

# **Licensing Act Sub-Committee**

## **Agenda**

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**Date:** Monday, 11th March, 2013  
**Time:** 10.00 am  
**Venue:** Meeting Room B, Macclesfield Library, Jordangate,  
Macclesfield, Cheshire SK10 1EE

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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 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 Variation of Premises Licence, Piccolino, 95 King Street, Knutsford, WA16 8JJ (Pages 5 - 44)**

To consider an application by Restaurant Bar and Grill Limited to vary a Premises Licence in respect of Piccolino, 95 King Street, Knutsford, WA16 8JJ.

### **THERE ARE NO PART 2 ITEMS**

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For requests for further information

**Contact:** Julie Zientek  
**Tel:** 01270 686466  
**E-Mail:** [julie.zientek@cheshireeast.gov.uk](mailto: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	<b>Chairman</b>	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	<b>Licensing Officer</b>	Will introduce and summarise the application, highlighting areas of contention or dispute.
3	<b>Committee Members</b>	May ask questions of the Licensing Officer
4	<b>Applicant</b>	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	<b>Responsible Authorities (who have made representations)</b>	Each in turn may ask <u>questions</u> of the applicant, by way of clarification.

6	<b>Local residents</b> (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	<b>Committee Members</b>	Each in turn may ask <u>questions</u> of the applicant.
8	<b>Applicant</b>	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	<b>Responsible Authorities</b>	Will make their representations.
10	<b>Applicant</b>	Or his representative or witnesses to ask <u>questions</u> of Responsible Authorities represented at the meeting, by way of clarification.
11	<b>Local residents</b> (ie. defined as “interested parties”)	May ask <u>questions</u> of the Responsible Authorities represented at the meeting, by way of clarification.  <b>(Note: This is not the point at which local residents should be stating their objections.)</b>
12	<b>Committee Members</b>	May ask <u>questions</u> of the Responsible Authorities represented at the meeting
13	<b>Local residents</b> (ie. defined as “interested parties”)	The local residents who are objecting to the application will be invited <b><u>to make observations on the application</u></b> and present the bases of their objections.
15	<b>Applicant</b>	Or his representative or witnesses may ask <u>questions</u> of the Local Residents, by way of clarification.
16	<b>Committee Members</b>	May ask <u>questions</u> of the Local Residents.
17	<b>Chairman</b>	To invite both <b>Responsible Authorities</b> and <b>Local Residents</b> to make their closing addresses.
18	<b>Applicant</b>	Or his representative will <u>briefly summarise the application</u> and comment on the observations and any suggested conditions.
19	<b>Committee</b>	<u>Will retire</u> to consider the application. The Committee may request the Legal Advisor to advise on legal issues.
20	<b>Committee</b>	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

### REPORT TO: LICENSING ACT SUB-COMMITTEE

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**Date of Meeting:** Monday 11<sup>th</sup> March 2013 at 10:00 a.m.  
**Report of:** Amanda Hinton, Licensing Administration Officer  
**Subject/Title:** **Application to Vary a Premises Licence at Piccolino, 95 King Street, Knutsford, WA16 8JJ**

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#### **1.0 Report Summary**

- 1.1 The report provides details of an application to vary a premises licence together with information as to a representation received in relation to the application.

#### **2.0 Recommendations**

The Licensing Act Sub-Committee is requested to determine the application to vary a Premises Licence by Restaurant Bar and Grill Limited in respect of Piccolino, 95 King Street, Knutsford, WA16 8JJ.

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. The licensing objectives are (a) the prevention of crime and disorder; (b) public safety; (c) the prevention of public nuisance; and (d) the protection of children from harm.

#### **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 Licence Holder is Restaurant Bar and Grill Limited and the Designated Premises Supervisor is Raffaele Merolle.

10.2 The application is to vary the Premises Licence under section 34 of the Licensing Act 2003, as follows:

(1) The licence holder has applied to remove all annex 2 conditions (as no longer applicable being either pre-2005 conditions or relate to plans which have now changed) and replace with updated conditions.

(2) To alter the layout of the premises to include a roof terrace within the licensable area.

A copy of the application form is attached as Appendix 1.

10.3 The times of the existing licensable activities are:

### **Sale and Supply of Alcohol (for consumption on the premises only)**

Monday to Saturday	10:00 to 24:00 hours
Sunday and Good Friday	12:00 to 23:30 hours
Christmas Day	12:00 to 23:30 hours

From the end of permitted hours on New Years Eve to the commencement of hours on New Years Day.

### **Late Night Refreshment**

Monday to Saturday	23:00 to 00:30 hours
Sunday and Good Friday	23:00 to 24:00 hours
Christmas Day	23:00 to 24:00 hours

From 23:00 hours on New Years Eve to 05:00 hours on New Years Day.

The **opening hours** of the premises are unrestricted.

10.4 The current annex 2 conditions are shown on pages 3 and 4 of the existing premises licence – Appendix 2.

10.5 Relevant Representations:

### Responsible Authorities

10.5.1 The Police and the Fire Service responded and stated they had no representations.

10.5.2 The Environmental Health Department's response is shown as Appendix 3. They are requesting a closing time of 22:00 hours applies to the roof terrace and that no regulated entertainment takes place at the premises.

10.5.3 The applicant's solicitor responded by volunteering agreement to the following conditions relating to the roof terrace:

- (1) The first floor terrace shall be open to customers only between the hours of 9am and 11pm daily.
- (2) Waiter / waitress service shall be provided at all times on the first floor terrace.
- (3) There shall be no vertical drinking on the first floor terrace.
- (4) There shall be no disposal of bottles outside the premises between the hours of 21.00 and 09.00.
- (5) There shall be no disposal of refuse outside the premises or deliveries made to the premises between 21.00 and 07.00.
- (6) The use of low power, low noise speakers shall be used on the first floor terrace only providing these comply with the specific requirements and limitations as detailed in the acoustic report by Sol Acoustics.
- (7) The DPS or Duty Manager will ensure that any noise emanating from the premises shall not cause a noise nuisance to nearby noise sensitive premises. When regulated entertainment is taking place, regular checks shall be made at the boundary of nearby properties to ensure that no noise nuisance is being caused. Details of these checks shall be recorded in a log kept for this purpose.

10.5.4 As the applicant could not agree to Environmental Health conditions in their entirety, Appendix 4 shows the Environmental Health objection to this variation. This insists that the terminal hour for the roof terrace is 22:00 hours and no regulation entertainment shall be permitted on the whole premises.

10.5.5 Local Planning Authority – No response.

10.5.6 Local Safeguarding Children Board – As Police response.

10.5.7 Health and Safety Officer – No response.

10.5.8 Trading Standards – No response.

#### Interested Persons

10.5.9 The Licensing Authority has not received any other representations.

### **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 – Premises Licence application form
- Appendix 2 – Premises Licence document
- Appendix 3 – Environmental Protection response
- Appendix 4 – Environmental Protection objection
- Appendix 5 – Plan of the area

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[Insert name and address of relevant licensing authority and its reference number (optional).]

### Application to vary a premises licence under the Licensing Act 2003

#### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Restaurant Bar & Grill Limited

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number PR/0216
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#### Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
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Piccolino 95 King Street			
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Post town	Knutsford	Postcode	WA16 8JJ
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Telephone number at premises (if any)	01565 650063
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Non-domestic rateable value of premises	£4,001 - £33,000.00
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#### Part 2 – Applicant details

Daytime contact telephone number	
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E-mail address (optional)	
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Current postal address if different from premises address	4 <sup>th</sup> Floor Ridgefield House 14 John Dalton Street
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Post town	Manchester	Postcode	M2 6JR
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Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

☒ Yes

☐  
No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

To alter the layout of the premises in accordance with the plan(s) deposited with the application and numbered 210 to incorporate a new roof terrace.

Remove all Annex 2 Conditions (as no longer applicable being either pre-2005 conditions or relate to plans which have now changed) and replace with updated conditions

There are to be no other changes to the licence.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

**Part 4 Operating Schedule**

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

**Provision of regulated entertainment**

**Please tick all that apply**

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☐
- f) recorded music (if ticking yes, fill in box F) ☐
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☐

**Provision of late night refreshment** (if ticking yes, fill in box I) ☐

**Sale by retail of alcohol** (if ticking yes, fill in box J) ☐

**In all cases complete boxes K, L and M**

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
			State any seasonal variations for performing plays (please read guidance note 4)		
Wed					
Thur					
			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			
Fri			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Wed					
Thur					
			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					



E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					



F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>		
Mon					
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music (please read guidance note 4)</u>		
Thur					
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur					
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Wed			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur			<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

Not applicable.

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon	00.01	00.00	
Tue	00.01	00.00	
Wed	00.01	00.00	
Thur	00.01	00.00	
Fri	00.01	00.00	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)  As per the licence.
Sat	00.01	00.00	
Sun	00.01	00.00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

None

**M**

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)**

Please refer to the conditions already attached to the licence.

**b) The prevention of crime and disorder**

Please refer to the conditions already attached to the licence.

**c) Public safety**

Please refer to the conditions already attached to the licence.

**d) The prevention of public nuisance**

Please refer to the conditions already attached to the licence.

**e) The protection of children from harm**

Please refer to the conditions already attached to the licence.



Please tick as appropriate

- I have enclosed the premises licence ☒
- I have enclosed the relevant part of the premises licence ☐

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.



## Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I understand that I must now advertise my application. ☒
- I have enclosed the premises licence or relevant part of it or explanation. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

## Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant, please state in what capacity.

Signature	Kuits
Date	11-1-13
Capacity	Solicitors

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Kuits LLP  
3 St Mary's Parsonage

Post town	Manchester	Post code	M3 2RD
Telephone number (if any)	0161 838 7888		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

### Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.









### Premises Licence Summary

**Premises Licence Number:**

PR/0216

**Premises Details**

Postal address of Premises or, if none, ordnance survey map reference or description:

Piccolino  
95 King Street  
Knutsford  
Cheshire

Post Town: Knutsford

Post Code: WA16 8JJ

Telephone Number: 01565 650063

Where the Licence is time limited, the dates:

Not applicable

Licensable activities authorised by the Licence:

Recorded music  
Sale and supply of alcohol  
Late Night Refreshment

The times the Licence authorises the carrying out of licensable activities:

**Recorded music**

For times premises is open to the public

**Sale and supply of alcohol**

Monday to Saturday	10.00 to 24.00
Sunday and Good Friday	12.00 to 23.30
Christmas Day	12.00 to 23.30

From the end or permitted hours on New Years Eve to the commencement of hours on New Years Day

(Subject to condition 3 in Annex 2)

**Late Night Refreshment**

Monday to Saturday	23.00 to 00.30
Sunday and Good Friday	23.00 to 24.00
Christmas Day	23.00 to 24.00

From 23.00 on New Years Eve to 05.00 on New Years Day

The opening hours of the Premises:

Not known

Where the Licence authorises supplies of alcohol, whether these are on and/or off supplies:

For consumption on the premises only

Name, (registered) address of holder of Premises Licence:

Restaurant Bar and Grill Limited

Ridgefield House  
John Dalton Street  
Manchester  
M2 6JR

Registered number of holder, for example company number, charity number (where applicable):

Registered company number: 03611085

Name of designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol:

Raffaele Merolle

State whether access to the Premises by children is restricted or prohibited:

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (1) He is the child of the holder of the premises licence.
- (2) He resides in the premises, but is not employed there.
- (3) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (4) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

**Licence issued on 1<sup>st</sup> February 2013**

.....  
Signed by Amanda Hinton on behalf of  
Cheshire East Borough Council



## **Licensing Act 2003 – Premises Licence**

### **Duration of a Premises Licence**

A premises licence has effect until such a time that it is suspended, revoked or surrendered.

### **Duty to notify change of name or address**

The holder of a premises licence must, as soon as is reasonably practicable, notify the relevant licensing authority of any change of name or address.

Where the designated premises supervisor (DPS) under a premises licence is not the holder of the licence, he should notify the licensing authority of a change in name or address as soon as possible. The DPS must also notify the holder of the premises licence.

*Failure without reasonable excuse to comply with the above is an offence, and a person will be liable on summary conviction to a fine not exceeding level 2 on the standard scale (ie £500)*

### **Duty to keep and display licence**

The holder of a premises licence must ensure that the licence or a certified copy of it is kept at the premises in the custody of or under the control of the holder of the licence or a person who works at the premises whom the premises licence holder has nominated in writing. A notice should be prominently displayed at the premises specifying the position of any such nominee.

The premises licence holder has a duty to ensure that a summary of the licence or a certified copy of that summary is prominently displayed at the premises.

*Failure without reasonable excuse to comply with the above is an offence, and a person will be liable on summary conviction to a fine not exceeding level 2 on the standard scale (ie £500)*

### **Duty to produce licence**

A constable or an authorised person may require production of the premises licence for examination. An authorised person must, if requested, produce evidence of his authority to exercise the power.

*Failure without reasonable excuse to comply with the above is an offence, and a person will be liable on summary conviction to a fine not exceeding level 2 on the standard scale (ie £500)*

### **Theft or loss of premises licence**

Where a premises licence or summary is lost, stolen, damaged or destroyed, the holder of the licence may apply to the relevant licensing authority for a copy of the licence or summary. A fee of £10.50 is payable in relation to such an application.

Where an application is made for a replacement licence or summary the licensing authority must issue the holder of the licence with a licence or summary if it is satisfied that –

- (a) the licence or summary has been lost, stolen, damaged or destroyed; and
- (a) where it has been lost or stolen, the holder has reported that loss or theft to the police.

### **Surrender of premises licence**

Where the holder of a premises licence wishes to surrender his/her licence he/she may give the licensing authority a notice to that effect. The notice must be accompanied by the premises licence, or where that is not practicable, by a statement of the reasons for the failure to provide the licence. Where a notice of surrender is given, the premises licence lapses on receipt of the notice by the licensing authority.

### **Death, incapacity, insolvency of licence holder**

A premises licence lapses if the holder of the licence –

- (a) dies,
- (a) becomes mentally incapable (within the meaning of section 13(1) of the Enduring Powers of Attorney Act 1985)
- (b) becomes insolvent,
- (c) is dissolved, or
- (d) if it is a club, ceases to be a recognised club

(subject to provision for re-instatement in certain circumstances).



## **Annex 1 - Mandatory Conditions**

1. No supply of alcohol may be made under this Premises Licence -
  - (a) at a time when there is no designated premises supervisor in respect of the Premises Licence, or
  - (b) at a time when the designated premises supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under this Premises Licence must be made or authorised by a person who holds a Personal Licence.

### **LICENSING ACT 2003 (MANDATORY LICENSING CONDITIONS) ORDER 2010**

#### **MANDATORY CONDITIONS**

##### **Condition 1**

- (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
  - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
    - (i) the outcome of a race, competition or other event or process, or
    - (ii) the likelihood of anything occurring or not occurring;
  - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.



**Condition 2**

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

**Condition 3**

The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

**CONDITIONS 4 & 5 APPLICABLE WITH EFFECT FROM 1<sup>ST</sup> OCTOBER 2010**

**Condition 4**

(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

**Condition 5**

The responsible person shall ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

**Annex 2 - Conditions consistent with the Operating Schedule**

1. Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m.

b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.

c. On Good Friday, 12 noon to 10.30 p.m.

d. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.

g. On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31<sup>st</sup> December).

2. The above restrictions do not prohibit:

(a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;

(b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;

(c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;

- (d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- (e) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (g) the taking of alcohol from the premises by a person residing there; or
- (h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- (i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

3. Alcohol may be sold or supplied on Christmas day, between 3 p.m. and 7 p.m. to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

4. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (1) He is the child of the holder of the premises licence.
- (2) He resides in the premises, but is not employed there.
- (3) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (4) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

5. Where there is provided in the Premises an entertainment for children, or an entertainment at which the majority of the persons attending are children, then, if the number of children attending the entertainment exceeds one hundred, it shall be the duty of the person providing the entertainment to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate, and to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and to take all other reasonable precautions for the safety of the children

6. Where the occupier of the Premises permits, for hire or reward, the Premises to be used for the purpose of an entertainment, he shall take all reasonable steps to secure the observance of the provisions of condition (5) above.

7. Area marked green on the plan deposited with the court, intoxicating liquor will only be sold as an ancillary to a table meal undertaking to comply with fire officer.

### **Annex 3 - Conditions attached after a hearing by the Licensing Authority**

None

### **Annex 4 - Plans**

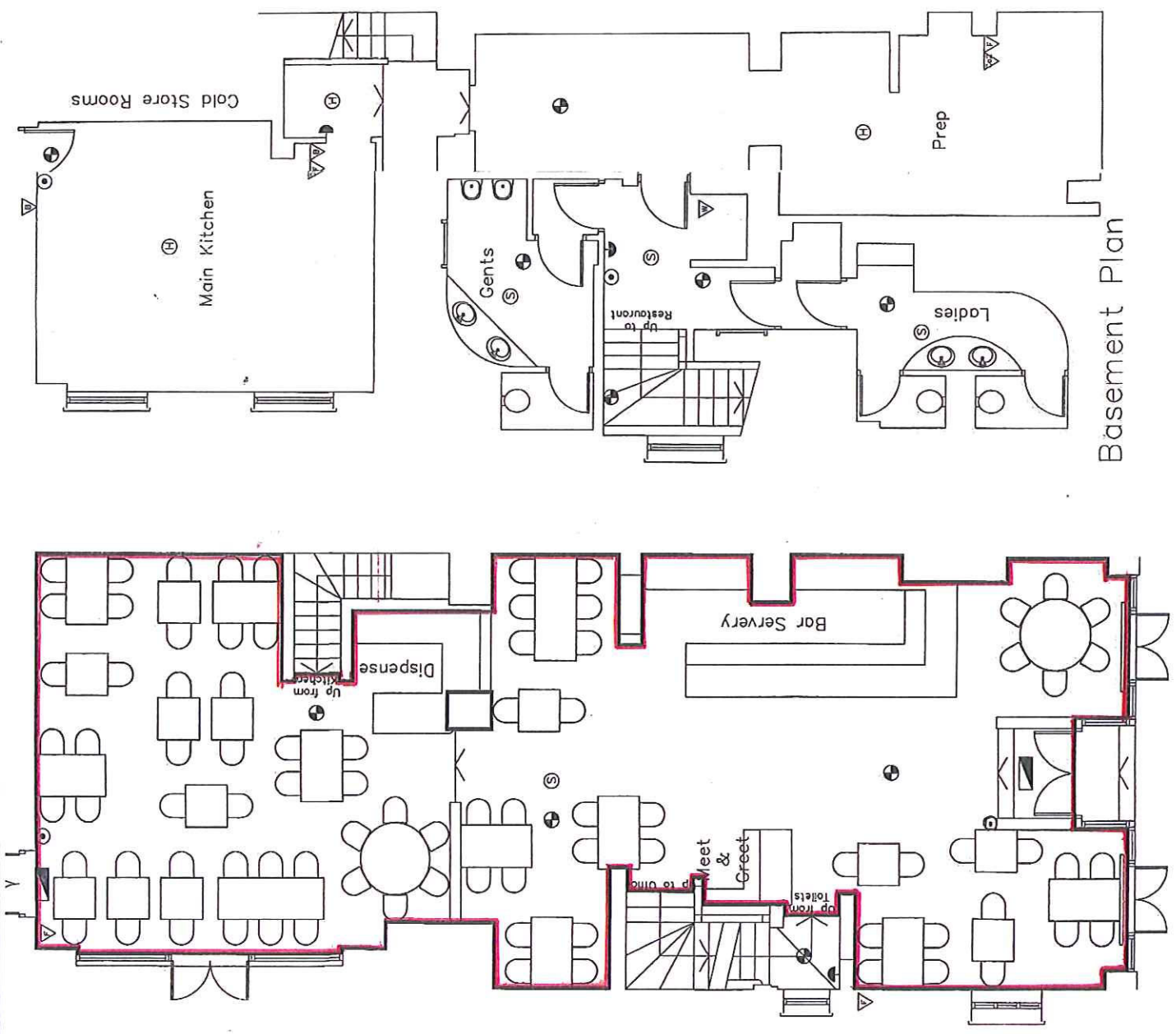
Please see attached



-sale and consumption of alcohol

Ⓢ	SMOKE DETECTOR
Ⓜ	HEAT DETECTOR
Ⓛ	BELL SOUNDER/SIREN
Ⓛ	EMERGENCY LIGHT FITTING
Ⓢ	CALL POINT
Ⓢ	ILLUMINATED EXIT SIGN
Ⓢ	9L WATER EXTINGUISHER
Ⓢ	5 KG CARBON DIOXIDE EXTINGUISHER
Ⓢ	FOAM EXTINGUISHER
Ⓢ	DRY POWDER EXTINGUISHER
Ⓢ	FIRE BLANKET
	AREA USED FOR SALE AND CONSUMPTION OF ALCOHOL

Effective drinking area 113m.sq



As kitchen order 705

NOTES: Do not take off any drawing. All dimensions to be marked on the drawing. Do not take off any drawing. All dimensions to be marked on the drawing.

SCALE AS INDICATED ONLY WHEN PRINTED A2

Project: PICCOLINO RESTAURANT  
King Street, Knutsford

Title: LICENSING DRAWING  
Scale: 1:500  
Date: 7.05  
Dwg No: 1178.L01A

Ground Floor Plan

Basement Plan

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**LICENSING ACT 2003 APPENDIX 03**  
**Environmental Health Consultation Response**

My Ref: ELL/025165

Date Received:

14<sup>th</sup> January 2013

Name of Applicant:

PICCOLINO

Address to which application relates:

95 King Street, Knutsford, Cheshire, WA16 6EQ

Conversion:

☐

Variation:

x

New:

☐☐

Approve

☒

Approve with Conditions

☐

Object to Section(s)

The variation is a result of a proposed extension to the premises for Additional dining at first floor and roof terrace at rear. This extension has received planning permission: 12/4455M approved: 10 January 2013.

The licensing plans drawing no: 210 are highlighted in red on the attached plan. The requested variation is:

*To alter the layout of the premises in accordance with the plan(s) deposited with the application and numbered 210 to incorporate a new roof terrace.*

*Remove all Annex 2 Conditions (as no longer applicable being either pre-2005 conditions or relate to plans which have now changed).*

In addition the applicant is requesting a variation in Section L of the Application to vary the Premises Licence: the Hours the Premises are Open to the Public:

Monday – Sunday    00:01 - 00:00

The current Premises Licence: PR/0216. The opening hours of the Premises are detailed as "not known".

Piccolino's is an established and popular restaurant in Knutsford town centre. Its location is in close proximity to noise sensitive premises to the north and north east at Old Market Place: residential flats - The Old Court House and traditional cottage properties respectively.

For this reason the proposed opening hours for members of the public is excessive. It is therefore recommended that the opening hours reflect those for other similar establishments in Knutsford town centre: in order to preserve public amenity and for prevention of public nuisance.

## **PREVENTION OF PUBLIC NUISANCE**

All necessary steps shall be taken to ensure that any noise from the premises shall not be audible at the boundary of the nearest residential premises, therefore:

### **PROPOSED CONDITIONS:**

#### **1 THE OPENING HOURS OF THE PREMISES**

Roof Terrace:

Due to the potential for noise disturbance to local residents, the first floor roof terrace shall only be used (except in the case of emergency) between the hours of 09.00 to 22.00 hours on any day.

Remainder of Premise:

Monday to Saturday 10:00 to 00:30 hours  
Sunday 12:00 to 00:00 hours

#### **2 REGULATED ENTERTAINMENT**

There shall be no regulated entertainment of any type within the area highlighted in red on the licensing plans drawing no: 210.

#### **3 ROOF TERRACE SPEAKERS**

The use of low power, low noise speakers shall be used on the first floor terrace only providing these comply with the specific requirements and limitations as detailed in the acoustic report by Sol Acoustics Ltd, reference: P1427 – REP01 – REV A –SJF, dated 24th May 2012 of Planning Permission 12/4455M approved 10<sup>th</sup> January 2013.

#### **4 ROOF TERRACE**

In order to prevent the roof terrace being used by bar customers: the roof terrace shall only be used by dining customers: the roof terrace shall only be used as a full service dining area (i.e. no casual drinkers are permitted and all roof terrace customers must partake of a main meal).

For this purpose alcohol may only be sold or supplied to persons taking table meals for consumption by such a person as an ancillary to their meal.

#### **5 NOISE MONITORING**

The Licence Holder/Designated Premises Supervisor or responsible person nominated by him in charge of the Premises shall ensure that any noise emanating from the Premises is not audible at the boundary of noise sensitive properties.

For this purpose regular Noise Monitoring Assessments shall be undertaken and any necessary remedial action shall be undertaken to ensure that noise arising from the premises is not audible at the boundary of the nearest noise sensitive premises. These assessments shall be undertaken during opening hours of the premises and when background music is occurring. A written record shall be made of those assessments in a log book kept for that purpose and shall include: the time and date of the checks, the person making them and the results including any remedial action.

#### **6 WASTE DISPOSAL AND DELIVERIES**

There shall be no disposal of bottles outside the premises between the hours of 21.00 and 09.00.

No disposal of refuse outside the premises or deliveries made to the premises between 2100 and 0700.

Signed: **Stephanie Bierwas | Enforcement Officer | Environmental Protection**

Dated: **11<sup>th</sup> January 2013**

APPENDIX 04

Representation from Environmental Protection team

I feel that a one hours extension from 10pm to 11pm is not suitable. This development has the potential to change the character of the area if not adequately controlled. There is significant potential for harm/amenity/public nuisance. The same issues that were considered by this Directorate in order to formulate a response to Planning to assist with the planning decision process are now being brought into question.

As previously discussed/advised regarding the 11pm finish for the roof top terrace. The roof top terrace received planning permission 12/4455M approved 10 January 2013. The terrace hours of operation are controlled via condition 10:

10. Due to the potential for noise disturbance to local residents, the development should be subject to the following hours of operation restrictions:  
The first floor external roof terrace shall only be used (except in the case of emergency) between the hours of 09:00 to 22:00 hours on any day.

I am surprised that the applicant having received approval for planning permission above until 10pm; is seeking to extend the hours of operation of the roof top open air terrace until 11pm. I view that the 10pm roof top terrace finish time has been accepted by the applicant as they have not (as I am aware) appealed condition 10 of this planning approval. I am surprised that they further wish to apply for an 11pm extension of the roof top terrace that will officially breach the planning permission for the premises. Granted, Licensing and Planning are two separate regimes – they are essentially controlling the same issue – noise.

The differing hours of use of the terrace is adding confusion to the enforcing authority, the business operator, wider business and residential community.

The planning permission has enabled the control of the outdoor speakers via condition 7 of the 12/4455M planning permission:

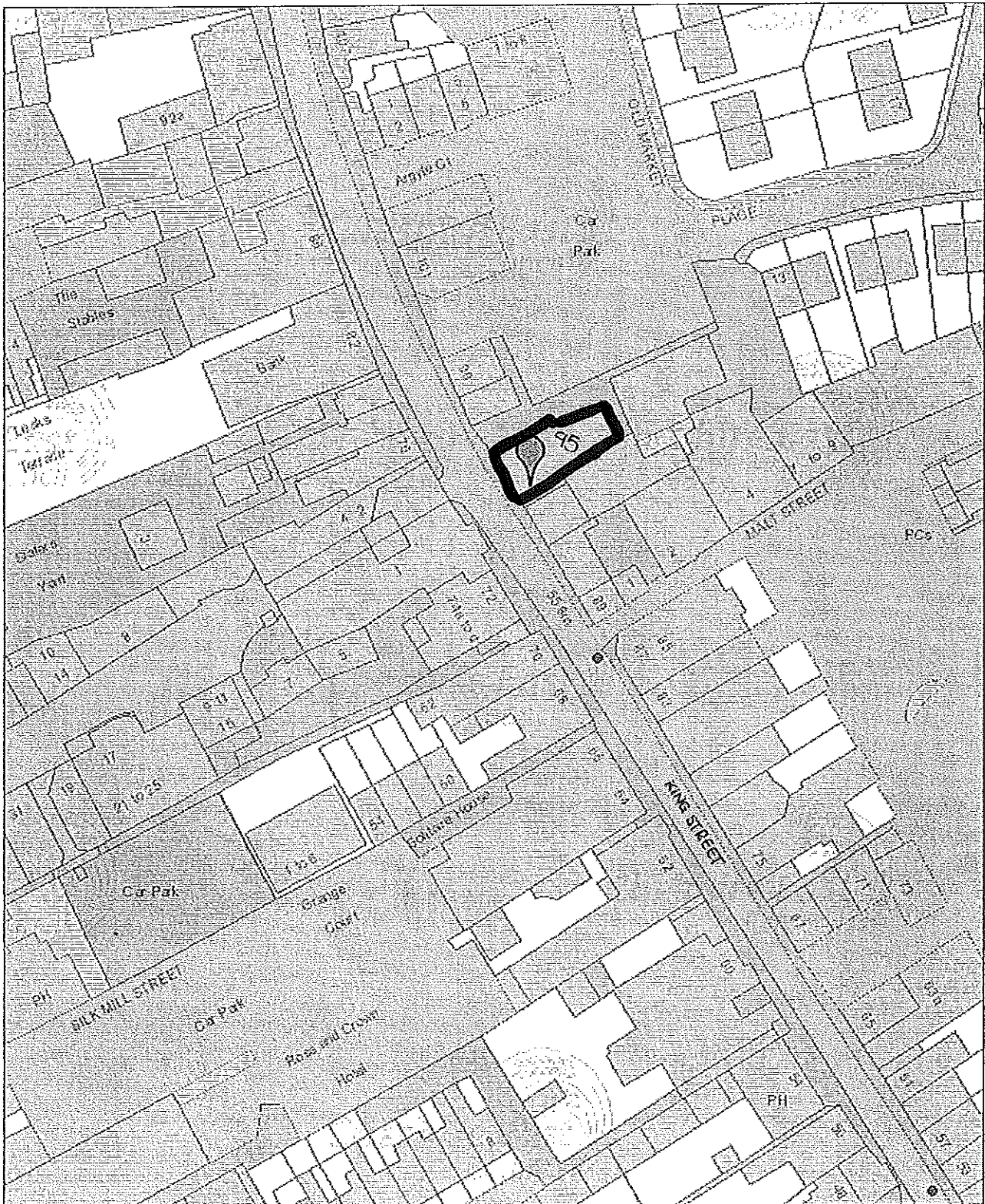
7. The use of low power, low noise speakers shall be used on the proposed first floor terrace only providing these comply with the specific requirements and limitations as detailed in the submitted acoustic report labelled Sol Acoustics Ltd, reference: P1427 – REP01 – REV A- SJF, dated 24<sup>th</sup> May 2012.

However, it is people noise in an outdoor open air roof top terrace which has the potential to be more problematic – essential there is no volume control on people – and although management controls are/have been detailed, it may it may prove difficult for this to be effectively policed by staff as it may prove anti-business to control noise from paying clients.

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Piccolino, 95 King Street, Knutsford



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