue will be finished by 12pm.
- Live music will be restricted to acoustic (no amplification).
- All doors and windows will remain closed in order to contain sound during live music performances, with the exception of normal entry and exit to the premises. An air-conditioning unit will be purchased if temperatures make this necessary.

E) The protection of children from harm

- Staff will be trained to 'Challenge 25'.
- There will be a refusals book for under 18s.
- A sign will be displayed stating that 'accompanied children are welcome before 8pm. After this, please ask'.
- If a film rated (eg) '15' is being shown, a sign will be displayed requiring anyone under this age not to attend, and staff will be trained to ensure that this is not breached.

Dear Sir/Madam,

In Respect of 30 - 34 Lawton St
Congleton.

Application for an alcohol license
& late night opening, plus
live & recorded music.

I am writing to express my
dismay & objection to the above
application.

I purchased my grade II listed
house in 2005, with a view to
taking care of a house of historical
interest & value in Congleton, within
a conservation area. I am residing
approximately 20 yards (my bedroom
window) from the premises 30-34 Lawton St
I would be kept awake at night
by the proposed business use &

So would the two small boys (aged 2
 4 & 5 yrs) who also sleep at the
 front of the house, & need undisturbed sleep
 ready for school. I think the proposal
 for a bar serving alcohol would bring
 a greatly increased noise level (people
 voices, cars coming & going, plus the
 sound of bands playing late into the
 night). I understand the would-be
 proprietors of the proposed bar,
 are saying they aim for a well-behaved
 clientele to frequent the premises. This
 may be a well-meaning intention, but
 in the current economic climate, I
 think the parameters of the business
 & drinking habits may become more
 diffuse. Real ale may be a finished
 market, so regular alcohol/lagers
 etc may become the norm, &
 the alcohol-containing customer
 may vanish. If the business

disappear / be compromised.

I would very much like to see Lawton St become a busier retail area, in the day-time.

I think the proposed bar / cafe would also be detrimental to the two businesses opposite my house (Kels & Cargill's Oatcakes). These

two shops are established, but no doubt struggling in the current down-turn, & do not need any

lessening of their business. ^(selling food in the day-time) These shops

do not bring noise / alcohol consumption to my door & the other residents in the street.

I bought my house, to improve it & restore it. I am currently spending thousands of pounds on repairing this listed property to

does not prove profitable, & fees
of the outlay shelved out, then it
may well be sold on, & this
would mean that any kind of bar
& alcohol establishment / late night
club, could move on to the
street.

Is conservation about conserving
peace & quiet for residents?
the current level of activity in
town on a Friday & Saturday
nights is kept to the centre of
town. the take-away establishments
on Lawton Street, do not generate
the use of alcohol & noise levels
of music & many consumers all
at one time, cars & garages
parking of cars in the evening
on Lawton St would also

its original state & status in
 completion. If we end up with a right
 bar / club then I believe my
 grade II listed property will be
 devalued, along with all the
 time, effort, money & patience I
 have spent on it. (In short, I will
 instruct him the conservation officer
 why should I bother replacing
 worn plastic guttering with cast iron
 of the Georgian era? To have a
 bar set up outside my bedroom
 windows?

If this plan is passed I
 think the only way forward would
 be to have the entrance situated
 at the back of the premises, i.e.
 opening on to the large car park
 at the back. The front entrance
 would have to be a fire door only.

But, I am strongly objecting⁶
to the making of 30-34

Lawton St into a bar, immediately
opposite my property, which is a
family home & should have a right
to no increase in noise level
at nighttime.

Yours Sincerely,

[Redacted signature]

(2)

received on 26/10/11

1 of 2

East Cheshire Council
Licensing Authority
Municipal Buildings
Earle St
Crewe
Cheshire. CW1 2BJ

23rd October 2011.

RE: Premises Licence. Sedgwick Riley Ltd for 30/34 Lawton Street, Congleton, Cheshire. CW12 1RS.

Dear Sirs,

It is considered that the daytime activities in the above premises will have little beneficial impact on either the local community or the profitability of Sedgwick Riley. As such, the economic viability of the venture will therefore rest with the copious consumption of late night alcohol by whatever means necessary together with all the implications towards PUBLIC NUISANCE.

Given the proximity of residential properties to the front left & right & adjacent, with others nearby, it could be considered that late night opening where none already exists in a substantially residential environment, is not really desirable.

The living & sleeping accommodation of 26b in part fronts to Lawton St. some mere 10yds distance from the applicants premises. The rear side window opens to an almost unobstructed view of the side & rear of the applicants building. There is therefore a high probability that ODOUR from any new Kitchens will be present. There is no doubt NOISE & VIBRATION from sound breakout will be present.

Vehicular activity will increase with the resulting nuisance of RUNNING ENGINES. CAR RADIOS & BANGING DOORS all of which lead to the disturbance & prevention of sleep.

There will be an importation of considerable REFUSE & LITTER from cigarettes, chewing gum & deposited takeaways from other sources from visiting patrons.

However good a Managers intentions they cannot control Patrons before or after entering or leaving the premises. The public footpath outside 30/34 Lawton St. is narrow & it is envisaged that the pavement area beneath 26b & fronting the opposite house (containing small children) & which widens considerably at this point, will be used as a gathering ground for groups entering or leaving the applicants premises.

The sound of raised voices engaged in conversation or the certain to be dispute, is again a very real disturbance to sleep or even to the quiet enjoyment of my home to which I should be entitled.

Continuation sheet.

2 of 2.

In summary the main areas of contention are in relation to
PUBLIC NUISANCE.

Refuse & Litter to the front,
Anti social behaviour of Patrons given requested late night
opening.(sleep disturbance)
Noise & Vibration,(sleep disturbance)
Odour to the rear,(window to remain shut)

There is also the small point ? that parts of Lawton Street &
Bank Street are already open toilets & further encouragement
is surely not needed.

Yours Faithfully

(3)

received 27/10/11

25th Oct 2011

Re: Licence for Alcohol, Music and Film 30-34 Lawton St. Congleton.

Dear Sirs,

I would like to comment on the above application for various licences. I would ask the Council to defer consideration of this application until planning permission for change of use has been discussed.

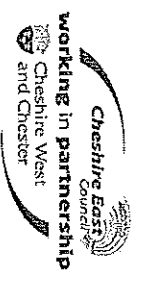
It is due to be put before Cheshire East Planning dept at the end of November this year. Until this has been decided, and conditions of operation have been considered, it is not possible to comment on Licensing with full knowledge of the situation.

The proposed business is in a Conservation area, adjacent to several Listed buildings, and only a few feet away from residential property. The planning committee will be asked to look at the various issues regarding the proposed change of use, and how this will affect the Conservation Area and nearby families.

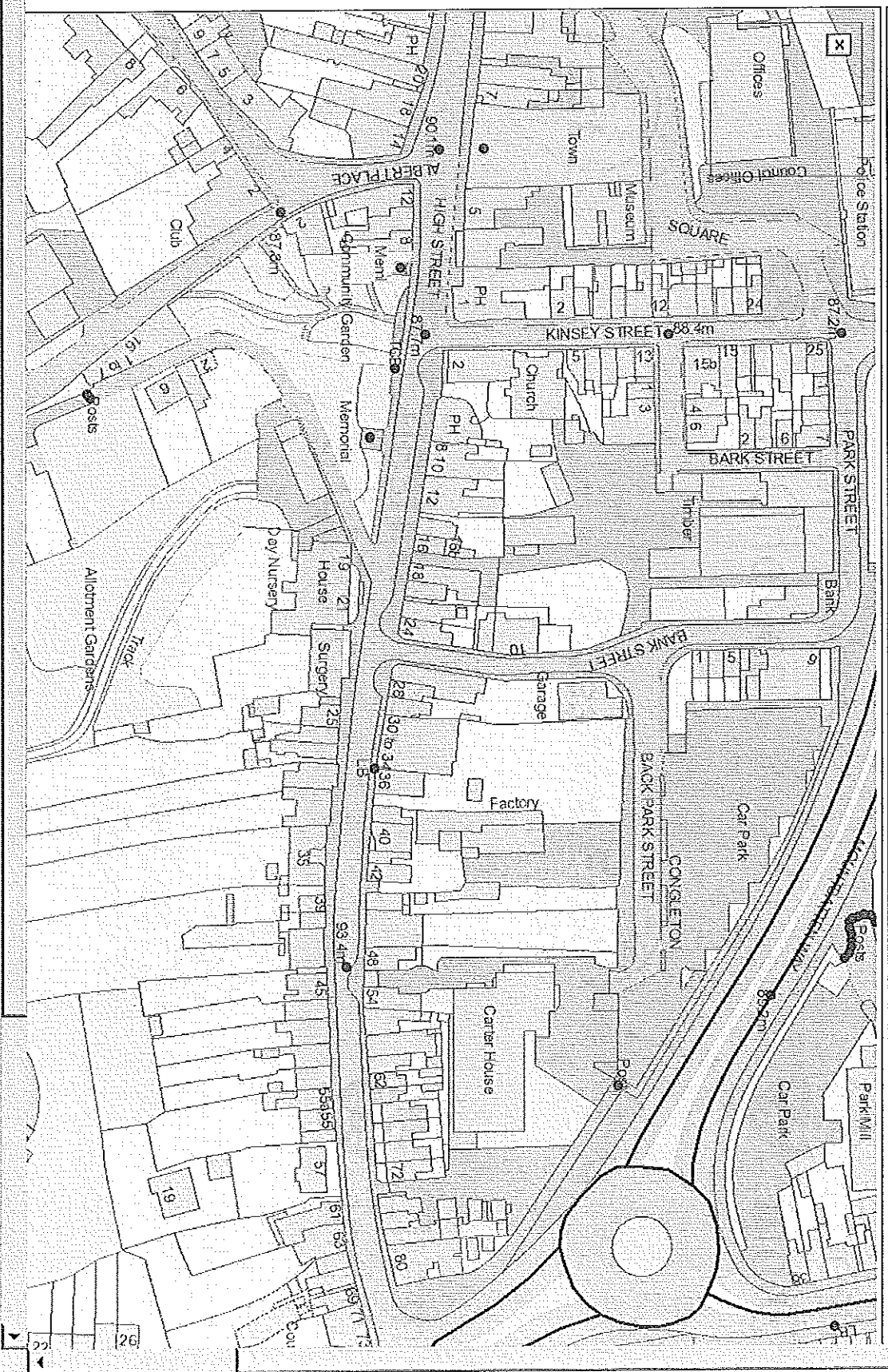
Issues such as noise, hours of opening and positioning of entrance will be amongst the list of factors to be considered by Cheshire East Planning Committee. I would contend that no sensible Licensing orders can be made until these other issues are agreed upon.

Yours sincerely,

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