

Licensing Act Sub-Committee

Agenda

Date: Thursday 22nd November 2012
Time: 1.30 pm
Venue: The Silk Room - Town Hall, Macclesfield SK10 1EA

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 on 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 disclosable pecuniary and non-pecuniary interests in any item on the agenda and for Members to declare if they have pre-determined any item on the agenda.

3. **Application for a Premises Licence : 93 King Street, Knutsford, WA16 6EQ**
(Pages 5 - 14)

To consider an application for a Premises Licence by Galia Ltd in respect of 93 King Street, Knutsford, Cheshire WA16 6EQ

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:	Thursday 22 nd November 2012
Report of:	Amanda Hinton, Licensing Administration Officer
Subject/Title:	Application for a Premises Licence at 93 King Street, Knutsford, WA16 6EQ

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 Galia Ltd in respect of 93 King Street, Knutsford, WA16 6EQ.

Acting in the capacity of Licensing Authority, Members must seek to promote the Licensing Objectives, and where Members consider matters have engaged one or more of the objectives, they may exercise their discretion.

Members of the Licensing Sub-Committee are reminded that they may not exercise discretion in any case, merely because it considers it desirable to, and should provide reason(s) for any decision taken, or where they might consider departing in any way from the Policy or Guidance.

Licensing Objectives / Guidance / Policy Considerations

The relevant representations engage the licensing objectives. The Sub-Committee in respect of this application is referred to the Guidance issued under Section 182 of the Licensing Act 2003, specifically those sections relating to the licensing objective, premises licenses and hearings.

Statement of Licensing Policy

Members should carefully consider the relevant sections of the Council's Statement of Licensing Policy.

Members are reminded that should any conditions be added, they should be practical, enforceable and appropriate to promote the Licensing Objectives.

Finally, Members are also reminded that in determining the application in accordance with the Licensing Act 2003, Members must also have regard to:

- The rules of natural justice
- The provisions of the Human Rights Act 1998

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 Knutsford

5.0 Local Ward Members

- 5.1 Cllr S A Gardiner
Cllr O Hunter
Cllr P S Raynes

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 (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 appropriate 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:

Recorded Music

Late Night Refreshment

Sale and Supply of Alcohol (for consumption both on and off the premises)

- 10.3 The hours applied for are as follows:

Recorded Music (to take place indoors only)

Monday to Saturday 10:00 to 00:30 hours

Sunday 12:00 to 23:30 hours

Seasonal Variations – Christmas Day and Good Friday 12:00 to 24:00 hours, from the end of permitted hours on New Years Eve to the commencement of hours on New Years Day.

Late Night Refreshment (to take place indoors only)

Monday to Saturday 23:00 to 00:30 hours

Sunday 23:00 to 24:00 hours

Seasonal Variations – Christmas Day and Good Friday 23:00 to 24:00 hours, from 23:00 hours on New Years Eve to 05:00 hours on New Years Day.

Sale and Supply of Alcohol (for consumption both on and off the premises)

Monday to Saturday 10:00 to 24:00 hours

Sunday 12:00 to 23:30 hours

Seasonal Variations – Christmas Day and Good Friday 12:00 to 24:00 hours, from the end of permitted hours on New Years Eve to the commencement of hours on New Years Day.

The hours the premises shall be open to the public

Monday to Saturday 10:00 to 00:30 hours

Sunday 12:00 to 24:00 hours

Seasonal Variations – Christmas Day and Good Friday 12:00 to 24:00 hours, from the end of permitted hours on New Years Eve to the commencement of hours on New Years Day.

- 10.4 Designated Premises Supervisor: Dawn Pritchard

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

General

All staff are aware of the need to promote the licensing objectives as a whole, with particular attention to the laws regarding the sale of alcohol to children. The Challenge 25 policy will be adopted.

Prevention of Crime & Disorder

At all times when the premises are open there will be sufficient trained members of staff on duty to ensure adequate supervision of the premises.

Public Safety

Ensuring all fire exits are kept clear, unlocked and unobstructed at all times when the public are admitted and that all fire fighting equipment is regularly checked and found to be in good order.

Adequate first aid equipment to be on site and available for immediate use.

Prevention of Public Nuisance

Given the method of operation, it is not envisaged that any public nuisance will occur. The rear of the premises is double glazed to minimise any noise escape.

Following representation from Environmental Health, the following conditions have been agreed:

All necessary steps shall be taken to ensure that any noise from the premises shall not be at a level which could cause a noise nuisance at the boundary of the nearest residential premises, therefore:

Noise emanating from the premises as a result of regulated entertainment shall not be clearly audible at the boundary of any adjacent residential premises.

Protection of Children from Harm

Appropriate signage will be employed dealing with under age sales and relating to the effect of s149 Licensing Act 2003, advising persons under 18 that they commit an offence by attempting to purchase alcohol.

10.6 Relevant Representations:

Responsible Authorities

10.6.1 The Police state in their response: The application is for Regulated Entertainment and the sale and supply of alcohol. The proposed Designated Premises Supervisor is Dawn Pritchard, personal licence details 036676 from Salford City Council. This application meets the four licensing objectives to the satisfaction of the Police there are no Police representations.

10.6.2 The Environmental Health Department state in their response: The following conditions should be applied under the Prevention of Public Nuisance:

(a) All necessary steps shall be taken to ensure that any noise from the premises shall not be at a level which could cause a noise nuisance at the boundary of the nearest residential premises, therefore:

(b) Noise emanating from the premises as a result of regulated entertainment shall not be clearly audible at the boundary of any adjacent residential premises.

On 23rd October 2012, the Licensing Authority received written confirmation from the applicant's agent, Nick Dickinson, that the conditions are agreed as recommended by Environmental Health.

10.6.3 The Cheshire Fire Service state in their response: Please post no comment to the following applications - 93 King Street.

10.6.4 Local Planning Authority – No response.

10.6.5 Local Safeguarding Children Board – As Police response.

10.6.5 Health and Safety Officer – No response.

10.6.6 Trading Standards – No response.

Interested Persons

10.6.7 The Licensing Authority has received 1 letter of representation from a neighbour objector. A copy of this representation is 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: Amanda Hinton

Designation: Licensing Administration Officer

Tel No: 01270 371116

Email: amanda.hinton@cheshireeast.gov.uk

APPENDICES

Appendix 1 - Letter from interested person.

Appendix 2 – Map of area.

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To
The Licensing Department,
Cheshire East Council,
Westfields,
Middlewich Road,
Sandbach,
Cheshire CW11 1HZ
licensing@cheshireeast.gov.uk

Ref: **Licensing Act 2003 Application for a Premises License**
93 King Street, Knutsford, WA16 6EQ

Date: 29-Oct-2012

Dear Sir/Madam

I live at 30 meters away to the from the premises. After reading the proposed Application for a Premises License at 93 King Street, Knutsford, WA16 6EQ I have to say that I strongly opposed it on the following grounds:

1. INTRODUCTION

- A) The site is located within Knutsford Town Centre Conservation Area.
- B) To the East of the premises there are 8 families in houses in and at distances between 30 to 50 yards.
- C) To the east the property ends in a conservatory with doors to a balcony.

2. IMPACT ON RESIDENTS

I consider the main issues to be the effect of the proposed application on the living conditions of local residents and its effect on their health and well being. Due to the vicinity to the inhabited houses, will lead to increased levels of noise and disturbance, particularly into the evening period.

Compared with the situation at present this are the changes brought by the new development :

Operational noise :

- from the music sound escaping through the doors at the east(back) part of the property
- from the level of sound, especially base, amplified by the glass conservatory at the back of the property
- from the extractor fan
- from deliveries to the site
- from the use of the waste storage in the car park next to the houses.

Customers' noise:

- as the applicant ask for permission to supply alcohol off the premisses after 10.00pm, when all the commercial units in town stop selling it at 10.00pm will result in customers congregating outside the premises for late night shopping of alcohol as well as increase level of noise throughout the night, adding to the possibility of anti social behavior.
- from customers chat congregating on the balcony at the back(east) of the property

Vehicle noise:

- from customers' cars using the car park adjacent to the houses.
- from more traffic in this residential area particularly in the evening.

Sharp noise: car door slamming, motorbikes engine starting, calls from drivers and staff.

Smell: from the extract and ventilation system.

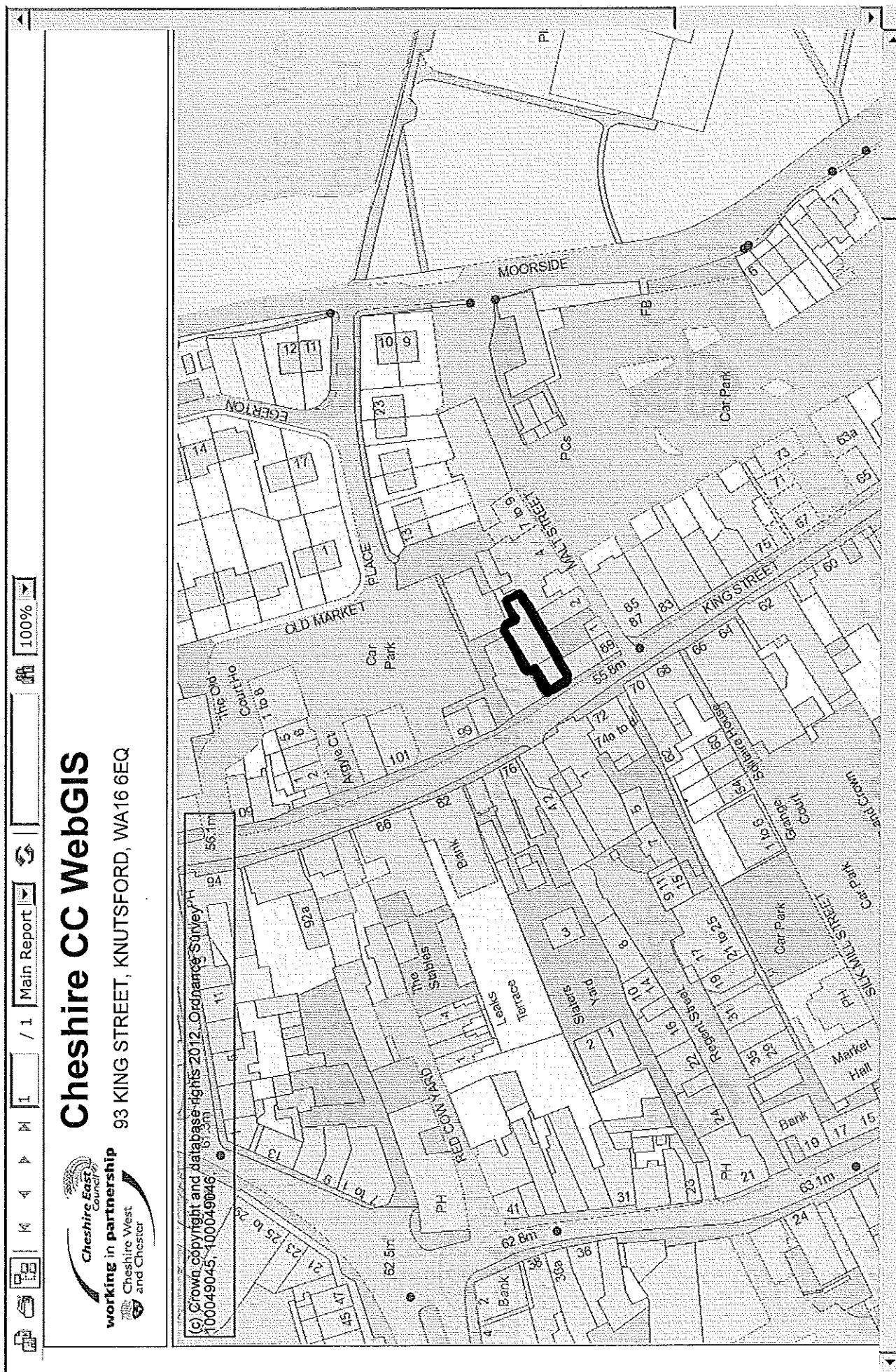
Bed odor: from the waste bin positioned in the car park, next to the houses.

Rodent attraction: from the waste bin position next to the houses.

3 CONCLUSIONS

Taking into account the effect of such an operation on the inhabitants of the residential area I totally disagree with the **Application for a Premises License at 93 King Street, Knutsford, WA16 6EQ** in its actual form.

Sincerely yours,



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