

Licensing Act Sub-Committee

Agenda

Date: Tuesday, 18th March, 2014
Time: 1.30 pm
Venue: East Committee Room - Municipal Buildings, Earle Street,
Crewe, CW1 2BJ

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 to Vary a Premises Licence at The Shakespeare, 35 Beam Street, Nantwich, CW5 5NA** (Pages 45 - 98)

To consider an Application to Vary a Premises Licence at The Shakespeare, 35 Beam Street, Nantwich, Cheshire CW5 5NA.

4. **Application for a Premises Licence at A & K E-Shops Ltd, 117a West Street, Crewe, CW1 3HH** (Pages 99 - 128)

To consider an Application for a Premises Licence by A & K E-Shops Ltd in respect of A & K E Shops Ltd, 117a West Street, Crewe CW1 3HH.

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	Other Persons (who have made representations)	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	Other Persons (who have made representations)	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 they should be stating their objections.)
12	Committee Members	May ask <u>questions</u> of the Responsible Authorities represented at the meeting
13	Other Persons (who have made representations)	Those who have objected 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 other persons, by way of clarification.
16	Committee Members	May ask <u>questions</u> of the other persons.
17	Chairman	To invite both Responsible Authorities and Other Persons 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	<p>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.</p> <p>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.</p>

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. Other Persons 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
STATEMENT OF LICENSING POLICY
(LICENSING ACT 2003)
POLICY DATED JANUARY 2014 TO JANUARY 2019

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1. Introduction

- 1.1 Cheshire East Council (**the Council**) is the Licensing Authority for the area of Cheshire East under the provisions of the Licensing Act 2003 (**the Act**).
- 1.2 The Local Authority's current Statement of Licensing Policy was published on 24th February 2009. A review of that policy is due by January 2014. This Statement of Licensing Policy (**the Policy**) is the result of the review and is published by the Council in accordance with section 5 of the Act. The Policy provides information and guidance to applicants and persons who are likely to be affected by an application (e.g residents and businesses) and Responsible Authorities or anyone interested in these matters. It will clarify the manner in which the Council will approach matters relating to licensing. Whilst the policy provides framework guidance regarding the considerations it will take into account when determining any licence application, the Council, as the Licensing Authority, will ultimately determine each individual application on its own merits.
- 1.3 Cheshire East's mission is for 'Cheshire East to be a great place to live, work, visit and enjoy'. The mission statement complements the aims of this Policy. There are a number of Corporate Objectives some of which link with this Policy. They include:
 - Cheshire East has a strong and resilient economy
 - People live well and for longer
- 1.4 The context of the Policy includes the Local Authority's statutory responsibility under the Health and Social Care Act 2012 for the health of the population of Cheshire East and it is noted that it is a priority of the local Health and Wellbeing Board to reduce alcohol related harm.
- 1.5 The context of the Policy includes the Local Authority's statutory duty under the Crime and Disorder Act 1998 to have regard to the need to do all that it reasonably can to prevent crime and disorder, misuse of drugs and alcohol and reoffending in its area.
- 1.6 The Policy takes into account the guidance issued under section 182 of the Act. The latest guidance was published by the Home Office in June 2013. A copy of the guidance may be accessed via the Home Office website www.homeoffice.gov.uk
- 1.7 In accordance with section 4 of the Act, the Licensing Authority shall have regard to the Policy in the exercise of its functions in respect of Licensable Activities and qualifying Licensable Activities in accordance with Section 1

and Schedules 1 and 2 of the Act. The following is a summary of what comprises Licensable Activities:

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of a member of the club
- The provision of regulated entertainment:
 - performance of a play
 - exhibition of a film
 - indoor sporting event
 - boxing or wrestling entertainment
 - performance of live music
 - playing of recorded music
 - performance of dance
 - entertainment of a similar description to the above

There are certain exemptions to this definition, which relate to incidental live and recorded music, and spontaneous music, singing and dancing, which are set out in full in the Act.

- The provision of late night refreshment (supply of hot food or drink from a premises between 23:00 and 05:00 hours)

1.8 The Licensing Authority has noted that the vicinity test in respect of relevant representations has been removed and consequently any person can now make a representation.

1.9 In formulating the Policy, the Licensing Authority has consulted all Responsible Authorities, holders of licences under the Act and the public within Cheshire East.

1.10 This policy will be for a 5 year period and a review will take place in accordance with statutory procedures and will take into full account of any relevant information received by way of consultation or otherwise.

2. The Aim of the Policy and Statutory Licensing Objectives

2.1 The aim of the Policy is to secure the safety and amenity of communities within the Cheshire East area, whilst facilitating a sustainable entertainment

industry. The Local Authority recognises the need of residents for a safe and desirable environment in which to work and live and the importance of well-run licensed premises in a vibrant and diverse local economy. The Local Authority will promote the safety of residents and visitors whilst out at night and on their journey home.

- 2.2 In accordance with the guidance issued by the Secretary of State, the Local Authority recognises the need to encourage and promote a broad range of entertainment, particularly live music, dancing and theatre for the wider cultural benefits of our communities. A natural concern to prevent disturbance in the neighbourhood will always be balanced with the wider cultural benefits of our communities
- 2.3 The Local Authority has a duty to protect the amenity of its residents. This extends to the business community, who can expect the Local Authority to ensure that the environment is attractive and sustainable for the conduct of their business.
- 2.4 It is the Local Authority's duty to exercise its licensing functions with a view to promoting the four Licensing Objectives set out in section 4 of the Act:
- **The prevention of crime and disorder**
 - **Public safety**
 - **The prevention of public nuisance**
 - **The protection of children from harm**
- 2.5 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.
- 2.6 The legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:
- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises
 - giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems
 - recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises

- providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area
- encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them

2.7 The Licensing Authority will have proper regard to amongst other issues:

- Location and environmental impact of the proposed activity
- Suitability of the applicant
- Suitability of the premises to the application
- Operation and management of the premises
- Monitoring, review and enforcement

Policy Considerations

2.8 This policy does not prejudice the requirement for the Licensing Authority to consider each application on its own merits.

2.9 Nothing in the policy will

- Undermine the rights of any individual to apply under the terms of the Act for a variety of permissions and have the application considered on its individual merits; or
- Override the right of a person or a body or a Responsible Authority (as defined in the Act) to make representations on an application or to seek a review of a licence or certificate in accordance with the provisions of the Act.

2.10 All persons have equal rights to make representations concerning applications for premises licenses (and hours of trading) and to receive appropriate consideration to their representations. Irrelevant, frivolous and vexatious representations will be disregarded.

2.11 Following Relevant Representations the Licensing Authority will only depart from this Policy where there is satisfactory evidence/information that the Licensing Objectives will be met in full. In cases where a departure occurs, the Licensing Authority shall provide reasons for the departure.

- 2.12 If an application for a licence or certificate has been made lawfully and there have been no Relevant Representations from Responsible Authorities or other persons, the Licensing Authority will grant the application, subject only to conditions consistent with the operating schedule and any relevant mandatory conditions.
- 2.13 To achieve its aims the Local Authority is committed to working in partnership with the Responsible Authorities, local businesses, residents and others towards ensuring the continued success of this Policy in achieving the statutory objectives of the Act. In considering these issues the Local Authority will focus on the four statutory Licensing Objectives.

3. Matters within the Control of the Premises Licence Holder

- 3.1 The Licensing Authority recognises that licensing law is not the primary mechanism for the general control of individuals once they are away from a licensed premises, and therefore away from the direct control of the premises licence holder. Accordingly, in exercising its licensing functions the Licensing Authority will focus on matters which are within the control of the individual licensee and others who are granted relevant permissions. Nevertheless licensees should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, e.g. on the pavement, in a beer garden or in a smoking shelter, where and to the extent these matters are within their control.
- 3.2 The Licensing Authority will expect applicants to consider and make appropriate provisions to ensure that harm is not caused to the Licensing Objectives as a result of activity in, or in the vicinity of, the licensed premises.
- 3.3 It will normally be the responsibility of the premises licence holder to ensure that the managers, designated premises supervisor and door supervisors are competent and appropriately trained.

4. Planning and need for Licensed Premises

- 4.1 When exercising its licensing functions the Licensing Authority will not be influenced by questions of need. The issue of whether or not there is a need for a particular premises is a commercial matter, which is not relevant to the Licensing Authority's considerations.
- 4.2 The Planning Regulation and Licensing Regulation functions are separate statutory regimes. The Licensing Authority recognises that there should be a clear separation of the planning, building control and licensing regimes in order to avoid duplication. The Licensing Authority when exercising its licensing functions will not consider whether there has been any alleged

breach of planning conditions. Planning Permission will usually be required prior to the use of premises for Licensable Activities.

- 4.3 The Licensing Authority is not bound by decisions made by the Planning Authority and vice versa.
- 4.4 There may be circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensed hours, the earlier closing time must be observed. Premises operating in breach of their planning permission would be liable to enforcement action under planning law.
- 4.5 It should be noted that Building Regulations govern a variety of issues, which directly contribute to the Licensing Objectives, including means of escape, structural integrity, accessibility and public safety. Building Regulation Approval and Completion Certificates may be required prior to the use of the premises for licensable activities.

5. Integrating Strategies

- 5.1 The Licensing Authority will consider the Local Authority's approved strategies and policies where they are relevant to the exercise of its function as the Licensing Authority.
- 5.2 The Local Authority recognises that Licensed Premises are an important contributor to the local economy. Any licence application will be considered by taking certain factors into account. These include:
 - Employment opportunities
 - The enhancement the proposal might have on the attractiveness of the wider area
 - The general impact in attracting visitors to the area
- 5.3 In undertaking its statutory licensing function the Licensing Authority may have regard to:
 - Section 17 of the Crime and Disorder Act 1998 and requirement that the Local Authority do all that it reasonably can to prevent crime and disorder in its locality
 - The European Convention on Human Rights (which is given effect by the Human Rights Act 1998), which places a duty on public authorities to protect the rights of individuals in a variety of circumstances
 - Any other relevant legislation drawn to its attention

5.4 The Licensing Authority will seek to discharge its responsibilities identified by other Government Strategies, insofar as they impact on the objectives of the Licensing Act. Examples of these strategies are:

- In accordance with Guidance the Licensing Authority will seek to establish a Safe Scheme so that proper liaison and partnership working with all relevant stakeholders will ensure that appropriate Action Plans for Tackling Alcohol Related Crime, Disorder and Nuisance are in place
- Safer Clubbing
- Local Authorities Coordinators of Regulatory Services and Trading Standards Institute Code of Best Practice on Test Purchasing
- Alcohol Harm and Reduction Strategy
- Crime and Disorder Reduction Strategy
- Enforcement Concordat, under which the Local Authority has developed an Enforcement Strategy

6. Anti-Social Behaviour

6.1 The Licensing Authority recognises that in addition to the requirements for it to promote the Licensing Objectives, the Local Authority has a duty under section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder within its area.

6.2 The objective of the licensing process is to allow the retail sale of alcohol and the provision of other Licensable Activities in a manner that ensures the public's safety and which is neither to the detriment of residents, nor gives rise to loss of amenity. It is the Licensing Authority's aim to facilitate well run and managed premises with premises licence holders displaying sensitivity to the impact of their premises on local residents.

6.3 In accordance with the Guidance, the Licensing Authority does not regard this policy as a mechanism for the general control of anti-social behaviour by individuals once they have left the immediate vicinity of the licensed premises.

6.4 Recurring problems of alcohol-related anti-social behaviour, crime and disorder or serious public nuisance can occur in an area, which are not directly attributable to specific premises. In such cases, particularly if supported by the Police, the Licensing Authority may consider whether an Early Morning Alcohol Restriction Order (EMROs) might address the problems. These Orders are considered later in this Policy.

7. Prevention of Crime and Disorder

- 7.1 The Licensing Authority will have regard to the Crime and Disorder Act 1998 (See Section 6.1 above). Any conditions attached to the premises licence should reflect any local crime prevention strategy. Including, the Safer Cheshire East Partnership Plan or a subsequent replacement plan.
- 7.2 The Licensing Authority will consider whether the premises make or will make a detrimental contribution to levels of crime and disorder, and whether the Operating Schedule is based on an adequate risk assessment, undertaken by the applicant, of the likelihood of crime and disorder occurring as a result of the application.
- 7.3 In order to meet its duty to prevent and reduce crime this Policy will have regard to the likely impact of licensing on related crime and disorder in the area. The Licensing Authority will consider the location of the premises and the impact, operation and management of the Licensable Activities. In particular these issues may include:
- Whether the layout, lighting and fittings of the premises have been designed so as to minimise conflict and opportunities for crime and disorder
 - Whether the Operating Schedule includes appropriate management measures to prevent crime and disorder
 - Door supervision together with the maintenance of an incident book
 - Use of toughened glass or plastic glasses
 - Mechanisms for combating drug dealing and use
 - Use of CCTV cameras
 - Membership of any Pubwatch or similar scheme
 - Use of ID scan equipment
- 7.4 The Licensing Authority may impose conditions on licences or certificates. These may include the following conditions (although the list is not exhaustive). The decision to impose conditions and their extent will depend upon the risks of crime and disorder at the particular premises
- Appropriate ratio of tables to chairs to customers and for areas to be allocated for seated customers
 - A requirement for Security Industry Authority door supervisors to control numbers and to deny entry to individuals who appear drunk, disorderly or intent on crime

- A requirement that drinking vessels do not form a sharp edge when broken
- Restrictions on drinking in areas within and outside the premises
- Procedures for checking the ages of young people who appear under the age of 21 or 25 to ensure alcohol is not sold to those under 18 and that those under 16 are accompanied in alcohol-led premises
- Appropriate 'early warning' communication systems with the Police and with other licensed premises
- The installation of CCTV
- Clear policies and measures to prevent illegal drugs being brought onto and used on the premises
- Searching of customers and staff

7.5 The Licensing Authority will carefully consider Police representations and other conditions relating to the deterrence and prevention of crime and disorder and initiatives to reduce crime will be drawn up in liaison with the police to deal with particular premises or types of premises where concerns may arise.

Safer Clubbing

7.6 The Licensing Authority wishes to promote the principles of 'Safer Clubbing'. The current Home Office Guidance on the subject is recommended to relevant Premises Licence and Club Premises Certificate holders. Following relevant representations appropriate licensing conditions may be imposed to control the environment at relevant premises in support of the 'Safer Clubbing' objectives.

Drugs

7.7 Following Relevant Representations, conditions may need to be imposed for certain types of venues to seek to eliminate the sale and consumption of drugs and to create a safer environment for those who may have taken them. These conditions will take into account the above-mentioned 'Safer Clubbing' advice issued by the Home Office. In all cases where conditions are to be imposed advice will be sought from the Drug and Alcohol Action Team and the Police.

7.8 The Licensing Authority, Police and Licence Holders need to be aware that power is available under the Anti-Social Behaviour Act 2003 that allows for the closure of a licensed premises by the Police where there is production,

supply or use of Class A drugs and/or serious nuisance or crime and disorder. This provides an extra tool to the Police in enabling instant action with regards to premises where there is a Class A drug problem.

Door Supervisors

- 7.9 Following Relevant Representations the Licensing Authority may consider that certain premises require supervision for the purpose of promoting the reduction of crime and disorder, and to generally provide a safer operation of the premises. In such cases licensed door supervisors (registered by the SIA) must be employed at the premises either at all times or at such times as certain licensable activities are taking place, at a number and ratio to be determined by the Licensing Authority. (This excludes stewards/glass collectors who are not involved in the security of the premises and do not therefore require registration with the SIA).

CCTV

- 7.10 Licence holders may wish to install cameras for the protection of staff, customers and for the prevention of crime on or in the vicinity of the premises. In exercising its licensing functions, the Licensing Authority may for the purpose of promoting any of the Licensing Objectives, impose as a condition of the licence the installation of a CCTV system. It should be noted that in such cases the Licensing Authority may take into account the type and quality of recordings, the location of cameras, storage and the availability of recordings to the Licensing Authority and Police.

Cinema Exhibitions (see also under Protection of Children from Harm)

- 7.11 No film shall be exhibited at a licensed premises which is likely to:
- Lead to disorder
 - Incite hatred or violence towards any section of the public on grounds of colour, race or ethnic or national origin, disability, religious beliefs, sexual orientation or gender

8. Public Safety

- 8.1 The Licensing Authority wishes to promote high standards of public safety in relation to premises and activities within the scope of the Act.
- 8.2 The Licensing Authority recognises that the Public Safety Objective is concerned with the physical safety of the customers using the relevant premises and not with Public Health, which is dealt with by other legislation.

- 8.3 Where the Local Authority Director of Public Health submits a relevant representation the relevant Licensing Objective is likely to be Public Safety. This may include where a premises has undermined the objectives in respect of accidents and injury and other harms that may be caused by alcohol consumption. These issues may also impact on the prevention of crime and disorder objective and/or the protection of children from harm objective.
- 8.4 Where activities are organised by volunteers or a committee of a club or a society the Licensing Authority considers it good practice that the same level of Health and Safety protection is provided as if an employer/employee relationship existed, irrespective of whether there are strict legal duties applicable under Health and Safety legislation.
- 8.5 Following Relevant Representations, where the Licensing Authority considers that general health and safety duties do not adequately cover certain Licensable Activities, conditions may need to be attached to the licence to ensure public safety.
- 8.6 Organisers of temporary/large scale events will be encouraged to seek advice and information from the Local Authority's Event Safety Advisory Group prior to submitting any application.

Fire Safety

- 8.7 The Licensing Authority will have due regard to the representations of Cheshire Fire and Rescue Service regarding licensing applications.
- 8.8 Following Relevant Representations, the Licensing Authority may impose appropriate conditions in relation to fire safety matters in consultation with Cheshire Fire and Rescue Service.
- 8.9 The Licensing Authority will only include an occupant capacity condition on a Premises Licence or a Club Premises Certificate where there is a genuine fear or a genuine problem with overcrowding and it is considered appropriate for public safety. This figure will be arrived at in consultation with Cheshire Fire and Rescue Service. If an occupant capacity is fixed in accordance with any risk assessment required by The Regulatory Reform (Fire Safety) Order 2005 that figure will be used.
- 8.10 Where the special provisions of Section 177 of the Act (dancing, amplified and unamplified music in premises with a capacity of no more than 200 persons) are utilised, the Licensing Authority reserves the right to confirm with Cheshire Fire and Rescue Service the safe capacity of the premises.

9. Prevention of Public Nuisance

- 9.1 If Relevant Representations are received the Licensing Authority, when making an objective judgment about what constitutes a nuisance in respect of an application or review of a premises licence or certificate, will take a broad common law meaning when considering matters such as:
- Noise from premises
 - Waste
 - Litter
 - Car parking
 - Light pollution
 - Noxious odours
- 9.2 In considering the potential impact of licensed premises on the surrounding locality the Licensing Authority, when in receipt of any Relevant Representations will take into account the type of entertainment activity, proposed hours of operation, the capacity of the premises, the character of the areas and the proximity to local residents. Consideration will be given to the potential steps which could be taken to reduce the risk of nuisance occurring. This will particularly apply in areas where there is residential accommodation in the proximity of the premises.

Noise and Vibration

- 9.3 In order to enforce the provisions of the Environmental Protection Act 1990 (which relate to noise nuisance) the Police, Environmental Health Officers and Licensing Officers will liaise to ensure that adequate control measures are properly used to protect the local environment. Any action taken will be conducted in accordance with relevant enforcement policies
- 9.4 Consideration will be given to whether the operating schedule contains adequate measures to prevent noise and vibration, generated from within the premises, outside it, or from an open site, that may cause disturbance. Stricter conditions will be considered on premises in areas that have dense residential accommodation or have residential accommodation close to them. Noise includes music and human voices. Measures in the Operating Schedule may include installation of soundproofing, air conditioning, acoustic lobbies, sound limitation devices or locking doors at specified hours. If the proposed operating schedule fails to address noise nuisance issues, the Environmental Health Department may request that an independent acoustic report is conducted. Environmental Health may use any recommendations from such a

report to propose amendments to the Operating Schedule or suggest conditions for the consideration of any (Sub) Committee.

- 9.5 Applicants will be expected to have included measures in their Operating Schedules that make adequate provision to:
- Restrict the generation of any noise within the premises and from activities associated with the premises in the vicinity, or from an open air site
 - Limit the escape of any noise from the premises or open air site
 - Restrict any noise emissions to below levels that could affect people in the vicinity going about their business, at work and when at home both while relaxing and while sleeping
 - Minimise and control any noise from customers arriving and departing from the premises
- 9.6 The Licensing Authority will not impose conditions on licensed premises that cannot be directly controlled, or on matters not related to the vicinity of the premises.
- 9.7 If it is considered that any noise emanating from within the curtilage of a licensed premises is causing a public nuisance, under the provisions of the Anti-Social Behaviour Act 2003, an Authorised Officer can require its immediate closure for a period of up to 24 hours. It should be noted that the 'test' is a lesser one than that required to determine a Statutory Noise Nuisance and the statutory defence of 'best practicable means' is not available.
- 9.8 The Licensing Authority further recognises the Government's view that licensing hours should not inhibit the development of thriving and safe evening and night-time local economies which are important for investment and employment locally and attractive to domestic and international tourists. Whilst providing consumers with greater choice and flexibility is an important consideration, the Licensing authority takes the view this should always be carefully balanced against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet.
- 9.9 The Licensing Authority will not seek to impose uniform closure times in relation to alcohol licensed premises and will consider each application on its merits. However, where premises are situated in sensitive areas, in circumstances where the Licensing Authority's discretion has been engaged through the receipt of relevant representations, consideration will be given to the imposition of conditions aimed at limiting the impact of noise and

disturbance on residents. Such conditions may, for example, include the use of door supervisors, or measures to prevent the escape of sound from within the premises. Licensees and certificate holders are reminded that they should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance in outside areas such as beer gardens or smoking shelters and in areas such as pavements immediately outside their premises, where and to the extent that , these matters are within their control.

Eating, Drinking and Smoking Outside Premises

9.8 The Licensing Authority will take the following into consideration:

- Whether people standing or sitting outside are likely to cause obstruction or other nuisance
- Whether premises are under or near residential accommodation
- The hours of sale of alcohol in open containers or food for consumption outside the premises
- Measures to make sure that customers move away from outside premises when such sales cease
- Measures to collect drinking vessels and crockery, cutlery and litter
- The extent and location of areas proposed to be set aside for the consumption of food and alcoholic drink for smoking
- Whether there is a need for door supervisors to prevent or to control customers congregating in outdoor areas to smoke, consume food or drink (whether supplied by the premises or not), between certain hours or at all times.

Other Environmental Impacts

9.9 Consideration will be given to whether Operating Schedules contain adequate measures to prevent:

- Litter, smells, fumes, dust, tobacco or other smoke, or other emissions
- Street fouling
- Light pollution
- Congestion of the pavement or roadway, impeding reasonable access

arising from the proposed licensable activity that may cause nuisance to people in the vicinity.

9.10 If the sale of alcohol in open containers or food for consumption outside the premises has been proposed, the following considerations are relevant:

- Whether measures would be undertaken to prevent nuisance caused by the storage, handling and collection of refuse and recyclable materials
- Whether late night premises are likely to generate litter and whether the sale of take-away food is proposed and the measures planned to prevent littering in the vicinity and to clear up any litter that occurs
- The steps proposed to prevent queuing or, if some queuing is inevitable, to divert queues away from residential properties and entrances to neighbouring premises, and to manage the queue to prevent disturbance and obstruction
- The steps taken to prevent disturbance by patrons arriving at or leaving the premises
- The steps taken to ensure staff leave the premises quietly
- The arrangements made or proposed for parking by patrons and the effect of parking on local residents
- Whether taxis and private hire vehicles serving the premises are likely to disturb local residents
- Whether routes to and from the premises on foot or by car or service or delivery vehicles pass residential premises
- Whether other measures to prevent nuisance such as the use of CCTV or the employment of SIA registered door supervisors are necessary
- The measures proposed to prevent the consumption or supply of illegal drugs, including any search procedures
- The likelihood of any violence, public disorder or policing problem arising if a licence were to be granted
- If the applicant has previously held a licence within the Cheshire East area, the details of any enforcement action arising from that premises
- Whether the premises would result in increased refuse storage or disposal problems, or additional litter in the vicinity of the premises.

10. Protection of Children from Harm

10.1 Protection of Children from harm includes the protection of children from moral, psychological and physical harm. This includes protection from premature exposure to strong language and sexual expletives. The Act does not prevent children having free access to premises selling alcohol for consumption on those premises, although the Licensing Authority when in receipt of Relevant Representations may impose conditions necessary for the prevention of harm to children. Where there are matters that give rise to serious concerns and the restriction of access may not ensure adequate protection of children from harm, children should be excluded. Examples of what may give rise to these concerns include:

- Where there have been convictions for serving alcohol to minors or where the premises has a reputation/evidence for underage drinking (to include any action undertaken regarding test purchases in relation to the supply of alcohol)
- There is a known association with drug taking or dealing
- There is a strong element of gambling on the premises
- Entertainment of an adult or sexual nature is provided

Note: The Act makes it an offence to permit children under the age of 16 who are not accompanied by an adult to be present on premises used exclusively or primarily for the supply of alcohol for consumption on the premises.

10.2 Matters which the Licensing Authority will take into consideration include:

- Whether there are effective measures to check the age of those young people who appear under 25, to ensure alcohol is not sold to those under 18 and those under 16 are accompanied in alcohol led premises
- Whether the supply of alcohol for consumption on the premises is the exclusive or primary purpose
- The hour to which accompanied children under 16 are proposed to be on the premises where the exclusive or primary purpose of the services provided at the premises is the supply of alcohol for consumption on the premises
- The likelihood of children being attracted to the premises e.g. by the nature of activities or facilities provided, whether or not these are licensed
- Whether there is evidence of heavy, binge or underage drinking on the premises

- 10.3 Where Relevant Representations have been received and it is considered necessary that the access of children should be restricted to protect them from harm then conditions may be attached to the licence. These may include:
- Limitation on the hours when children may be present
 - Restrictions to the age of persons on a premises (e.g. to over 18's only)
 - Restrictions on access to certain parts of the premises
 - Limitations or exclusions when certain activities may take place
 - Require an accompanying adult to be present at all times
- 10.4 Where large numbers of children are likely to be present on any licensed premises, for example, a children's show or pantomime, then the Licensing Authority may require the presence of an appropriate number of adult staff (who will have provided a satisfactory Disclosure and Barring Service check) to ensure their safety and protection from harm. The exact ratio is to be assessed in respect of each individual application and is dependent on the type and size of the premises and the control measures in place as outlined within the operating schedule, and importantly the particular group of children likely to visit the premises in question.

Cinema Exhibitions (see also under Prevention of Crime and Disorder)

- 10.5 Where the exhibition of films is permitted the Licensing Authority will expect age restrictions to be complied with in accordance with the British Board of Film Classifications (BBFC) recommendations. Where a film has not been classified by the BBFC the Licensing Authority will consider whether it is appropriate to provide a local classification. When setting a local classification the Licensing Authority will have regard to the BBFC's guidelines.
- 10.6 In considering applications, the Licensing Authority will take into account any evidence that age restrictions for cinema exhibitions have not been adhered to.

11. Cumulative Impact

- 11.1 The Licensing Authority does not consider that there are areas where Cumulative Impact occurs presently nor is there a need at this time for the Licensing Authority to adopt a special policy relative to designating 'Stress Areas'.

- 11.2 Where there is a concentration of licensed premises this can lead to serious problems of nuisance and disorder arising in the area itself and even some distance away from the premises. In such circumstances the impact of those premises when taken as a whole can be far greater than that arising from individual premises and it may not be possible to distinguish individual premises as being the sole cause or even a major contributing factor, of a particular problem. It is the **Cumulative Impact** of all the premises which causes problems for the wider area.
- 11.3 It is clear however, that the vicinity within which licensed premises are or may be located is a major consideration in determining whether a licence should be granted and what conditions should be attached to it should representation be received. Due consideration will be given to the direct impact of the operation of the premises on members of the public living, working or engaged in normal activity in the vicinity of the premises.
- 11.4 It should be noted that 'Cumulative Impact' should not be confused with the issue of 'need', which relates to commercial demand for licensed premises. 'Need' is not a matter to be taken into account by the Licensing Authority.
- 11.5 Where a particular area becomes saturated with licensed premises making it a focal point for large groups of people to congregate, this might create exceptional problems of disorder, noise and other nuisance and in such circumstances the grant of further Premises Licenses or Club Premises Certificates may undermine the Licensing Objectives.
- 11.6 Notwithstanding these concerns each application has to be considered on its own individual merits. Where an objector is seeking to establish that the grant of a licence or certificate would result in a cumulative impact which undermines one or more Licensing Objectives, the following shall apply:

Objections on the grounds of Cumulative Impact

- 11.7 In cases where objectors seek to establish that an application should be refused on the grounds that it would result in or further contribute to cumulative impact which would undermine one or more of the Licensing Objectives the objector shall:
- Identify the boundaries of the area from which it is alleged problems are arising
 - Provide full details and evidence as to the seriousness of the nuisance and disorder caused in the area
 - Identify the licensing objective(s) which it is alleged will be undermined with specific regard to:

- The occupancy figure for the proposed premises
- The nature of the licensed activity to be carried on at the premises and its patrons.

Identifying Stress Areas

11.8 Where as a result of an objection under paragraph 11.7 above and the Licensing Authority is satisfied that there is a serious or chronic concern about nuisance and disorder in a particular area and has refused an application on the grounds of Cumulative Impact the area shall be declared as a 'Stress Area'. In doing so the Licensing Authority shall:

- Follow the statutory procedures outlined in the Home Office Guidance issued under Section 182 of the Act
- Identify the boundaries of the area
- Identify the licensable activities causing the nuisance and/or disorder
- Monitor and review the 'Stress Area'

Applications for a New Premises Licence in a Stress Area

11.9 New premises licenses will not be granted for the activities identified as causing nuisance and/or disturbance in Stress Areas except where:

- No objections are received to the application, or
- The grant of the licence will not undermine the Licensing Objectives

11.10 In considering such applications the Licensing Authority will have particular regard to:

- The occupancy figure for the proposed premises
- The proximity of the premises to others in the Area licensed for similar activities and the occupancy figures for those other premises
- Whether the proposed premises will act as a replacement for others in the Area that no longer has a licence
- The proposed methods of management outlined in the applicants' operational plan
- The proposed hours of operation
- Transport provision for the Area

Existing Premises Licenses in Stress Areas

- 11.11 The above factors cannot be used as a justification for removing an existing licence. If representations are received about existing licensed premises relating to matters other than cumulative impact and which undermine the Licensing Objectives then appropriate action may be taken.

Applications for variations to existing Premises Licenses in Stress Areas

- 11.12 Applications for variations to existing Premises Licenses in Stress Areas will not be granted where those modifications directly affect the issue of Cumulative Impact in the Stress Area or otherwise undermine the Licensing Objectives. An example of where a modification may directly affect the issue of cumulative impact would be where an application was received to extend premises and significantly increase the occupancy level of the premises.

12. Applications for New Grants and Variation of Existing Terms and Conditions

- 12.1 In the absence of any Relevant Representations in respect of any application made to the Licensing Authority, it is the duty of the Authority to grant the licence or certificate subject only to conditions that are consistent with the Operating Schedule and any Mandatory Conditions prescribed in the Act. This will also apply to any applications made in respect of premises within an identified Stress Area.
- 12.2 The EU Services Directive (Directive 2006/123/EC) and the Provision of Services Regulations 2009 require the Authority to enable an electronic application facility. This is available through www.GOV.uk for Premises Licence applications, renewals and variations and for Club Premises Certificates, renewals and variations. An automatic grant is not available for these applications since visits to premises are required in order to ensure the Licensing Objectives would be promoted. In addition the consideration of a licence needs to take into account the management of the premises.
- 12.3 The Licensing Authority will consider the same issues in respect of a variation and a renewal as they do in respect of an application for a new grant.
- 12.4 The Licensing Authority may take into account any non-compliance of other statutory requirements brought to its attention. Particularly where these undermine the Licensing Objectives, as non-compliance with other statutory requirements may demonstrate that the premises are unsuitable for the activities proposed or that the management of the premises is not adequate to protect the public from harm or nuisance.

- 12.5 The Licensing Authority will consider whether appropriate measures have been put into effect by the applicant to mitigate any adverse impact.

13. Temporary Events

- 13.1 Arrangements are made under Part 5 of the Act for the temporary carrying on of licensable activities which are not authorised by a premises licence or a club premises certificate.
- 13.2 The Licensing Authority will provide advice about, amongst other things, public safety. Organisers of temporary/large scale events will be encouraged to seek advice and information from the Local Authority's Event Safety Advisory Group prior to submitting any application.
- 13.3 Legislation states that a minimum of ten working days notice should be given to the Licensing Authority of temporary events (or five working days in respect of a late temporary event). In accordance with the Act, 'Working Day' excludes Saturday, Sunday and Bank Holidays. The Licensing Authority cannot and will not accept notification of a Temporary Event Notice or a late Temporary Event Notice outside the statutory time limit.
- 13.4 The Licensing Authority acknowledges that in exceptional circumstances, some Temporary Events may and do have an impact upon crime and disorder. Therefore, in cases of large scale events, organisers should consider providing as much notice as possible. The Licensing Authority considers two months notice to be advisable in relation to such events.
- 13.5 The Licensing Authority expects organisers to give due consideration to the four licensing objectives and to consider local residents and those attending events, in areas such as:
- Health and Safety
 - Noise Pollution
 - Use of Temporary Structures
 - Road Closures
 - Use of Pyrotechnics or Fireworks
 - Controlling Anti-Social Behaviour
- 13.6 The Licensing Authority may advise applicants to consult with Cheshire Fire and Rescue Service and North West Ambulance Service for guidance with regards to assessing possible risks.

- 13.7 Applicants will also be reminded that giving a Temporary Event Notice does not relieve the premises user from planning law and any requirement to obtain the appropriate planning permission where it is required.

14. Operating Schedule

- 14.1 It is recommended that that applicants contact Responsible Authorities when preparing their operating schedules. This is likely to reduce subsequent objections.
- 14.2 This Statement of Licensing Policy sets out criteria and considerations, which relate to the Licensing Objectives, which applicants should have in mind when drawing up their Operating Schedule.

15. Hours of Operation

- 15.1 The Licensing Authority will determine licensing hours based on the individual merits of each application.
- 15.2 The Licensing Authority will consider whether longer licensing hours will achieve a gradual dispersal of people leaving licensed premises and therefore promote the Licensing Objectives.
- 15.3 The Licensing Authority recommends that applicants indicate within the operating schedule that consideration has been given to the extent the licensing hours applied for will impact on local residents and the surrounding area.
- 15.4 The Licensing Authority will consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises at any time when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting the hours. Consideration may be given to restricting the licensing hours of individual shops in circumstances where representations received indicate that the premises is a focus of disorder and disturbance.

16. Conditions

- 16.1 The Licensing Authority may, when considering the content of the Operating Schedule, select appropriate conditions from the Home Office Guidance, pool of Conditions, where it is deemed appropriate to ensure that the Operating Schedule reflects the four Licensing Objectives.
- 16.2 Where appropriate, following receipt of Relevant Representations, the Licensing Authority, may attach conditions to the grant of a licence which seeks to regulate the behaviour of persons as they leave licensed premises.

- 16.3 Where existing law already places statutory obligations on applicants the Licensing Authority will not usually impose the same or similar duties by way of condition.

17. Enforcement and Review

- 17.1 It is the intention of the Licensing Authority to work proactively with the Cheshire Police and other enforcement agencies. Proportionate targeting of agreed problem and high-risk licensed activities needing greater attention will be applied. A corresponding lighter touch for well run, lower risk premises will also be applied.
- 17.2 The Review of licences or certificates provides a key protection for the community where the Licensing Objectives are being undermined. The Review system should allow the Licensing Authority to apply a light touch bureaucracy to the grant or variation of a licence or certificate. The Licensing Authority may then take a more robust approach when problems relating to the Licensing Objectives arise later in respect of any premises.
- 17.3 At any stage following the grant of a premises licence or a club premises certificate, a Responsible Authority or any other person, may ask the Licensing Authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives. The Licensing Authority shall refer to Guidance when assessing whether any Relevant Representations are irrelevant, vexatious, frivolous or repetitious.
- 17.4 Although the Act does not require premises inspections to be undertaken, they will take place at the discretion of the Licensing Officers charged with this role and will take place as judged necessary. This will ensure that the Licensing Authority manages resources efficiently and that 'effective enforcement' is directed at 'problem premises'.
- 17.5 Where any conditions have been applied to a Premises Licence or Club Premises Certificate and Authorised Officer of the Local Authority may inspect the premises at any reasonable time for the purpose of checking that the conditions are being complied with.

Door Supervisors

- 17.6 The Security Industry Authority (SIA) plays an important role in preventing crime and disorder by ensuring that door supervisors are properly trained and licensed. Specific enquiries or premises visits may occur in order to ascertain that SIA Licenses are being executed in the correct manner and not as a tool for crime and disorder such as fronts for serious and organised criminal activity. Intelligence led operations by the SIA, Licensing Authority and/or Police will be conducted without notice

18. Early Morning Alcohol Restriction Orders (EMROS)

- 18.1 Under Section 172 A to E of the Act, the Licensing Authority has the power to make an EMRO prohibiting the sale of alcohol for a specified period between the hours of 24:00 and 06:00. They are designed to address recurring problems with licensed premises, serious public nuisance and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises.
- 18.2 The Licensing Authority will consider evidence that such a decision is appropriate for the promotion of the Licensing Objectives. Consideration will be given to evidence provided by partners, Responsible Authorities and the Local Community Safety Partnership as well as evidence the Licensing Authority has gathered to determine whether an EMRO would be appropriate for the promotion of the licensing objectives. The Licensing Authority will consider the problems that have been identified. A range of evidence may be considered, including local crime and disorder statistics, statistics on anti-social behaviour offences, health related statistics (e.g. alcohol related emergency attendances and hospital admissions, environmental health complaints, complaints recorded by the Local Authority, residents' questionnaires, evidence from local councillors and evidence obtained through local consultation).
- 18.3 It is acknowledged by the Licensing Authority that an EMRO is restrictive, whilst also being a powerful tool to address recurring problems of alcohol-related crime and disorder, serious public nuisance and alcohol-related anti-social behaviour. Prior to making an EMRO the Licensing Authority will consider whether any other measures (implemented by themselves or with partners) may address the problems that have been identified, in particular other measures might include:
- Development of a Cumulative Impact Policy
 - Reviewing the licenses of specific problem premises
 - Encouraging the creation of business-led practice schemes
 - Use of powers of the Local Authority to designate an area where alcohol may not be consumed publicly (Designated Public Places Order)
 - The confiscation of alcohol in designated areas
 - Police enforcement of the general law concerning disorder and anti-social behaviour

- Prosecution for the offence of selling (or allowing such a sale of) alcohol to a person who is drunk
- Use of Police powers to close down any licensed premises instantly for up to 24 hours in respect of which a TEN has effect

18.4 In taking any decision to make an EMRO, the Licensing Authority will follow the statutory process and will invite representations.

19. Late Night Levy

19.1 Under Section 125 of the Police Reform and Social Responsibility Act 2011 the Local Authority can adopt a Late Night Levy, following a consultation process, outlined by the Home Office. It allows the Local Authority to charge an additional fee to any licensed premises that has a licence for the sale of alcohol (on and off sales) after 12 midnight and up to 06:00 in order to cover the additional costs associated with late night alcohol trading. Legislation allows this to start from midnight but it is up to the Local Authority to decide when they wish to apply it.

19.2 Any income raised by the Levy must be split with the local Police force; the Police would receive a minimum of 70% of funds raised and the Local Authority's 30% must be used to fund services which make the late night economy a more welcoming place.

19.3 The Local Authority will consider implementing a Late Night Levy if appropriate.

20. The Licensing Process

20.1 Applications can be made on the prescribed forms that can be found on the Home Office website.

20.2 Applications can also be made via the government website www.gov.uk. In order to fulfil its obligations under the Provision of Services Regulations 2009 (and the EU Services Directive) the Council will continue to enable the application process and payment online. Tacit consent is however not applicable for applications under the Licensing Act 2003 since the suitability of an applicant and the suitability of premises are under consideration.

21. Delegation and Decision Making

21.1 One of the major principles underlying the Licensing Act 2003 is that the licensing functions contained within the Act should be delegated at an appropriate level to ensure an efficient and cost effective service.

- 21.2 The Licensing Authority is committed to the principle of delegating its powers to ensure that these objectives are met and has arranged for its licensing functions to be discharged in accordance with the Home Office Guidance. The table at Appendix 1 sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committees and Officers
- 21.3 The Act itself creates a presumption that applications will be granted unless a Relevant Representation (objection) is raised. Where a function is delegated to an officer, that officer will be responsible for liaising between the applicants, objectors and Responsible Authorities to ensure that any licence granted is subject to any appropriately agreed conditions and relevant mandatory conditions
- 21.4 Where objections are made, an officer of the Licensing Authority may liaise with the Applicant, objectors and the Responsible Authorities to see if agreement is possible to conditions which would overcome the objections, without the need for the matter to go before the Committee or Sub-Committee. Only where objections are raised which cannot be reconciled will matters be referred to either the Sub-Committee or the Full Committee for determination.
- 21.5 Contested Licensing Applications and Review Hearings are administrative in nature and the (Sub) Committee will ensure that any meetings are conducted as informally as possible. However, some degree of formality is needed to ensure that all parties receive a fair hearing. Procedural requirements will be established to ensure that all parties are able to express their views openly and fairly. The (Sub) Committee procedure is inquisitorial rather than adversarial and, whilst applicants, objectors and Responsible Authorities are entitled to bring legal representation with them if they wish, this is by no means a requirement or a necessity.
- 21.6 Whilst the (Sub) Committee usually meets in public, it does have the power to hear certain applications in private. The Committee, however, will always reach its decision in private. A public announcement of the decision is normally made at the end of the Hearing together with an outline of the reasons for that decision. However on occasion this may not be possible, due to time constraints and/or the complexity of the issues under consideration, in which case a written decision will be issued as soon as possible after the Hearing.
- 21.7 The procedure which will generally be used by the (Sub) Committee, unless the Chairman of the (Sub) Committee takes the view that natural justice and fairness require a change to be made to the process, is set out at Appendix 2.

22. Exclusions

- 22.1 In formulating this Statement of Licensing Policy in accordance with Guidance and recognising the need to treat each application on its individual merits the Licensing Authority makes specific exclusions, which are detailed below.

Commercial Demand

- 22.2 The commercial demand for additional premises licenses (as distinct from cumulative impact) will not be a matter for the Licensing Authority, such matters being a specific consideration for the Planning Authority.

Zoning and licensing hours

- 22.3 Fixed predetermined closing times for particular areas will not form part of the Policy and restriction on trading hours will be considered only where appropriate to meet Licensing Objectives.

Children

- 22.5 Nothing in this Statement of Policy shall limit or require access of children to premises unless there is an overriding necessity to prevent harm to children. Areas that will give rise to particular concern are highlighted elsewhere in this Policy.

Standardised conditions

- 22.6 The Policy does not provide for 'standard conditions' to be imposed so as to avoid the imposition of disproportionate and burdensome requirements. Conditions attached to licenses or certificates, if deemed appropriate in particular circumstances, will be tailored to reflect the individual operation of the premises in question. Conditions will not be imposed which are beyond the responsibility or control of the premises licence holder.

23. Consultation

- 23.1 In reviewing this Policy the Licensing Authority has consulted widely to ascertain an appropriate licensing framework for its area. Various bodies have been consulted including:
- Cheshire Constabulary
 - Cheshire Fire and Rescue Service
 - Cheshire East Health and Wellbeing Board
 - Current licence holders
 - Representatives of the local licensing trade

- Representatives of local businesses and residents
- Community Safety Partnership and Event Safety Advisory Group
- Borough Councillors
- Parish and Town Councils
- Macclesfield Charter Trustees
- Council Officers

24. Changes to Legislation

24.1 This Statement of Licensing Principles reflects the law in force in June 2013. The following are some of the main changes which are currently proposed:

- An authorisation for an indoor sporting event or a performance of a play or dance may be required only when the audience exceeds a specified number (1000 for an indoor sporting event and 500 for the performance of a play or dance) or the entertainment does not take place between 8am and 11 pm on any day
- It is intended that it will be made clear that a contest exhibition or display which combines boxing or wrestling with one or more martial arts (a 'combined fighting sport') is licensable under the Act as a boxing or wrestling entertainment rather than an indoor sporting event

24.1 As changes to legislation occur the Local Authority will implement them using the principles stated in this Statement.

25. Review of the Statement of Licensing Policy

25.1 The adoption of a revised Statement of Licensing Policy is reserved to Full Council. However if a review were necessary during the 5 year period for which the Policy is adopted this can be undertaken by the relevant Cabinet member and the Council's Licensing Committee which would make a recommendation to Council.

Table of delegations of licensing functions

Functions under the Licensing Act will be dealt with as follows:

Matter to be Dealt with	Full Committee	Sub-Committee	Officers
Application for Personal Licence		If a police objection	If no objections made
Application for Personal Licence with unspent convictions		All Cases	
Application for premises Licence/Club Premises Certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation is made	If no relevant representation is made
Application to vary Premises Licence/Club Premises Certificate		If a relevant representation made	If no relevant representation made
Application to vary designated Personal Licence holder		If a police objection	All other cases
Request to be removed as designated Personal Licence Holder			All cases
Application of transfer of Premises Licence.		If a police objection	All other cases
Application for Interim Authorities		If a police objection	All other cases
Application to review Premises Licence/Club Premises Certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc			All cases
Decision to object when Local		All cases	

Matter to be Dealt with	Full Committee	Sub-Committee	Officers
Authority is a consultee and not a lead authority			
Determination of a relevant objection to a Temporary Event Notice		All cases	
Power to issue a Counter Notice in respect of a Temporary Event			All cases
Determination of a minor variation			All cases
Decision to exercise the Licensing Authority's powers as a Responsible Authority			All cases

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	Other Persons (who have made representations)	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	Other Persons (who have made representations)	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 they should be stating their objections.)
12	Committee Members	May ask <u>questions</u> of the Responsible Authorities represented at the meeting
13	Other Persons (who have made representations)	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	<p>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.</p> <p>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.</p>

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. Other Persons 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.

Mandatory Conditions

Mandatory conditions where licence authorises supply of alcohol

Where a premises licence authorises the supply of alcohol, the licence must include the following conditions:

1. No supply of alcohol may be made under the 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 the premises licence must be made or authorised by a person who holds a personal licence

Mandatory condition: exhibition of films

1. Where a premises licence or club premises certificate authorises the exhibition of films, the licence/certificate must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence/certificate, unless condition (3) (b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
3. Where
 - (a) the film classification body is not specified in the licence, or
 - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

Admission of children must be restricted in accordance with any recommendation made by that licensing authority

Mandatory condition: door supervision

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must:
 - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of that Act

Prohibited conditions: plays

1. In relation to a premises licence or club premises certificate which authorises the performance of plays, no condition may be attached to the licence as to the nature of the plays which may be performed, or the manner of performing plays, under the licence.

Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010

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. 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

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).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
4. 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. 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.
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.

Conditions 1- 3 and 5 do not apply where the Premises Licence authorises the sale and supply of alcohol only for consumption off the premises.

CHESHIRE EAST COUNCIL

REPORT TO: LICENSING ACT SUB-COMMITTEE

Date of Meeting:	Tuesday 18th March 2014 at 1.30pm
Report of:	Mrs N Cadman, Licensing Officer
Subject/Title:	Application to Vary a Premises Licence at The Shakespeare, 35 Beam Street, Nantwich, CW5 5NA

1.0 Report Summary

- 1.1 The report provides details of an application to vary a premises licence and the proposed operating schedule together with details of relevant representations received in relation to the application.

2.0 Recommendations

- 2.1 The Licensing Act Sub-Committee is requested to determine the application to vary a Premises Licence by Punch Taverns Plc in respect of:

The Shakespeare
35 Beam Street
Nantwich
Cheshire
CW5 5NA

- 2.2 The premises currently benefits from a Premises Licence issued on 24th October 2013 which is set out at appendix 2.
- 2.3 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. The licensing objectives are:
- (a) The prevention of crime and disorder
 - (b) Public safety
 - (c) The prevention of public nuisance
 - (d) The protection of children from harm
- 2.4 Members of the Licensing Sub-Committee are reminded that they may not exercise discretion in any case, merely because it considers it desirable to do so. Careful consideration should be given to application and relevant representations in light of the current and proposed operating schedules.
- 2.5 The Sub-Committee in respect of this application must have regard to the Guidance issued under Section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy.

- 2.6 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 and the Council's Constitution.

4.0 Wards Affected

- 4.1 Nantwich North & West

5.0 Local Ward Members

- 5.1 Cllr Penny Butterill
Cllr Arthur Moran

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.

- 6.2 Whilst having regard to the general principles within the Statement, Members may wish to consider the following:

6.2.1 Planning and need for Licensed Premises

4.1 When exercising its licensing functions the Licensing Authority will not be influenced by questions of need. The issue of whether or not there is a need for a particular premises is a commercial matter, which is not relevant to the Licensing Authority's considerations.

Commercial Demand

22.2 The commercial demand for additional premises licenses (as distinct from cumulative impact) will not be a matter for the Licensing Authority, such matters being a specific consideration for the Planning Authority.

- 6.2.2 The majority of representations relate to the Prevent of Public Nuisance Objective. The Licensing Authority sets out a paragraph 9 of its Statement of Licensing Policy how it will deal with representations under this objective.

- 6.2.3 The Statement of Licensing Policy also deals with issues of Anti-social behaviour at paragraph 6 and the Prevention of Crime and Disorder at paragraph 7.

- 6.3 Members should provide reason(s) for any decision taken and should set out they reasoning where they determine to depart in any way from the Policy or Guidance.

7.0 Financial Implications

7.1 Not applicable.

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 appropriate for the promotion of the licensing objectives. Section 18(4) provides that the authority may:

- (a) Grant the licence subject to the relevant mandatory conditions and conditions consistent with the operating schedule
- (b) Modify the application to such extent as the Authority considers appropriate for the promotion of the Licensing Objectives
- (c) Exclude from the scope of the licence any of the Licensable Activities to which the application relates
- (d) Refuse to specify a person in the licence as the Premises Supervisor
- (e) Reject the application.

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

8.3 Members are also reminded of the statutory obligation placed on the Local Authority under section 17 of the Crime and Disorder Act 1998 to through all of its various functions, and Licensing is one of those functions to do all that it can to prevent Crime and disorder, Anti-social Behaviour, behaviour adversely affecting the environment and re-offending.

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, received on the 3rd February 2014, is for the grant of a variation to a Premises Licence under section 34 of the Licensing Act 2003. The application was initially received on 17th January 2014, but was made invalid due to an error relating to the public notices.

10.2 The operating schedule indicates that the relevant licensable activities applied for extension of hours are:

- § Sale and supply of alcohol
- § Live Music
- § Recorded Music
- § Performance of Dance
- § Anything Similar to Music and Dance

§ Late Night Refreshment

The proposed variation is also for the plan of the premises to allow for structural alterations to the layout of the premises and to remove obsolete references to the provision of facilities for making music, facilities for dance and facilities for entertainment similar to music and dancing.

10.3 The hours applied for are as follows:

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

Sunday to Thursday 11.00hrs to 01.30hrs

Friday and Saturday 11.00hrs to 02.30hrs

Live and Recorded Music, Performance of Dance and anything of a similar description to Music and Dance (to take place indoors only)

Sunday to Thursday 11.00hrs to 01.30hrs

Friday and Saturday 11.00hrs to 02.30hrs

Late Night Refreshment (to take place indoors only)

Sunday to Thursday 23.00hrs to 01.30hrs

Friday and Saturday 23.00hrs to 02.30hrs

Hours Premises are Open to the Public

Sunday to Thursday 08.00hrs to 02.00hrs

Friday and Saturday 08.00hrs to 03.00hrs

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

10.5 Relevant Representations

Responsible Authorities:

10.6.1 The Police in their response state: The Police wish to make no representations.

10.6.2 The Environmental Health Officer in her response states that she is happy for the conditions of the existing Premises Licence to remain.

There were no responses from any of the other Responsible Authorities.

Other Persons:

10.6.4 The Council has received 7 written objections from local residents. Copies of these representations are attached as Appendices 3 - 9 of this report. The Council has also received a written representation from Nantwich Town Council, a copy of this is attached as Appendix 10 of this report.

11.0 Access to Information

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

Name: Mrs N Cadman

Designation: Licensing Officer

Tel No: 01270 685957

Email: nikki.cadman@cheshireeast.gov.uk

APPENDICES

Appendix 1 – Premises Licence application

Appendix 2 - Existing Premises Licence Summary, conditions and plan.

Appendix 3 – 9 Written objections from local residents

Appendix 10 – Written representation from Nantwich Town Council

Appendix 11 - Map of area

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APPENDIX 1 -

[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	Punch Taverns PLC

(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
348

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Shakespeare 35 Beam Street			
OUR REFERENCE: DA/27844/**/203303/JGC			
Post town	NANTWICH	Post code	CW5 5NA
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£17,500.00	

Part 2 – Applicant details

Daytime contact telephone number		01283 501600	
E-mail address (optional)			
Current postal address if different from premises address		Jubilee House Second Avenue	
Post Town	BURTON UPON TRENT	Postcode	DE14 2WF
Daytime contact telephone number	01283 501600	Daytime contact telephone number	01283 501600

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?

Upon completion of structural alterations

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

Structural alterations to the layout of the premises as per enclosed plan, including;

Remove sections of walls between existing bar area and areas currently marked as private on licensing plan, form new bar area.

Relocate kitchen area.

Form new female toilet area and disabled toilet in former kitchen area.

Form new pool area

Remove existing sections of fixed seating and install new fixed seating/booth seating

Realign bar serverly area to accommodate removal of section of interior wall.

Vary the hours for licensable activities (Live Music, Recorded Music, Performance of Dance, Anything similar to Music and Dance and Sale of Alcohol) to the following;

Monday	11.00 - 01.30
Tuesday	11.00 - 01.30
Wednesday	11.00 - 01.30
Thursday	11.00 - 01.30
Friday	11.00 - 02.30
Saturday	11.00 - 02.30
Sunday	11.00 - 01.30

Remove obsolete reference to provision of facilities for making music and facilities for dance and facilities similar to music and dancing.

Add late night refreshment to the premises licence for the following hours;

Monday	23.00 - 01.30
Tuesday	23.00 - 01.30
Wednesday	23.00 - 01.30
Thursday	23.00 - 01.30
Friday	23.00 - 02.30
Saturday	23.00 - 02.30
Sunday	23.00 - 01.30

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	Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Standard days and timings (please read guidance note 6)		Outdoors	<input type="checkbox"/>

Day	Start	Finish	Both	<input type="checkbox"/>
-----	-------	--------	------	--------------------------

Mon			Please give further details here (please read guidance note 3)	
-----	--	--	--	--

--	--	--

Tue		
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--	--	--

Wed			State any seasonal variations for performing plays (please read guidance note 4)

As per current licence

Thur		
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--	--	--

Fri			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)

Sat		
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As per current licence

--	--	--

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"/>

Day	Start	Finish	Both <input type="checkbox"/>
-----	-------	--------	-------------------------------

Mon			Please give further details here (please read guidance note 3)
-----	--	--	--

		As per current licence
--	--	------------------------

Tue		
-----	--	--

--	--

Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)
-----	--	--	--

--	--

As per current licence

Thur		
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--	--

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		
-----	--	--

--	--

As per current licence

Sun		
-----	--	--

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C

Indoor sporting events	Please give further details (please read guidance note 3)	
Standard days and timings (please read guidance note 6)	As per current licence	
Day	Start	Finish
Mon		
Tue		
Wed		
Thur		
Fri		
Sat		
Sun		

State any seasonal variations for indoor sporting events
(please read guidance note 4)

As per current licence

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)

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	
-----	-------	--------	--

Mon			Please give further details here (please read guidance note 3)

			As per current licence
--	--	--	------------------------

Tue			

--	--	--	--

Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)

			As per current licence
--	--	--	------------------------

Thur			

--	--	--	--

Fri			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)

--	--	--	--

Sat			As per current licence

--	--	--	--

Sun			

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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 checked="" type="checkbox"/>
		Outdoors <input type="checkbox"/>

Day	Start	Finish	Both <input type="checkbox"/>
-----	-------	--------	-------------------------------

Mon	11.00	01.30	<u>Please give further details here</u> (please read guidance note 3)

As per current licence

Tue	11.00	01.30
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Wed	11.00	01.30	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)

As per current licence

Thur	11.00	01.30
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Fri	11.00	02.30	<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)

As per current licence

Sat	11.00	02.30
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Sun	11.00	01.30
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F

Recorded music Standard days and timings (please read guidance note 6)	Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors <input checked="" type="checkbox"/>
			Outdoors <input type="checkbox"/>
			Both <input type="checkbox"/>
Day	Start	Finish	

Mon	11.00	01.30	Please give further details here (please read guidance note 3)
-----	-------	-------	--

			As per current licence
--	--	--	------------------------

Tue	11.00	01.30
-----	-------	-------

Wed	11.00	01.30	State any seasonal variations for the playing of recorded music (please read guidance note 4)
-----	-------	-------	---

			As per current licence
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Thur	11.00	01.30
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Fri	11.00	02.30	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)
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Sat	11.00	02.30	As per current licence
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Sun	11.00	01.30
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G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input checked="" type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish		
Mon	11.00	01.30	Please give further details here (please read guidance note 3)	
			As per current licence	
Tue	11.00	01.30		
Wed	11.00	01.30	State any seasonal variations for the performance of dance (please read guidance note 4)	
			As per current licence	
Thur	11.00	01.30		
Fri	11.00	02.30	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 (please read guidance note 5)	
Sat	11.00	02.30	As per current licence	
Sun	11.00	01.30		

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)	Please give a description of the type of entertainment you will be providing As per current licence
--	--

Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input checked="" type="checkbox"/>	Outdoors <input type="checkbox"/>	Both <input type="checkbox"/>
Mon	11.00	01.30				

Tue	11.00	01.30	Please give further details here (please read guidance note 3)			
			As per current licence			
Wed	11.00	01.30				

Thur	11.00	01.30	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)			
Fri	11.00	02.30	As per current licence			

Sat	11.00	02.30	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 (please read guidance note 5)			
Sun	11.00	01.30	As per current licence			

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input checked="" type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish		
Mon	23.00	01.30	Please give further details here (please read guidance note 3)	
			As per current licence	
Tue	23.00	01.30		
Wed	23.00	01.30	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)	
			As per current licence	
Thur	23.00	01.30		
Fri	23.00	02.30	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 (please read guidance note 5)	
Sat	23.00	02.30	As per current licence	
Sun	23.00	01.30		

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) As per current licence	On the premises <input type="checkbox"/>
		Off the premises <input type="checkbox"/>

Day	Start	Finish	Both <input checked="" type="checkbox"/>
-----	-------	--------	--

Mon	11.00	01.30	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4) As per current licence

Tue	11.00	01.30
-----	-------	-------

--	--	--

Wed	11.00	01.30
-----	-------	-------

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Thur	11.00	01.30	<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	11.00	02.30
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Sat	11.00	02.30
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Sun	11.00	01.30
-----	-------	-------

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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).

AWP machines

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4) As per current licence
Day	Start	Finish	
Mon	08.00	02.00	
Tue	08.00	02.00	
Wed	08.00	02.00	
Thur	08.00	02.00	<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)
Fri	08.00	03.00	As per current licence
Sat	08.00	03.00	
Sun	08.00	02.00	

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.

Remove obsolete reference to provision of facilities for making music and facilities for dance and facilities similar to music and dancing.

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.

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)

As per existing premises licence

b) The prevention of crime and disorder

As per existing premises licence

c) Public safety

As per existing premises licence

d) The prevention of public nuisance

As per existing premises licence

e) The protection of children from harm

As per existing premises licence

Checklist:

Please tick to indicate agreement

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

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	
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Date	16 January 2014
------	-----------------

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

Ford & Warren Solicitors
Westgate Point
Westgate

Our ref: DA/27844/203303/JGC

Post town	LEEDS	Post code	LS1 2AX
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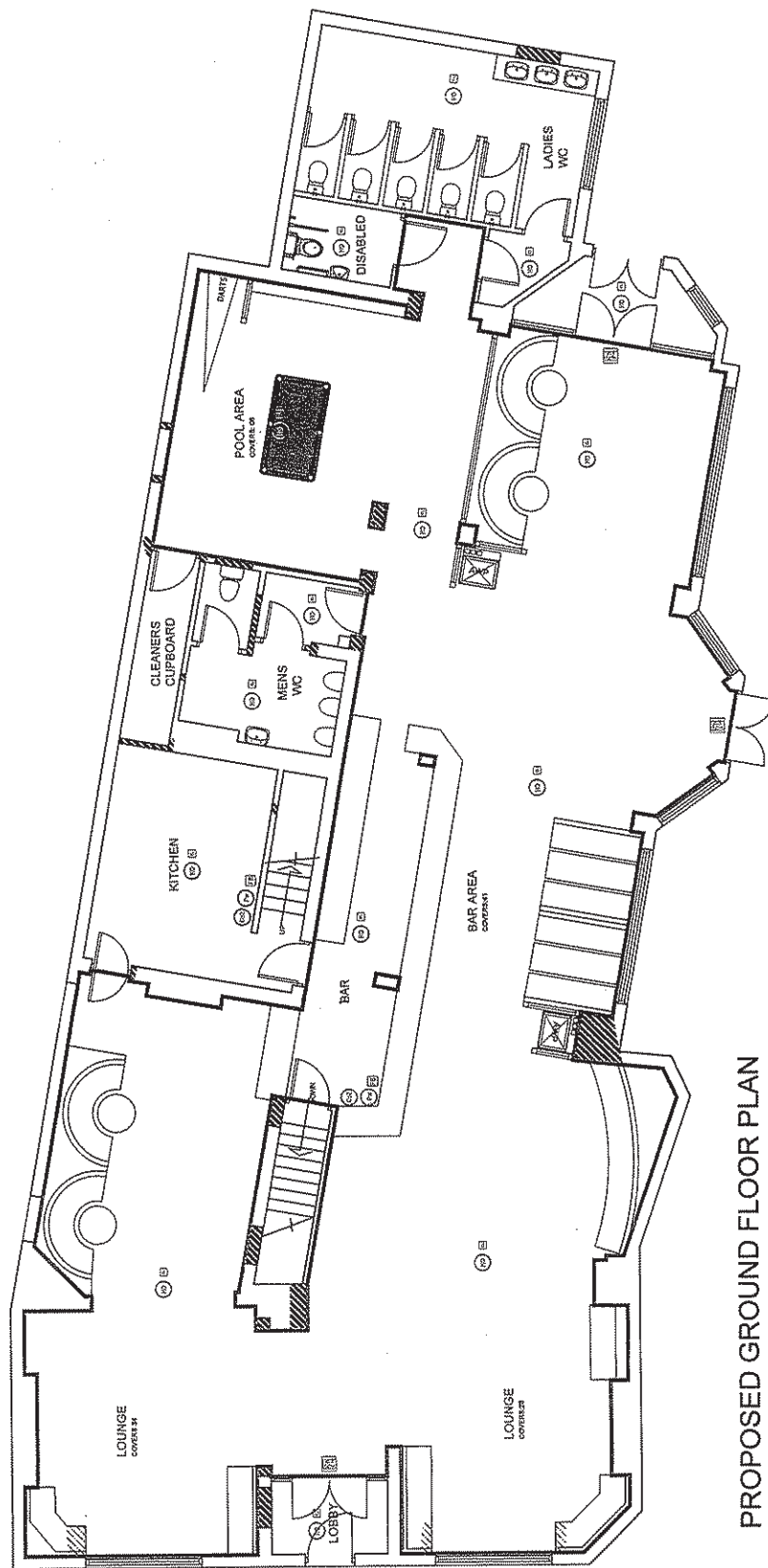
Telephone number (if any)	0113 243 6601
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If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

















clientmail@forwarn.com

SCHEMATIC NOTES

1. Cut back F/S
2. Block up ex. opening.
3. Remove section of wall.
4. Remove section of wall.
5. Extend Bar and allow for new section of Bar to the lounge area.
6. New Back Bar.
7. Remove existing fixed seating.
8. New Double swing door.
9. New Drinks Shelf with high stools.
10. Remove existing raised areas.
11. New Dart Board and Screen.
12. Upgrade existing fireplace.
13. Install new curved section of fixed seating at posaur height.
14. New booth seats.
15. New curved booths with screens.
16. Genis:
 - Create new access into genis with a new lobby area
 - New Cubicle
 - Overtile walls
 - New Floor Tiles
 - New WHB & WC
 - New Lighting & Ventilation & PIR sensor.
 - New Ladies.
 - New walls Tiles
 - New Floor Tiles
 - New Vanity & 3no. WHB
 - New Sanitaryware.
 - New Sanitaryware.
 - New Lighting & Ventilation & PIR sensor.
 - New Disabled Toilet:
 - Decorate.
 - New Lighting & Ventilation & PIR sensor.
 - New Alarm.
 - New Wall Tiles
 - Full Internal Dec's.
 - Works as scheduled in the R4B.
21. Full external Decorations.
22. New Signage/Lighting.
23. New Pool Room.
24. Retain existing lobby area.
25. New Lobby Area.
26. New Fixed seating.
27. Remove existing wall.
28. Remove existing staircase.
29. New Staircase enclosure/door/wall.
30. Move existing electrics and meters.
31. Allow for new Beam
32. New Doors
33. New cleaners cupboard
34. New Screen
35. Stud out wall.
36. Allow for new England 1965 world cup wallpaper



PROPOSED GROUND FLOOR PLAN

<p>110002</p> <p>AREA FOR TENSILE ACTIVITIES</p> 	<p>110003</p> <p>AREA FOR TENSILE ACTIVITIES</p> 	<p>110004</p> <p>AREA FOR TENSILE ACTIVITIES</p> 	<p>110005</p> <p>AREA FOR TENSILE ACTIVITIES</p> 
<p>110006</p> <p>AREA FOR TENSILE ACTIVITIES</p> 	<p>110007</p> <p>AREA FOR TENSILE ACTIVITIES</p> 	<p>110008</p> <p>AREA FOR TENSILE ACTIVITIES</p> 	<p>110009</p> <p>AREA FOR TENSILE ACTIVITIES</p> 
<p>110010</p> <p>AREA FOR TENSILE ACTIVITIES</p> 	<p>110011</p> <p>AREA FOR TENSILE ACTIVITIES</p> 	<p>110012</p> <p>AREA FOR TENSILE ACTIVITIES</p> 	<p>110013</p> <p>AREA FOR TENSILE ACTIVITIES</p> 
<p>110014</p> <p>AREA FOR TENSILE ACTIVITIES</p> 	<p>110015</p> <p>AREA FOR TENSILE ACTIVITIES</p> 	<p>110016</p> <p>AREA FOR TENSILE ACTIVITIES</p> 	<p>110017</p> <p>AREA FOR TENSILE ACTIVITIES</p> 



PREMISES LICENCE SUMMARY

Premises licence number	348
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Premises details

Postal address of premises, or if none, ordnance survey map reference or description			
The Shakespeare 35 Beam Street			
Post town	Nantwich	Post code	CW5 5NA
Telephone number	01270 610550		

Where the licence is time limited the dates
Not applicable

Licensable activities authorised by the licence
Sale by retail of alcohol Provision of regulated entertainment

The times the licence authorises the carrying out of licensable activities			
Monday)	Please see tables on page 3	
Tuesday)		
Wednesday)		
Thursday)		
Friday)		
Saturday)		
Sunday)		

The opening hours of the premises			
Monday	08:00	to	02:00
Tuesday	08:00	to	02:00
Wednesday	08:00	to	02:00
Thursday	08:00	to	02:00
Friday	08:00	to	03:00
Saturday	08:00	to	03:00
Sunday	08:00	to	02:00

Where the licence authorises supplies of alcohol whether these are on and/or off supplies
On and off

Name, (registered) address of holder of the premises licence

Punch Taverns Plc
Jubilee House
Second Avenue
Burton upon Trent
Staffs
DE14 2WF

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

03752645

Name of designated premises supervisor where the premises licence authorises the supply of alcohol

Clive Saunders Webb

State whether access to the premises by children is restricted or prohibited

No unaccompanied children under 16 are allowed in premises licensed to sell alcohol for consumption on the premises.

Accompanied children will be allowed access to licensed premises where alcohol is sold for consumption on the premises - subject to the Personal licence holder's discretion.

Issued: 24th October 2013

Nikki Cadman

Mrs N Cadman
On behalf of Cheshire East Borough Council

The times the licence authorises the carrying out of licensable activities

Regulated entertainment - indoors			
Monday	12:00	to	01:00
Tuesday	12:00	to	01:00
Wednesday	12:00	to	01:00
Thursday	12:00	to	01:00
Friday	12:00	to	02:00
Saturday	12:00	to	02:00
Sunday	12:00	to	01:00

Sale of alcohol			
Monday	11:00	to	01:00
Tuesday	11:00	to	01:00
Wednesday	11:00	to	01:00
Thursday	11:00	to	01:00
Friday	11:00	to	02:00
Saturday	11:00	to	02:00
Sunday	11:00	to	01:00

Non standard timings	
Normal start time on New Year's Eve to normal start time on New Year's Day.	
Extended to 02:00 (licensable activities) and 03:00 (opening hours) on each Sunday of a Bank Holiday weekend and on St David's Day, St Patrick's Day, St George's Day and St Andrew's Day.	

A	Plays			
	Will the performance of a play take place indoors or outdoors or both.		Indoors	
			Outdoors	
			Both	
Day	Start	Finish	Details	
Mon				
Tue				
Wed			Seasonal variations	
Thur				
Fri			Non standard timings	
Sat				
Sun				

B	Films			
	Will the exhibition of a film take place indoors or outdoors or both.		Indoors	
			Outdoors	
			Both	
Day	Start	Finish	Details	
Mon				
Tue				
Wed			Seasonal variations	
Thur				
Fri			Non standard timings	
Sat				
Sun				

C		Indoor sporting events	
Day	Start	Finish	Details
Mon			
Tue			
Wed			Seasonal variations
Thur			
Fri			
			Non standard timings
Sat			
Sun			

D		Boxing or wrestling entertainment	
		Will the boxing or wrestling entertainment take place indoors or outdoors or both.	Indoors
			Outdoors
			Both
Day	Start	Finish	Details
Mon			
Tue			
Wed			Seasonal variations
Thur			
Fri			
			Non standard timings
Sat			
Sun			

E	Live Music			
	Will the performance of live music take place indoors or outdoors or both.		Indoors	x
			Outdoors	
			Both	
Day	Start	Finish	Details	
Mon	12:00	01:00		
Tue	12:00	01:00		
Wed	12:00	01:00	Seasonal variations	
			12:00 New Year's Eve to normal start time on New Year's Day.	
Thur	12:00	01:00		
Fri	12:00	02:00	Non standard timings	
			Extended to 02:00 on each Sunday of a Bank Holiday weekend and on St David's Day, St Patrick's Day, St George's Day and St Andrew's Day.	
Sat	12:00	02:00		
Sun	12:00	01:00		

F	Recorded music			
	Will the playing of recorded music take place indoors or outdoors or both.		Indoors	x
			Outdoors	
			Both	
Day	Start	Finish	Details	
Mon	12:00	01:00		
Tue	12:00	01:00		
Wed	12:00	01:00	Seasonal variations	
			12:00 New Year's Eve to normal start time on New Year's Day.	
Thur	12:00	01:00		
Fri	12:00	02:00	Non standard timings	
			Extended to 02:00 on each Sunday of a Bank Holiday weekend and on St David's Day, St Patrick's Day, St George's Day and St Andrew's Day.	
Sat	12:00	02:00		
Sun	12:00	01:00		

G	Performances of dance			
	Will the performance of dance take place indoors or outdoors or both.		Indoors	x
			Outdoors	
			Both	
Day	Start	Finish	Details	
Mon	12:00	01:00		
Tue	12:00	01:00		
Wed	12:00	01:00	Seasonal variations	
			12:00 New Year's Eve to normal start time on New Year's Day.	
Thur	12:00	01:00		
Fri	12:00	02:00	Non standard timings	
Sat	12:00	02:00	Extended to 02:00 on each Sunday of a Bank Holiday weekend and on St David's Day, St Patrick's Day, St George's Day and St Andrew's Day.	
Sun	12:00	01:00		

H	Anything of a similar description to (E), (F) or (G)			
	Will this entertainment take place indoors or outdoors or both.		Indoors	x
			Outdoors	
			Both	
Day	Start	Finish	Details	
Mon	12:00	01:00		
Tue	12:00	01:00		
Wed	12:00	01:00	Seasonal variations	
			12:00 New Year's Eve to normal start time on New Year's Day.	
Thur	12:00	01:00		
Fri	12:00	02:00	Non standard timings	
Sat	12:00	02:00	Extended to 02:00 on each Sunday of a Bank Holiday weekend and on St David's Day, St Patrick's Day, St George's Day and St Andrew's Day.	
Sun	12:00	01:00		

I	Provision of facilities for making music			
	Will facilities for making music be indoors or outdoors or both.		Indoors	x
			Outdoors	
			Both	
Day	Start	Finish	Details	
Mon	12:00	01:00		
Tue	12:00	01:00		
Wed	12:00	01:00	Seasonal variations	
			12:00 New Year's Eve to normal start time on New Year's Day.	
Thur	12:00	01:00		
Fri	12:00	02:00	Non standard timings	
Sat	12:00	02:00	Extended to 02:00 on each Sunday of a Bank Holiday weekend and on St David's Day, St Patrick's Day, St George's Day and St Andrew's Day.	
Sun	12:00	01:00		

J	Provision of facilities for dancing			
	Will the facilities for dancing be indoors or outdoors or both.		Indoors	x
			Outdoors	
			Both	
Day	Start	Finish	Details	
Mon	12:00	01:00		
Tue	12:00	01:00		
Wed	12:00	01:00	Seasonal variations	
			12:00 New Year's Eve to normal start time on New Year's Day.	
Thur	12:00	01:00		
Fri	12:00	02:00	Non standard timings	
Sat	12:00	02:00	Extended to 02:00 on each Sunday of a Bank Holiday weekend and on St David's Day, St Patrick's Day, St George's Day and St Andrew's Day.	
Sun	12:00	01:00		

K	Provision of facilities for entertainment of a similar description to that falling within (I) or (J)			
	Will the entertainment facility be indoors or outdoors or both.		Indoors	x
			Outdoors	
			Both	
Day	Start	Finish	Details	
Mon	12:00	01:00		
Tue	12:00	01:00		
Wed	12:00	01:00	Seasonal variations	
			12:00 New Year's Eve to normal start time on New Year's Day.	
Thur	12:00	01:00		
Fri	12:00	02:00	Non standard timings	
Sat	12:00	02:00	Extended to 02:00 on each Sunday of a Bank Holiday weekend and on St David's Day, St Patrick's Day, St George's Day and St Andrew's Day.	
Sun	12:00	01:00		

L	Late night refreshment			
	Will the provision of late night refreshment take place indoors or outdoors or both.		Indoors	
			Outdoors	
			Both	
Day	Start	Finish	Details	
Mon				
Tue				
Wed			Seasonal variations	
Thur				
Fri			Non standard timings	
Sat				
Sun				

M	Supply of alcohol			
	Will the supply of alcohol be for consumption		On the premises	
			Off the premises	
			Both	x
Day	Start	Finish	Details	
Mon	11:00	01:00		
Tue	11:00	01:00		
Wed	11:00	01:00	Seasonal variations	
			11:00 New Year's Eve to normal start time on New Year's Day.	
Thur	11:00	01:00		
Fri	11:00	02:00	Non standard timings	
			Extended to 02:00 on each Sunday of a Bank Holiday weekend and on St David's Day, St Patrick's Day, St George's Day and St Andrew's Day.	
Sat	11:00	02:00		
Sun	11:00	01:00		

Hours premises are open to the public			
Day	Start	Finish	Seasonal variations:
Mon	08:00	02:00	08:00 New Year's Eve to normal start time on New Year's Day.
Tue	08:00	02:00	
Wed	08:00	02:00	Non standard timings: Extended to 03:00 on each Sunday of a Bank Holiday weekend and on St David's Day, St Patrick's Day, St George's Day and St Andrew's Day.
Thur	08:00	02:00	
Fri	08:00	03:00	
Sat	08:00	03:00	
Sun	08:00	02:00	

Annex 1 - Mandatory conditions

1. No supply of alcohol may be made under the 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/her Personal licence is suspended.
2. Every supply of alcohol under the Premises licence must be made or authorised by a person who holds a Personal licence.

Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010
The following conditions became effective on 06 April 2010:

3. The responsible person shall take all reasonable steps to ensure that staff do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

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 price 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 Licensing 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 the 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;

(Continued on page 4)

- 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.
- 4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that person is unable to drink without assistance by reason of a disability).
- 5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

The following conditions became effective on 01 October 2010:

- 6.
 - a) The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - b) 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.
- 7. 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: half 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 Operating Schedule

- 1. The capacity of the premises is restricted as follows:

Bar area	75 persons
Lounge	225 persons
- 2. No person shall be admitted or re-admitted to the premises after 01:00.
- 3. The Designated Premises Supervisor will regularly attend local Pubwatch meetings.

4. The Premises Licence Holder will ensure that a comprehensive risk assessment is conducted, at intervals of not more than 31 days, into the need for door supervisors to be on duty at the premises. This risk assessment will be recorded in writing, produced to a constable on request, and a copy retained at the premises for a period of at least 6 months from the date of the assessment
5. Anyone who appears to be under 18 must produce ID or a proof of age card.

IMPORTANT

Please see additional conditions on page 13

Annex 3 - Conditions attached after a hearing by the licensing authority

1. The licence holder or his representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a nuisance to local residents. 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.
2. All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency.
3. There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly.
4. The beer garden/outdoor drinking area shall be closed to patrons by 23:00.
5. All doors other than the front door onto Beam Street (which is lobbied) shall be kept closed after 23:00.
6. Refuse such as bottles shall be disposed of from the premises at a time, i.e. between 08:00 and 20:00, when it is not likely to cause a disturbance to residents in the vicinity of the premises.

IMPORTANT

Please see additional conditions on page 5

Annex 4 - Plans

Drawing no: P5/ 1 / 05
Dated 25th April 2005

29th January 2014

FOR THE ATTENTION OF THE LICENSING SECTION

Re:- Shakespeare, Beam Street, Nantwich

Dear Sir / Madam

I was horrified to learn today that the Shakespeare Public House on Beam Street, Nantwich has applied for a Variation of their Premises License with a view to extending its trading hours.

We are more than happy for the Shakespeare to have alterations carried out to enable it to re-open in the near future, however, we are strongly object against the extension of its licensing hours. Nantwich is a historical market town which enjoys farmers markets and battle re-enactments and such like. We do not need another night club type venue opening with loud live music which encourages an undesirable youth element into the town from Crewe and surrounding areas.

The Shakespeare is located in a residential area and is surrounded by flats, terraced houses and local businesses with residential accommodation above them. We too live above our business located approx 50 yards from this venue and also have a B&B business with 4 letting rooms. The noise from the Shakespeare was bad enough but if it was to be extended until 2.30am, this would be totally unacceptable and would have a direct impact on our business. This is not a city centre venue where this could be tolerated.

The Shakespeare has always encouraged the younger drinker to the town and it is common knowledge that throughout Punch Tavern's ownership of the Shakespeare, the local residents have been shown no consideration whatsoever and have had to endure excessive noise and anti-social behavior. Loud music played by DJ's blasts from within the venue and from the rear beer garden, patrons shout and party without a thought for local residents nor are they discouraged. Litter of bottles and cigarette butts etc. litter the surrounding areas of the pub and can be there for days before being eventually cleaned up. Door staff have always been required even during week days due to the many fights that break out but even their presence does not seem to discourage under age drinking which the pub has become known for in recent years.

When the Shakespeare customers leave they are extremely drunk and very rowdy. We along with many others have been victims of damage done to our properties. Our very expensive leaded windows have been smashed and items stolen by drunken youths such as wooden benches, A-boards, hanging baskets and topiary balls etc all of which have been reported to the police. Residents of Nantwich have been subjected to Shakespeare customers urinating in public, smashing glasses and bottles across the road, regular breakouts of fighting and under age drinking. All of which we have personally witnessed. Behavior which I am sure you will agree is totally unacceptable in a residential area or any area for that matter.

We along with many of the local residents and businesses feel that extending the hours of the Shakespeare will have a direct negative impact on all parties and will also require a greater police presence to police it.

Nantwich does not need another late night venue. The young people which the venue attracts will merely drink more at home and come out later. The tax paying local residents and businesses should not have to pick up the tab for this one.

I hope you will take into account our objections when making your decision and refuse this application for extended licensing hours.

Yours Sincerely

CADMAN, Nikki

From:
Sent: 24 February 2014 12:02
To: CADMAN, Nikki
Subject: RE: SHAKESPEARE - 35 Beam Street, Nantwich

Your Ref - 029752

Dear Ms.Cadman

With regard to my letter of objection to the application for a premises licence variation for The Shakespeare, 35 Beam Street, Nantwich dated 29th January 2014, I would like to advise that my objections still carry and I wish them to be re-submitted for the Application re-start of the 3rd February 2014.

I trust you will ensure that my wishes are carried out.

Yours Sincerely

APPENDIX 4-

From: [redacted]
Sent: 22 February 2014 15:02
To: LICENSING (Cheshire East)
Subject: licensing application punch taverns, the Shakespeare, beam street, nantwich

dear sir/madam,

with reference to the above licence application we would like to object to this application most strongly.

we have read your 4 objectives for licences and would like to point out that:-

we feel that with the late opening hours it will promote crime and disorder in the immediate residential area.

we feel that public safety will be compromised as the car parking facilities are not sufficient, meaning that cars will be parked anywhere, safe or not, and that the flats opposite the pub on dog lane and also the residents in Thomas row will be at risk.

we feel again that the surrounding area will become a public nuisance NIGHTMARE, going from a lovely quiet area to a free for all, as the pub has an area at the rear which can be used for all sorts of criminal activities, drugs, drinking in the street, fighting etc . WHO IS GOING TO POLICE THIS AREA ON A DAILY BASIS SUNDAY TO THURSDAY UNTIL 1.30 IN THE MORNING AND FRIDAY AND SATURDAY UNTIL 2.30 IN THE MORNING.

we do not know if you have visited the area or not but the rear of the pub backs onto a childrens primary school. which is going to create a lot more traffic and could in turn cause a truly horrific accident involving a child (upon whose shoulders would the blame lie?)

so we feel that your 4 objectives have been met for refusing this licence application.

we would appreciate a meeting with you on site and published in the local press with regard to the above at your early convenience to hear your views on this matter.

RECEIVED

21 FEB 20

18.2.14

RE PUNCH TAVERNS

PROPOSED OPENING HOURS FOR

SHAKESPEARE PUB 35 BEAM STREET

NANTWICH

I would like to formally object to the proposed opening hours Sun to Thur 11~~pm~~ until 1.30am Fri to Sat 11 until 2.30am

The residents and myself have had problems before with the Shakespeare pub and its drinkers after closing at 12 o'clock pm with drunks shouting abuse outside our houses, damaging cars and property being sick and glasses thrown around and keeping us awake,

To have these hours of opening would be terrible i work as to
PTO

the majority of Thomas Row residents private rent and home owners, I am a single lady, with a grandson that needs sleep and will not tolerate these hours on our doorstep it is unacceptable to expect us to whilst we all work and would like to sleep at night

Yours faithfully

APPENDIX 5 -

17th February 2014

RE: Punch Taverns

The proposed new opening hours The Shakespere Pub, 35 Beam Street Nantwich

Dear sir/madam

I would like to formally object to the proposed new opening hours of Sunday to Thursday 11.00pm until 1.30am and Friday to Saturday 11.00pm until 2.30am.

The residents in Thomas Row and surrounding houses had extensive problems with the original opening hours of The Shakespere pub and its drinkers. The noise was horrendous at closing time (12 midnight) with drunks messing about, damaging cars and property, being sick and generally making a nuisance of themselves.

To allow this pub to be open later would be unbearable to myself, I am a single parent who works and have to get up for work in the mornings and my child has to go to school and therefore we both need to get a good nights sleep – not to be kept awake every night by music and drunks shouting.

Yours faithfully

CADMAN, Nikki

From: LICENSING (Cheshire East)
Sent: 03 February 2014 16:55
To: CADMAN, Nikki
Subject: FW: Opposition to The Shakespeare late license.

Amanda Hinton

Licensing Administrative Officer
Westfields
Middlewich Road
Sandbach
Cheshire
CW11 1HZ
0300 123 5015

From: [REDACTED]
Sent: 03 February 2014 16:54
To: LICENSING (Cheshire East)
Subject: Opposition to The Shakespeare late license.

Good afternoon,

I would like to share with you my concern regarding the application by the Shakespeare pub on Beam Street Nantwich.

They have applied to open until 01.30 Monday to Thursday and 02.30 on Friday and Saturday.

My worry is that there will be increased noise levels from both the building and it's guests which will be disturbing.

I also worry about the possibility of antisocial behaviour such as vomit, urine and violence which is associated with such late night venues.

Kind regards,

CADMAN, Nikki

Subject: FW: Application for Variation of Premises Licence - The Shakespeare, Nantwich

From:

Sent: 04 March 2014 10:56

To: CADMAN, Nikki

Subject: Re: Application for Variation of Premises Licence - The Shakespeare, Nantwich

Good morning,

Thank you for your email. My opposition to the variation of the licence still stands.

Kind regards,

CADMAN, Nikki

From: LICENSING (Cheshire East)
Sent: 27 February 2014 13:29
To: CADMAN, Nikki
Subject: FW: SHAKESPERE LATE LICENSE APPLICATION.

From:
Sent: 27 February 2014 13:18
To: LICENSING (Cheshire East)
Subject: SHAKESPERE LATE LICENSE APPLICATION.

I have lived at [redacted], Nantwich [redacted] for over 17 years, the property being sited approx 20 foot from the Shakespere Public Houses boundrey. We purchased the property in full knowledge that it was located close to a pub with opening hours approximately (11.00am – 11.00pm) which gives me plenty of time to sleep and NOT a LATE-NIGHT ENTERTAINMENT venue, which may only give me a few hours in the early hours to rest if this application is passed.

I have been friendly with all the Landlords\Managers over this period and often frequented the pub, so have no objection to reasonable opening hours.

More recently however when the last Landlord (who I spoke to often) started to close later at 11.30pm in mid-week and held "STUDENT NIGHT TUESDAYS" offering cheap Alco-pops etc and there was a marked increase in excessive noise, screaming, fights, vandalism, broken glass on Dog Lane (the only access road) etc,etc. ASK THE POLICE

These acts would mainly happen outside the pub, after after "Last Orders and Kicking out time" into the early hours on the adjacent car park owned by the Pub, directly parallel with Thomas Row where we all live. The reason for this was THERE IS NO LATE NIGHT PUBLIC TRANSPORT and late-night revellers were congregating waiting for taxi's and lifts etc. Please ask the Police how much of their inadequate reseources were spent responding to both complaints and helping casualties which inevitably comes with this late night opening\drinking.

I believe this late license extension application by Punch Taverns the owners of the property, is a attempt to make the Shakespere more desirable to a future manager, and any extension would increase drunkenness and anti social behavior and more bloody car doors slamming from taxis, which would inevitably happen even later and into the early hours of the morning.

I would like you to turn down this application because I believe I have my own human rights to being able to get a decent nights sleep between Midnight and 7.30am and also not to threatened when asking latenight revelers to keep the noise down. I have spoken to my neighbours (some elderly, some with young children, and shift workers) and all are 100% against any extension to the opening hours, in-fact some would be happy if the property was sold and never opened again as a pub, I am not in that particular camp however.

I hope this panel will see common sense and refuse the licence extension.. CLLR Jon Hopkin (who I've given up trying to contact) must understand he lives a fair walk from the Town Centre and cannot see and hear the after effects of the late night drinking culture starting to evolve in Nantwich, which he seems evidently to condone. The creation of employment and fair compitition is an absoloutly ridiculous case for approving a late license, what a few extra part-time temporary bar-staff and few hours extra for the bouncers and at what cost to Local A+E and the Police.

Please could you inform me of your decsion regarding this application as I don't understand the process of license laws and what process to follow, if the Late night license is passed. I have spoken to various Local Councillors who agree with my nieghbours and I on this issue as we may yet have to seek legal advice.

Please excuse my spelling and grammer, not to clever on computers, Many Thanks [redacted]

CADMAN, Nikki

From: LICENSING (Cheshire East)
Sent: 28 February 2014 12:52
To: CADMAN, Nikki
Subject: FW: Shakespeare pub Beam Street Nantwich CW5 5NA

-----Original Message-----

From:
Sent: 28 February 2014 12:48
To: LICENSING (Cheshire East)
Subject: Shakespeare pub Beam Street Nantwich CW5 5NA

With reference to the application in place for the Shakespeare pub premises in Beam street Nantwich, we would like to raise objections to this going ahead.

We live and work 50 yards from these premises, and are concerned regarding the disruption this licence will create.

We already are suffering from severe antisocial behaviour in the form of noise, litter, fighting, the use of our business premises as a toilet, and cleaning up vomit and urine from our windows and doors, our bins and cars are regularly interfered with, and this is only going to get much worse if a nightclub opens 2 doors away. Other local business's, our neighbours suffer from smashed windows, and used drug needles regularly at their premises. Our car park would be used for this nightclub which raises issues of safety, and criminal damage, as the police are already unable to keep Nantwich safe in the early hours of the morning. recently there has been a GBH attack outside Subway from the drunks, and this week the shops on Welsh row have had their windows smashed, from people leaving the other Punch tavern owned business.

Despite Beam street having local business's, which are all working hard to survive and bring more trade to the town, it is also a residential area, and our bedroom is 50 yards from these premises. The building was designed as a public house, not a nightclub that is open till the early hours, we know that if this application is successful, the reputation of the town will continue to deteriorate and be known even more as unsafe after dark. We urge you to consider public safety considerably in the town, and the effect on the other business, as we will have to relocate if this is successful.



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Nantwich Town Council

APPENDIX 10

RECEIVED
20 FEB 2014



Town Clerk:- Ian Hope
Tel -: 01270 619224
Fax -: 01270 619225
E-Mail -: nantwichtc@nantwichtowncouncil.gov.uk

Brookfield Hall
Shrewbridge Road
NANTWICH
Cheshire
CW5 7AD

Our Ref:- IHH/CEC Licensing
2013

23 February 2014

Dear Sirs,

Shakespeare, Beam Street, Nantwich

APPLICATION FOR A PREMISES LICENCE - LICENSING ACT 2003

- Permitted Regulated Entertainment and the Sale of Alcohol -
Sunday to Monday 11:00 to 01:30 and Friday to Saturday 11:00 to 02:30
- Late Night Refreshment –
Sunday to Monday 23:00 to 01:30 and Friday to Saturday 23:00 to 02:30
- Removal of obsolete conditions
- Structural alterations to the layout of the premises.

I write on behalf of Nantwich Town Council to make comment on the above application. The Town Council appreciates that the building is an existing public house and due consideration should be given to its ability to trade as effectively as any other similar establishment. The Town Council welcomes the application for a licence as evidence that the premises is to re-open.

Impact on the prevention of public nuisance.

The location of the public house and its proximity to residential property does however give rise to concern. The extension of the licence to 2.30am will result in late night departure from the premises giving rise to public nuisance and demonstrable harm to living conditions of nearby residents in School Lane and Dog Lane and it is suggested that an earlier closing time is more appropriate.

Yours faithfully

I H Hope

Ian Hope
Town Clerk

The Licensing Section,
Cheshire East Council,
Macclesfield Town Hall,
Market Place,
Macclesfield,
Cheshire SK10 1DS

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CHESHIRE EAST COUNCIL

REPORT TO: LICENSING ACT SUB-COMMITTEE

Date of Meeting:	Tuesday 18th March 2014 at 2.30pm
Report of:	Mrs N Cadman, Licensing Officer
Subject/Title:	Application for a Premises Licence at A & K E-Shops Ltd, 117a West Street, Crewe, CW1 3HH

1.0 Report Summary

- 1.1 The report provides details of an application for premises licence and the proposed operating schedule together with details of relevant representations received in relation to the application.

2.0 Recommendations

- 2.1 The Licensing Act Sub-Committee is requested to determine the application for a new Premises Licence by A & K E-Shops Ltd in respect of:

A & K E Shops Ltd
117a West Street
Crewe
CW1 3HH

- 2.2 The premises currently benefits from a Premises Licence issued on 5th November 2013 which is set out at Appendix 2. The existing Premises Licence authorises on-line sales only for delivery only.
- 2.3 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. The licensing objectives are:
- (a) The prevention of crime and disorder
 - (b) Public safety
 - (c) The prevention of public nuisance
 - (d) The protection of children from harm
- 2.4 Members of the Licensing Sub-Committee are reminded that they may not exercise discretion in any case, merely because it considers it desirable to do so. Careful consideration should be given to application and relevant representations in light of the current and proposed operating schedules.
- 2.5 The Sub-Committee in respect of this application must have regard to the Guidance issued under Section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy.

- 2.6 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 and the Council's Constitution.

4.0 Wards Affected

- 4.1 Crewe Central

5.0 Local Ward Members

- 5.1 Cllr Irene Faseyi

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.

- 6.2 Whilst having regard to the general principles within the Statement, Members may wish to consider the following:

6.2.1 Planning and need for Licensed Premises

4.1 When exercising its licensing functions the Licensing Authority will not be influenced by questions of need. The issue of whether or not there is a need for a particular premises is a commercial matter, which is not relevant to the Licensing Authority's considerations.

Commercial Demand

22.2 The commercial demand for additional premises licenses (as distinct from cumulative impact) will not be a matter for the Licensing Authority, such matters being a specific consideration for the Planning Authority.

- 6.2.2 The majority of representations relate to the Prevent of Public Nuisance Objective. The Licensing Authority sets out a paragraph 9 of its Statement of Licensing Policy how it will deal with representations under this objective.

- 6.2.3 The Statement of Licensing Policy also deals with issues of Anti-social behaviour at paragraph 6 and the Prevention of Crime and Disorder at paragraph 7.

- 6.3 Members should provide reason(s) for any decision taken and should set out they reasoning where they determine to depart in any way from the Policy or Guidance.

7.0 Financial Implications

7.1 Not applicable.

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 appropriate for the promotion of the licensing objectives. Section 18(4) provides that the authority may:

- (a) Grant the licence subject to the relevant mandatory conditions and conditions consistent with the operating schedule
- (b) Modify the application to such extent as the Authority considers appropriate for the promotion of the Licensing Objectives
- (c) Exclude from the scope of the licence any of the Licensable Activities to which the application relates
- (d) Refuse to specify a person in the licence as the Premises Supervisor
- (e) Reject the application.

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

8.3 Members are also reminded of the statutory obligation placed on the Local Authority under section 17 of the Crime and Disorder Act 1998 to through all of its various functions, and Licensing is one of those functions to do all that it can to prevent Crime and disorder, Anti-social Behaviour, behaviour adversely affecting the environment and re-offending.

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, received on the 30th January 2014, is for the grant of a Premises Licence under section 17 of the Licensing Act 2003. The application was initially received on 21st January 2014, but was made invalid due to an error relating to the public notice.

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

- § Sale and supply of alcohol
- § Late Night Refreshment

10.3 The hours applied for are as follows:

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

Monday to Sunday 17.00hrs to 06.00hrs

Late Night Refreshment (to take place both indoors and outdoors)

Monday to Sunday 23.00 to 06.00hrs

Hours Premises are Open to the Public

Monday to Sunday 17.00hrs to 06.00hrs

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

10.5 Relevant Representations

Responsible Authorities:

10.5.1 The Police in their response state: At 10:30am on Monday 10th February 2014, I met on site with, Mr Karol Paterek, the applicant for a Premises Licence at 117A West Street, Crewe, CW1 3HH. We discussed the application in some detail. Mr Paterek agreed to some changes to the application and also agreed to a number of conditions being attached to the premises licence, when issued, in order to promote the licensing objectives. You will note that I have copied Mr Paterek into this email and the detail is as follows:

Changes:

The application is to be amended so that alcohol may only be sold for consumption OFF the premises.

The plan is to be amended such that the hatch, through which sales will be made to people who actually call at the premises, will be located within the front door and an amended plan will follow.

Conditions:

(1) No members of the public will be allowed into the premises during trading hours.

(2) All sales made to people who visit the premises will be transacted through a hatch fitted to the front door on West Street.

(3) All alcohol sales made to people who visit the premises will be subjected to the Challenge 25 proof of age scheme.

(4) Deliveries of alcohol will only be made to either a residential or business address and never to a person in a public place.

(5) Alcohol deliveries will only take place within a 10 mile radius of the premises.

(4) Every on-line, internet or other electronic sale of alcohol must require the purchaser to declare that they are aged at least 18 years of age and identify that proof of age will be required at the point of delivery.

(6) At the point of delivery of alcohol a 'Challenge 25' standard proof of age check will be made and alcohol will never be left with a person aged less than 18 years of age.

(7) A CCTV system will be installed at the premises to the satisfaction of the police licensing officer and it will record images continuously whilst the premises are open to the public.

Please forward to me a copy of the new licence when issued and at this time it is Mr Paterek's intention to surrender his existing licence, which only allows deliveries, assuming the new one allows him to do what he intends.

10.5.2 The Environmental Health Officer wishes to approve the application with conditions.

The following conditions should be applied:

Prevention of Public Nuisance

In order to protect the interest of local residents and ensure that the licensing objective of public nuisance prevention is upheld: 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 to adjoining and adjacent residential properties, therefore:

1. No nuisance shall be caused by noise coming from the premises.
2. Customers shall only be served from the hatch located to the front of the shop on West Street.
3. There shall be notices located at the hatch requesting that customers leaving the premises do so quietly and with consideration to neighbours.

The applicant has agreed to the Police and Environmental Health Officer's conditions in writing. A revised plan of the premises has been submitted to show the new location of the serving hatch – see Appendix 3 of this report.

10.5.3 The Fire Officer states in his response: The issue from a Fire Service point of view is the compliance with the Fire safety Order 2005 which requires all licensed premises to hold a written fire risk assessment.

There were no responses from any of the other Responsible Authorities.

Other Persons:

10.5.4 The Council received 4 valid written objections from local residents and one from the local Ward Councillor Irene Faseyi, who is also a local resident. The persons who made valid written objections were made aware of the applicant's agreement with the Police and the Environmental Health Officer's

conditions. Following this, two of the objectors withdrew their objections. Copies of the remaining 3 letters of objections are attached as Appendices 4 - 6 of this report.

11.0 Access to Information

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

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

APPENDICES

- Appendix 1 – Premises Licence application form
- Appendix 2 - Existing Premises Licence
- Appendix 3 - Revised plan of premises
- Appendix 4 – 6 Written objections from local residents
- Appendix 7 – Map of area.



Application for a premises licence to be granted 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 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 (KAROL PATEREK) A+K E-SHOPS LIMITED (Insert name(s) of applicant) apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description <u>11A WEST STREET</u>	
Post town <u>CREWE</u>	Post code <u>CW1-3HH</u>

Telephone number at premises (if any)

Non domestic rateable value of premises

£ 3050

Part 2 – Applicant Details

Please state whether you are applying for a Premises Licence as:

- a) an individual or individuals*
- b) a person other than an individual*
 - i. as a limited company
 - ii. as a partnership
 - iii. as an unincorporated association or

Please tick ✓

- ☐ please complete section (A)
- ☒ please complete section (B)
- ☐ please complete section (B)
- ☐ please complete section (B)

- | | | |
|---|--------------------------|-----------------------------|
| iv. Other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) The proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) A health service body | <input type="checkbox"/> | please complete section (B) |
| g) A person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital | <input type="checkbox"/> | please complete section (B) |
| h) The chief officer of police of a police force in England and Wales. | <input type="checkbox"/> | please complete section (B) |

Please tick ✓

*If you are applying as a person described in (a) or (b) please confirm:

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a

- Statutory function; or
- A function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other title (for example, Rev) <input type="checkbox"/>
Surname		First names		
<input type="text"/>		<input type="text"/>		

Please tick ✓

I am 18 years old or over

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)Mr ☐Mrs ☐Miss ☐Ms ☐Other title
(for example, Rev) ☐

Surname

First names

Please tick ☒

I am 18 years old or over

☐Current postal address
if different from
premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	MR KAROL PATEREK	
Address	34 BROOKDALE PARK CREWE CHESHIRE CW2-7QZ	Ad K-E-Shops Limited.
Registered number (where applicable)	8680186.	
Description of applicant (for example, partnership, company, unincorporated association etc.)		
Telephone number (if any)		
E-mail address (optional)	ak.esshops@yahoo.co.uk.	

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
1	8	02
2	2	0
1	4	

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year

If 5000 or more people are expected to attend the premises at any one time, please state the number expected to attend

--

Please give a general description of the premises (please read guidance note 1)

IT IS ONE LEVEL PREMISES WITH TWO ENTRANCE, ONE FROM THE FRONT AND ONE AT THE BACK, THERE ARE THREE AREAS, IT IS CCTV INSIDE AND OUTSIDE, [2 CAMERAS INSIDE ONE OUTSIDE - FRONT, ONE OUTSIDE - BACK]

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	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri					
Sat			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)		
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of a films take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri					
Sat			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)		
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			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
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 entertainment 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	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed					
Thur					
Fri			State any seasonal variations for the boxing or wrestling entertainment (please read guidance note 4)		
Sat					
Sun					
			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)		

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	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur					
Fri					
Sat			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. (Please read guidance note 5)		
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri					
Sat			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)		
Sun					

G

Performance of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri					
Sat			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. (please read guidance note 5)		
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
			Will this entertainment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Thur					
Fri					
Sat			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. (please read guidance note 5)		
Sun					

Provision of facilities for making music Standard day and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing				
			Will the facilities for making music be indoors or outdoors or both – please tick (✓) (please read guidance note 2)	<table border="1"> <tr> <td>Indoors</td> <td></td> </tr> <tr> <td>Outdoors</td> <td></td> </tr> <tr> <td>Both</td> <td></td> </tr> </table>	Indoors		Outdoors
Indoors							
Outdoors							
Both							
Day	Start	Finish					
Mon			Please give further details here (please read guidance note 3)				
Tue							
Wed			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)				
Thur							
Fri			Non standard timings. Where you intend to use the premises for the provision of facilities for making music at different times to those listed in the column on the left, please list. (please read guidance note 5)				
Sat							
Sun							

J

Provision of facilities for dancing Standard days & timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
				Outdoors	
Day	Start	Finish			
Mon			Please give a description of the facilities for dancing you will be providing.		
Tue					
Wed			State any seasonal variations for providing dancing facilities (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sat					
Sun					

K

Provision of facilities for entertainment of a similar description to that falling within (i) or (j) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing	
			Will the entertainment facility be place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors
				Outdoors
				Both
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon				
Tue				
Wed				
Thur			State any seasonal variations for the provisions of facilities for entertainment of a similar description to that falling within (i) or (j) (please read guidance note 4)	
Fri				
Sat				
Sun				
			Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within (i) or (j) at different times to those listed in the column on the left, please list. (please read guidance note 5)	

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	
			Indoors	
			Outdoors	
			Both	✓
Day	Start	Finish	Please give further details here (please read guidance note 3) WE MAY HAVE A OVEN AND BAKE ROLLS, AND HEAT HOT-DOGS, HAMBURGERS	
Mon	17 ³⁰	6 ³⁰		
Tue	17 ³⁰	6 ³⁰		
Wed	17 ³⁰	6 ³⁰		
Thur	17 ³⁰	6 ³⁰	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)	
Fri	17 ³⁰	6 ³⁰		
Sat	17 ³⁰	6 ³⁰		
Sun	17 ³⁰	6 ³⁰		
			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. (please read guidance note 5)	

M

Sale of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption on or off the premises or both – please tick (✓) (please read guidance note 7)	On the premises	
				Off the premises	✓
Day	Start	Finish	State any seasonal variations for the sale of alcohol (please read guidance note 4)	Both	✗
Mon	17 ⁰⁰	6 ⁰⁰			
Tue	17 ⁰⁰	6 ⁰⁰	WE WILL SELL ALCOHOL ON-LINE OVER THE PHONE USING LAND LINE OR MOBILE WE GOING OPEN A "HATCH" LIKE ON PETROL STATION		
Wed	17 ⁰⁰	6 ⁰⁰			
Thur	17 ⁰⁰	6 ⁰⁰			
Fri	17 ⁰⁰	6 ⁰⁰	Non standard timings. Where you intend to use the premises for the sale of alcohol at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sat	17 ⁰⁰	6 ⁰⁰			
Sun	17 ⁰⁰	6 ⁰⁰			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name **MR THOMAS JACEK KUDZIA**

Address

Postcode

Personal licence number (if known) **10-02-944**

Issuing licensing authority (if known) **CHESHIRE EAST BOROUGH COUNCIL**

N

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)

EVERYONE MUST PROOF THEY IS LEAST 18 OR
OVER
TO BUY ALCOHOL,

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	17 ⁰⁰	6 ⁰⁰	Non standard timings. Where you intend to open the premises to be open to the public at different times from those listed in the column on the left, please list. (please read guidance note 5)
Tue	17 ⁰⁰	6 ⁰⁰	
Wed	17 ⁰⁰	6 ⁰⁰	
Thur	17 ⁰⁰	6 ⁰⁰	
Fri	17 ⁰⁰	6 ⁰⁰	
Sat	17 ⁰⁰	6 ⁰⁰	
Sun	17 ⁰⁰	6 ⁰⁰	

P

Describe the steps you intend to take to promote the four licensing objectives:

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

b) The prevention of crime and disorder

- DO NOT ARGUE WITH CUSTOMER
- DON'T SERVE DRUNK CUSTOMERS
- RECORD AND KEEP CCTV-CAMERAS

c) Public safety

PAY ATTENTION TO PEOPLE "DRUNK"
NOT ROSE PROBLEMS IF ANY THEN CONTACT
POLICE
DON'T SALE TO MINORS

d) The prevention of public nuisance

LIVE IN HARMONY WITH NEIGHBORS AND IN CASE
OF TROUBLES TO HELP EACH OTHERS

e) The protection of children from harm

KEEP CHILDREN OFF THE PREMISES
EDUCATE CHILDREN FROM ALCOHOL HARM,

Please tick ✓

- I have made or enclosed payment of the fee
- I have enclosed a plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the proposed premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO 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 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature

Date 21-01-2014

Capacity APPLICANT

For joint applications signature of 2nd applicant 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)

KAROL PATEREK

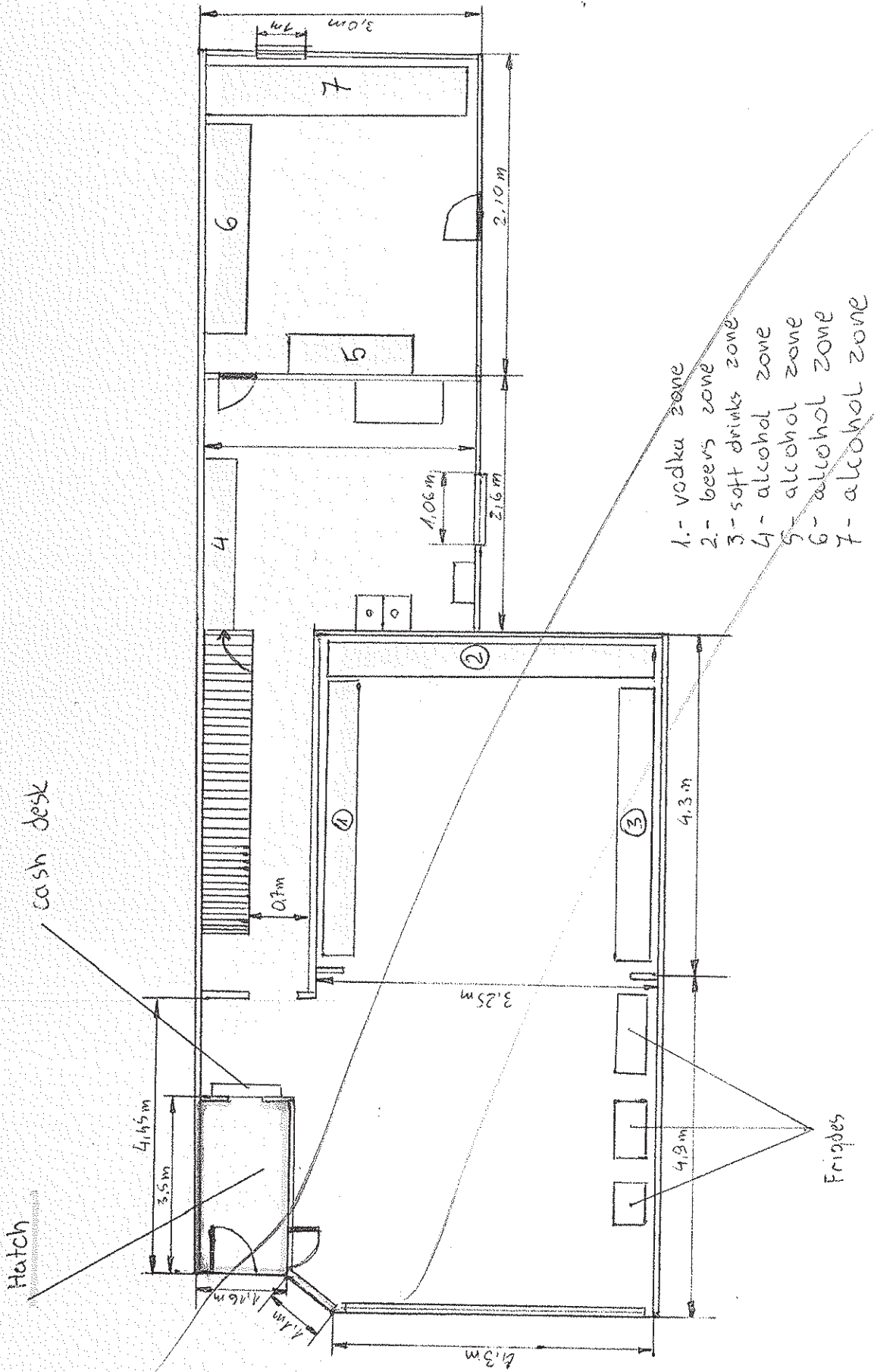
Post town CREWE

Post code CW2-7PZ

Telephone number (if any)

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

West street 117a



Premises Licence Summary**Premises Licence Number:****PREM 875****Premises Details**

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

A & K E-Shops Limited
117A West Street
Crewe

Post Town: Crewe

Post Code: CW1 3HH

Telephone Number: 01270

Where the Licence is time limited, the dates:

Not applicable

Licensable activities authorised by the Licence:

Sale and Supply of Alcohol
Late Night Refreshment

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

Sale and Supply of Alcohol

Monday to Sunday 17:00 hours to 06:00 hours

The sale of alcohol shall be for consumption off the premises

Late Night Refreshment

Monday to Sunday 17:00 to 06:00 hours

The provision of late night refreshment shall take place outdoors

The opening hours of the Premises:

Not known

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

The sale of alcohol shall be for consumption off the premises

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

Mr Karol Paterek
34 Brookdale Park
Crewe
Cheshire
CW2 7QZ

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

Not applicable

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

Mr Tomasz Jacek Kudzia

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

No

Licence Granted on 5th November 2013

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

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
 - (a) 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 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.

Annex 2 - Conditions consistent with the Operating Schedule

Prevention of Crime and Disorder

- (1) Sales of alcohol will only take place 'on-line', using the Internet Website of the business, and there will be no members of the public allowed into the premises.
- (2) Deliveries of alcohol will only be made to either a residential or business address and never to a person in a public place.
- (3) Alcohol deliveries will only take place within a 10 mile radius of the premises.

Prevention of Public Nuisance

- (4) No nuisance shall be caused by noise coming from the premises.
- (5) The loading of vehicles for late night/early morning deliveries shall take place from the front of the premises from 22.00 hours to 06.00 hours to avoid disturbing residents located to the rear of the premises.

Protection of Children from Harm

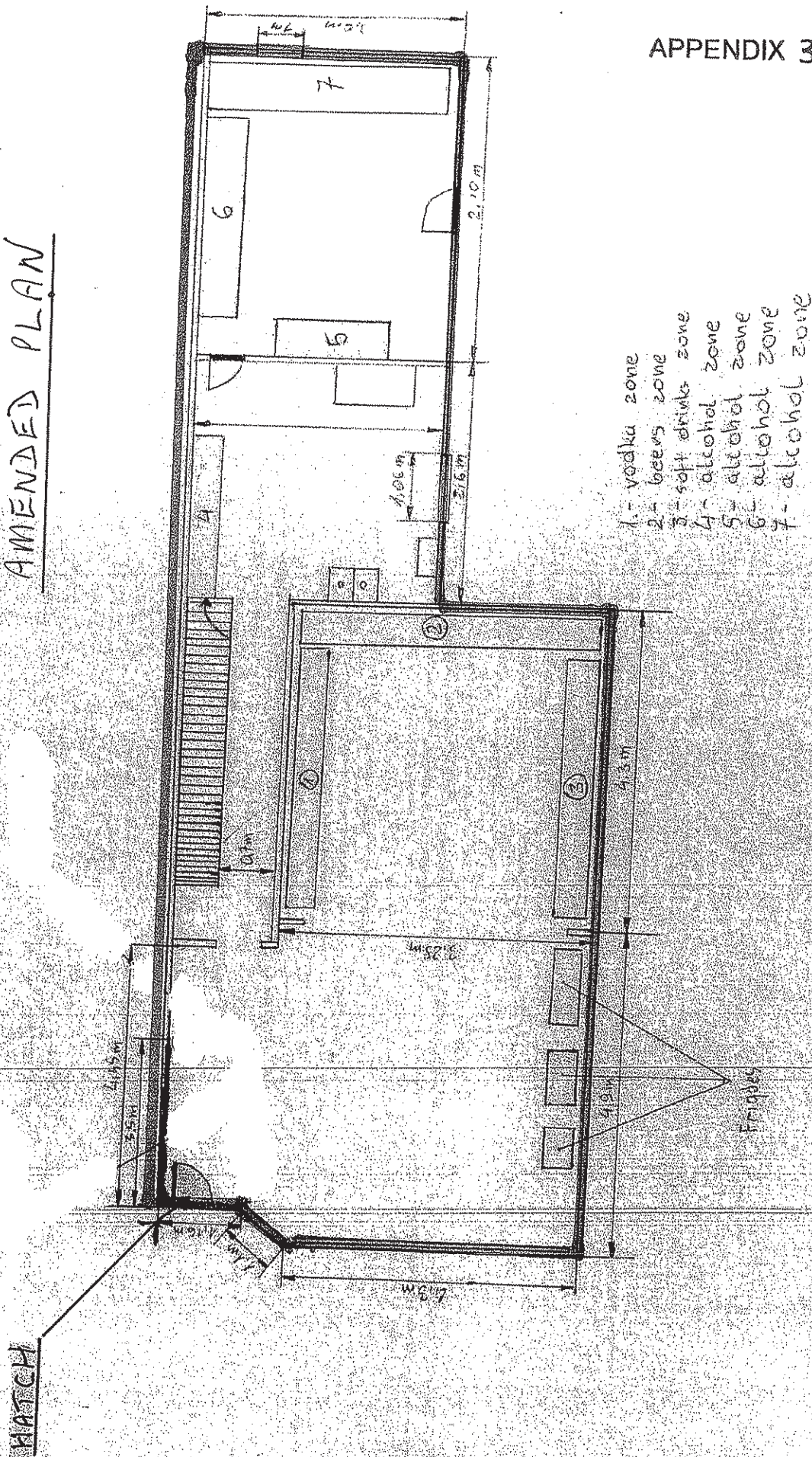
- (6) Every sale of alcohol must require the purchaser to declare that they are aged at least 18 years of age and identify that proof of age will be required at the point of delivery.
- (7) At the point of delivery of alcohol a 'Challenge 25' standard proof of age check will be made and alcohol will never be left with a person aged less than 18 years of age.

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

Not applicable.

APPENDIX 3

West street 117g
AMENDED PLAN



RECEIVED

19 FEB 2014

APPENDIX 4

Dear Sir or Madam,

I am writing to you with regards to the proposed opening of a 24 hour off-licence at A and AK Shops L.T.D. 117A West Street Crewe CW1 3HH. I am strongly opposing to the opening of a 24 hour off-licence especially the hours between 10pm and 7am, as i am a resident in the flats above, I have to be up at 4.30am in a morning to go to work and feel it would be inappropriate to have a 24 hour off-licence below the flats as the noise would disturb the residents, It is in my opinion it could encourage irresponsible drinking after the pubs are shut. I have lived on West Street for over 18 years and have seen a vast improvement to the street over the years; it would be a shame to see this ruined by having a 24 hour off-licence.

Yours sincerely

RECEIVED
25 FEB 2014

Dear Sir/Madam,

I am writing to you with regards to the proposed opening of a 24 hour off-licence at A and AK shops Ltd, 117A West Street, Crewe, CW1 3HH. I am strongly opposing to the opening of a 24 hour off-licence, especially between the hours of 10pm and 7am, as i am a resident in the flat above. I have to be up at 4.30am to go to work and feel it would be inappropriate to have a 24 hour off-licence below the flats as the noise would disturb the residents. It is in my opinion it could encourage irresponsible drinking after the pubs have closed. I have lived on West Street for over 15 years and have seen a vast improvement to the street over the years; it would be a shame to see this ruined by having a 24 hour off-licence.

Yours sincerely

24.02.2014

Licensing Section
C.E.C.
Westfields
Sandbach
CW11 1HZ

A & k E Shops, 117A West, Crewe
Late night refreshments Indoors and Outdoors for sale of alcohol from
23.00 – 06.00
17.00 – 0600

Dear Sirs

As the Local Ward Councillor for Crewe Central and a resident of Ford Lane (3 minutes walk) from A & KE Shops I want to register my objections to above request to operate from 23.00-06.00 hours for sale of alcohol on and off premises.

1. There are already 3 pubs, the White Lion, The Prince of Wales and The Brunel plus the West End Band Club all within 100 metres of above shop and on Fridays and Saturday nights there have been lots of noise and alcohol related fights and incidents necessitating the presence of Police.
2. Casson Street is the most visited street by the Police and is only a few metres away from A & KE Shops. I fear there will be more problems there with 24 hour alcohol.
3. Ford Lane is all residential houses with very young couples raising young children. The flats above the houses adjacent to A & KE Shop are occupied by families who will be deprived of quiet and rest at night.
4. Directly opposite the A & KE Shop is another Polish shop and the litter generated by this shop constitutes an eyesore and this will be confounded with another 12 hour drinking shop.
5. As the Local Councillor, I have received several verbal complaints of noise from residents and this will be exacerbated by licensing another 12 hour drinking shop.
6. Maybury Centre – a community centre used by Alcoholics Anonymous and Narcotics Anonymous on Tuesday, Wednesday and Thursday nights and the safety of these people will be in jeopardy with people drinking outdoors in A & KE all hours of the night.

I hope all the above will be taken into consideration when the committee sits.

Councillor Irene Faseyi
Crewe Central

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Surgey

10 Metres

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5

10

RAMSBOTTOM STREET

PEEL STREET

