

Licensing Act Sub-Committee

Agenda

Date:	Wednesday, 7th May, 2014
Time:	9.30 am
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 Cobbles Tea Room, 5 Church View, Holmes Chapel, Cheshire** (Pages 45 - 94)

To consider an Application to Vary a Premises Licence at The Cobbles Tea Room, 5 Church View, Holmes Chapel, Cheshire.

THERE ARE NO PART 2 ITEMS

For requests for further information

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

This page is intentionally left blank

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

Contents

1. Introduction
2. The aim of the Policy and Statutory Licensing Objectives
3. Matters within the control of the Licence Holder
4. Planning and need for Licensed Premises
5. Integrating Strategies
6. Anti-Social Behaviour
7. Prevention of Crime and Disorder
8. Public Safety
9. Prevention of Public Nuisance
10. Protection of Children from Harm
11. Cumulative Impact
12. Applications for New Grants and Variation of Existing Terms and Conditions
13. Temporary Events
14. Operating Schedule
15. Hours of Operation
16. Conditions
17. Enforcement and Review
18. Early Morning Alcohol Restriction Orders (EMRO's)
19. Late Night Levy
20. The Licensing Process
21. Delegation and Decision Making
22. Exclusions
23. Consultation
24. Changes to Legislation

Appendix 1 – Table of Delegations of Licensing Functions

Appendix 2 – Procedure at Hearings

Appendix 3 – Mandatory Conditions

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:	Wednesday 7th May 2014 at 9.30am
Report of:	Mrs N Cadman, Licensing Officer
Subject/Title:	Application to Vary a Premises Licence at The Cobbles Tea Room, 5 Church View, Holmes Chapel, Cheshire, CW4 7AG

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 Mrs Janet Hulley for The Cobbles Tea Room Ltd in respect of:

The Cobbles Tea Room
5 Church View
Holmes Chapel
Cheshire
CW4 7RG

- 2.2 The premises currently benefits from a Premises Licence issued on 17th April 2010 which is set out at appendix 1.
- 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 Dane Valley

5.0 Local Ward Members

- 5.1 Cllr Les Gilbert
Cllr Andrew Kolker

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.

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.

- 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 Consideration must also be given to the relevant sections of the Guidance issued under section 182 of the Licensing Act 2003.

6.4 Members should provide reason(s) for any decision taken and should set out their 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 14th March 2014, is for the variation of a Premises Licence under section 34 of the Licensing Act 2003.

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

- § Sale and supply of alcohol
- § Recorded Music

10.3 The hours applied for are as follows:

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

Monday to Saturday 11.30hrs to 22.00hrs

Sunday 11.30hrs to 15.00hrs

Recorded Music (to take place indoors only)

Monday to Saturday 08.30hrs to 23.00hrs

Sunday 11.00hrs to 16.00hrs

Hours Premises are Open to the Public

Monday to Saturday 08.30hrs to 23.00hrs

Sunday 11.00hrs to 16.00hrs

10.4 A copy of the application form is attached as Appendix 2.

10.5 Relevant Representations

Responsible Authorities:

10.5.1 The Police in their response state: Can I take this opportunity to acknowledge receipt of the following application and ask you to note the condition below agreed with the applicant: Premise application, Janet Hulley, The Cobbles Tearoom, 5 Church View, Holmes Chapel, CW4 7AG. Condition: The proof of age scheme 'Challenge 25' will be operated for all sales of alcohol. Please forward a copy of the Premises Licence at your convenience.

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

Other Persons:

10.5.3 The Council has received 5 written objections from local residents. Copies of these representations are attached as Appendices 3 - 7 of this report.

10.5.4 The Council has also received a letter of support from a local resident, a copy of this is attached as Appendix 8 of this report, and a petition in support of the application, a copy of this is attached as Appendix 9 of this report.

10.5.5 The Council has received a letter from the applicant to address some of the concerns raised in the representations and a copy of this is attached at 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 - Existing Premises Licence Summary with conditions and plan
Appendix 2 - The Application to Vary a Premises Licence
Appendix 3 - 7 written objections
Appendix 8 - Written support
Appendix 9 - Petition in support of the application
Appendix 10 - Applicant's letters to address objections
Appendix 11 - Map of area

This page is intentionally left blank

Part B**Premises Licence Summary**
Cheshire East Borough Council**Premises Licence Number**

LAPRE/0091/10

Part 1 – Premises Details**Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code**

Cobbles Tea Rooms
5 Church View
Holmes Chapel
Cheshire
CW4 7AG

Telephone number 01477 534027**Where the licence is time limited the dates**

17.04.2010 -

Licensable activities authorised by the licence

Recorded Music
Supply of Alcohol

Times the licence authorises the carrying out of licensable activities**Supply of Alcohol**

Monday To Saturday 11:30 – 17:00

Recorded Music

Monday To Saturday 08:30 – 17:00

The opening hours of the premises

Monday	08:30 - 17:00
Tuesday	08:30 - 17:00
Wednesday	08:30 - 17:00
Thursday	08:30 - 17:00
Friday	08:30 - 17:00
Saturday	08:30 - 17:00

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

Alcohol is supplied for consumption on the Premises

Name, (registered) address of holder of premises licence

Mrs Janet Hulley for
The Cobbles Tearoom Limited
5 Church View
Holmes Chapel
Crewe
Cheshire
CW4 7AG

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

6859053

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

Mrs Janet Hulley

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

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made under the premises licence: At times when there is no designated supervisor in respect of the licence, or at a time when the designated premises supervisor does not hold a personal licence, or their 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.

Annex 2 – Conditions consistent with the Operating Schedule

1. The proof of age scheme 'Challenge 21' will be operated for all sales of alcohol and the Premises Licence holder shall ensure all people making sales at the premises are to be trained in its operation. This requires that where the purchaser appears to be under 21 years of age the person making the sale must require the purchaser to produce photographic evidence that they are aged at least 18 years of age. This evidence shall be only a passport, photographic driving licence or 'PASS' approved proof of age card. Where a purchaser appears to be under 21 years of age a sale of alcohol shall not be made unless such evidence is produced.

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

None

Annex 4 – Plans

The Plan 0091/10 can be viewed at the Licensing Authority.

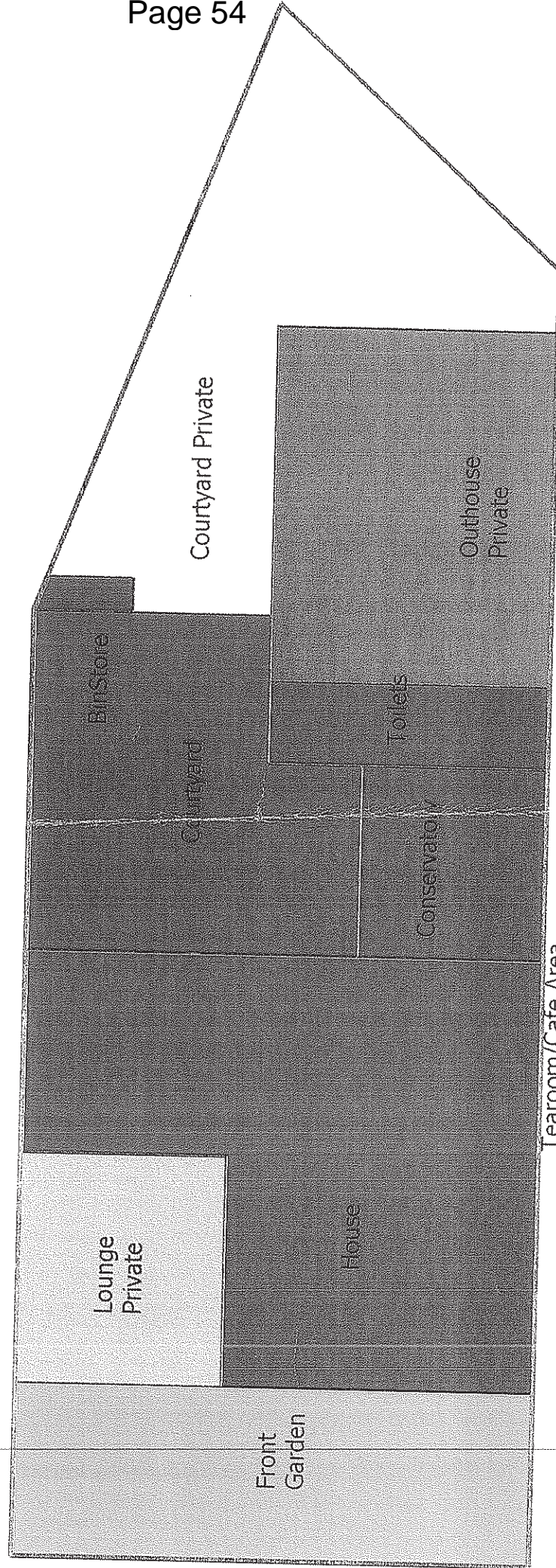
The Cobble Tearoom

5 Church View, Holmes Chapel

Application Reference

CHESHIRE-CO-93326

Scale 1 : 100



NO change to current
permises footprint / layout.



Cheshire East
Application to vary a premises licence
Licensing Act 2003

For help contact
licensing@cheshireeast.gov.uk
Telephone: 0300 123 5015

* required information

Section 1 of 17

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

janet hulley

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes

☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Janet

* Family name

Hulley

* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ Applying as a business or organisation, including as a sole trader

☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is your business registered in the UK with Companies House?

☒ Yes

☐ No

* Registration number

06859053

* Business name

The Cobbles Tearoom Ltd

If your business is registered, use its registered name.

* VAT number

-

none

Put "none" if you are not registered for VAT.

* Legal status

Private Limited Company

*Continued from previous page...** Your position in the business Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

* Building number or name * Street District * City or town County or administrative area * Postcode * Country **Section 2 of 17****APPLICATION DETAILS**

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

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description
Postal Address Of PremisesBuilding number or name Street District City or town County or administrative area Postcode Country **Premises Contact Details**Telephone number

Continued from previous page...

Non-domestic rateable
value of premises (£)

4,650

Section 3 of 17**VARIATION**Do you want the proposed
variation to have effect as
soon as possible?☒ Yes☐ NoDo you want the proposed variation to have effect in relation to the
introduction of the late night levy?☐ Yes☒ No

You do not have to pay a fee if the only
purpose of the variation for which you are
applying is to avoid becoming liable to the
late night levy.

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

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

My current licence allows for Mon - Sat 11.30 to 17.00, with opening hours from 08.30. I want to extend my hours to create a cafe/restaurant for early evening, which isn't part of a public house and will have a quiet/tranquill ambiance for diners to come and relax, have a glass or wine or a bottle beer. I feel this would be a positive addition to the amenities within the village. I am in the village centre and will rely, as I do now, on mainly local custom and customers who have walked into the village.

I am not a pub, I can only do bottled drinks or tea/coffee. The footprint of the business remains the same, just the opening hours will change. The maximum people the cafe can accommodate is approx 25 people at one time. Also with the changing nature of the village and with the strong possibility of Costa Coffee opening 50 yards opposite me, I need to change by opening hours and the facilities I can offer, to remain competitive and viable as a business.

I have spoken to Jenny in licensing prior to posting this application.

I already have a PRS music licence which I pay £370 per year.

Section 4 of 17**PROVISION OF PLAYS**

Will the schedule to provide plays be subject to change if this application to
vary is successful?

☐ Yes☒ No**Section 5 of 17****PROVISION OF FILMS**

Will the schedule to provide films be subject to change if this application to
vary is successful?

Continued from previous page...

☐ Yes☒ No**Section 6 of 17****PROVISION OF INDOOR SPORTING EVENTS**

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

☐ Yes☒ No**Section 7 of 17****PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

☐ Yes☒ No**Section 8 of 17****PROVISION OF LIVE MUSIC**

Will the schedule to provide live music be subject to change if this application to vary is successful?

☐ Yes☒ No**Section 9 of 17****PROVISION OF RECORDED MUSIC**

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

☒ Yes☐ No**Standard Days And Timings****MONDAY**Start End Start End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAYStart End Start End **WEDNESDAY**Start End Start End **THURSDAY**Start End Start End

Continued from previous page...

FRIDAY

Start 08:30

End 23:00

Start

End

SATURDAY

Start 08:30

End 23:00

Start

End

SUNDAY

Start 11:00

End 16:00

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

☒ Indoors

☐ Outdoors

☐ Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Playing of music from either an MP3 player or via a computer (spotify) through speakers. PRS Music license already in place at a cost of £370 per annum.

State any seasonal variations for playing recorded music.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

none

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

none

Section 10 of 17

PROVISION OF PERFORMANCES OF DANCE

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

☐ Yes

☒ No

Section 11 of 17

Continued from previous page...

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

☐ Yes☒ No**Section 12 of 17****PROVISION OF LATE NIGHT REFRESHMENT**

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

☒ Yes☐ No**Standard Days And Timings****MONDAY**Start End Start End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAYStart End Start End **WEDNESDAY**Start End Start End **THURSDAY**Start End Start End **FRIDAY**Start End Start End **SATURDAY**Start End Start End **SUNDAY**Start End Start End

Continued from previous page...

Will the provision of late night refreshment take place indoors or outdoors or both?

☐ Indoors ☐ Outdoors ☒ Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

There is an outside confined courtyard at the rear of the premises which is used in nice weather. No music outside.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 13 of 17

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

WEDNESDAY

Start 11:30

End 22:00

Start

End

THURSDAY

Start 11:30

End 22:00

Start

End

FRIDAY

Start 11:30

End 22:00

Start

End

SATURDAY

Start 11:30

End 22:00

Start

End

SUNDAY

Start 11:30

End 15:00

Start

End

Will the sale of alcohol be for consumption?

☒ On the premises
 ☐ Off the premises
 ☐ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 14 of 17

ADULT ENTERTAINMENT

Continued from previous page...

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

none

Section 15 of 17

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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

Extension to current allowed opening times

☐ I have enclosed the premises licence

☐ I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

I will photocopy and post separately

Section 16 of 17

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

If the club wishes members and their guests to be able to consume alcohol on the premises select on, if the club wishes people to be able to purchase alcohol to consume away from the premises select off. If the club wishes people to be able to do both select both.

on - Premises licence holder or designated licence holder on the premises at all times

b) The prevention of crime and disorder

We are not a pub, we will be serving alcohol via bottles or cans, ideally with food purchased. Management of alcohol served, full training of staff. Access to emergency numbers clear and accessible at all times for any member of staff. Excess stock storage securely away from the public, current stock in lockable display cabinet/fridges.

Continued from previous page...

c) Public safety

Premises kept in good order at all times, clean and tidy, good lighting. Management of alcohol served, full training of staff. Access to emergency numbers clear and accessible at all times for any member of staff. Steps and fire exits clearly marked. Compliant to food safety regulations. Wine and beer glasses to current safety specifications.

d) The prevention of public nuisance

Keeping music to a background minimum and inside at all times. Managing the public to behave in an orderly fashion, no shouting, loud behaviour etc

e) The protection of children from harm

Will ask for ID's (as we do now), young children not allowed to run about and must be with a responsible adult at all times. No young children allowed in the premises past an acceptable time (eg 21:00).

Section 17 of 17**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000-14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

190.00

ATTACHMENTS**AUTHORITY POSTAL ADDRESS**

Continued from previous page...

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

DECLARATION

* I/we understand 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.

☐ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

Date (dd/mm/yyyy)



Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/cheshire-east/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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

1 1/2
RECEIVED
4 APR 2014

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

2 April 2104

Your Ref: 030592

REF: APPLICATION FOR A VARIATION TO A PREMISES LICENCE (LICENSING ACT 2003)
Made by Janet Hulley, 'The Cobbles', Church View, Holmes Chapel, Crewe CW4 7AG

Dear Planning Team,

Thank you for the courtesy of your reply to my recent letter regarding the above. You advise that any representation made in respect of an application must be considered in the context of four statutory licensing objectives and, to be relevant, a representation must be based on evidence of our own experience rather than fear or speculation on our part.

You will remember that I made reference to our experience of the noise, secondary smoke pollution, and the sometimes anti-social behavior of customers using the smoking shelter within the 'The Red Lion's' beer garden adjacent to our property. Prior to planning permission and licensing variations being granted to 'The Red Lion', we had written to voice our concerns regarding the construction of a smoking shelter so near to our bedroom window.

On that occasion, it appears that our concerns were not taken into account with the consequence of us having had to subsequently contact the council on several occasions regarding excessive noise, bad language and the continued use of the area, often after midnight and, occasionally, as late as two or three in the morning – clearly licensing aberrations, contrary to the good intentions of simply providing a shelter for smokers; instead, confining a group of drinkers in an area where noise can be compounded.

You are now stating that we have to have suffered inconvenience and anti-social behavior emanating from establishments selling alcohol before any concerns can be taken in to account.

How planning has already been granted to allow a 'Tea Room' to open in a residential conservation area in the first place is a question in its own right. How these same premises have subsequently been granted a license to sell alcohol and play music and extend its remit to sell a full lunch and dinner menu is another. The Tea Room is now a fully licensed Restaurant proposing to open evenings and weekends. It has also opened its doors, although possibly covertly, on occasions to provide Sunday lunches and evening activities. Illuminated neon signs also flash periodically in the windows to announce the provision of food and alcohol within the 'Tea Room.'

Where alcohol is concerned, there is a question of public safety and the potential for public nuisance. Are you now saying that we have to wait for something untoward to happen before our voice will be heard? There is a vast difference between a Tea Room operating during restricted hours and a fully licensed restaurant opening late in to the evenings and at weekends. Boisterous merry-makers, fuelled by alcohol, are likely to be highly unpredictable as empirical evidence shows throughout our society and we fear that these potential revelers will prove noisy as they leave the establishment. There will inevitably be noise from both the pub and the Tea Room at closing time. At present, we can rarely go to bed before 11.30 until noise from the pub has abated.

Our concerns most certainly relate to at least two of the four criteria that you stipulate - Public Safety and Public Nuisance and I would ask you to reconsider our concerns *in advance* of any extension to licensing and opening hours being forced on the neighbouring residents where alcohol consumption could well cause anti-social behavior in a residential area. Who wants noise, vomit and urine on their doorstep? The pub wall is often as used as a urinal. No-one wants this to extend any further and there are no guarantees where alcohol is concerned.

Yours faithfully,

RECEIVED
4 APR 2014

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

Dear Sir

Re: The Cobbles, Church View, Holmes Chapel, Crewe, CW4 7AG

We would like to make representation (objection) against the application for variation of a premises licence at the above address.

We reside adjacent to the property in question at [redacted], & would wish to make this representation on the basis of this application is not withholding one of the key objectives of the Licensing Act 2003 which is to promote 'the prevention of public nuisance'.

The strength of this representation is based on three main criteria which are as follows:

1. Compliance with approved opening hours

The property at No5 Church View (The Cobbles) was originally granted planning permission on 2nd March 2009 (ref: 08/1913/COU) to change part of the use of the property to a 'tea room & ancillary gift shop'.

The trading hours for the 'tea room' were restricted to Mon-Sat 8.30-17.00. Clearly the current application for variation of a premises licence goes beyond the current approved opening/trading hours for the 'tea room', therefore we do not believe that this application can be considered further.

At no time has the applicant for this licence discussed the proposal to extend the trading hours for the provision of music & alcohol with ourselves as their adjoining neighbours, nor are we aware of any additional planning application to increase the hours or the change of use from a 'tea room'.

2. The property is located in a residential area

Church View is a residential area within Holmes Chapel which has an adjacent local parish church, domestic dwellings within the immediate vicinity & elderly flats to the rear (planning ref: 31140/3 decided on 16th August 1999).

The property in question (The Cobbles) is in fact a semi-detached residential property that has a party wall with [redacted], both of which have been residential dwellings for over 300 years.

If a licence was to be granted to vary the times of the provision of recorded music or the supply of alcohol to the criteria of this application then this will substantially increase the public nuisance & disruption within the vicinity & have a dramatic impact on the neighbouring residents, the current environment & the historical culture of the area.

We would also question the logic in granting any such licence to a semi-detached residential property which will create an extended public entertainment venue when it is clear that no consideration has been given to preventing the public nuisance element that it will create.

We do not believe we have been unreasonable to date & have not previously objected to the planning application (ref: 08/1913/COU) which has been granted to the current trading conditions. We have maintained a reasonable approach to allowing a business to be created but strongly believe that these new proposals go beyond what is considered to be reasonable in this area & will undoubtedly create increased public nuisance in the vicinity.

3. The property is in a conservation area

Church View is within the conservation area within Holmes Chapel

The properties within Church View are within the conservation area within Holmes Chapel. These properties are more than 300 years old & are of historical interest. The inclusion within a conservation area is to ensure 'extra planning controls & considerations are applied to protect the historic & architectural elements which make the place special'. Whilst it is acknowledge that the majority of these controls lie with the planning authority, we would expect that the licensing authority would be aware of these facts & apply special 'considerations' to ensure that the historical importance of these residential properties is maintained. This would include the limitation of opening/trading hours previously approved.

If you refer to the Parish Plan for Holmes Chapel it states that in reference to the properties within the conservation area they are 'keen to maintain the village as it is'. Any permission granted under the application referred to above will directly go against the objectives of the principles of a conservation area or the objectives of the Parish Plan.

We trust you will view the strength of the representation above in the appropriate manner in terms of maintaining the objectives of the licensing act & make the correct decision when considering the application in question

Yours faithfully

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

26th March 2014

Dear Sir

RE: **APPLICATION FOR A VARIATION TO A PREMISES LICENCE LICENSING ACT 2003**
The Cobbles, Church View, Holmes Chapel, Crewe CW4 7AG

I wish to make representation by strongly objecting **against** the above application for the following reasons:-

- a) This property is a semi detached property connecting to a residential house next door.
- b) It is situated in a residential row, with only a small alley dividing The Cobbles from the residential properties owned by myself, and there are also residential properties situated in close proximity to the rear of The Cobbles.
- c) The outdoor area to the rear of the property is adjacent to the outdoor area of residential properties either side of The Cobbles, which do not want extra noise etc at night time, especially in the summer evenings.
- d) There are no proper car parking facilities for this property, other than on a small road, where current residents of most of the properties on Church View park their vehicles.
- e) The property is situated in a conservation area.

I have no objection with the cafe business which is currently operating from The Cobbles at the present time as it is only operating during working and daytime hours. However, I am concerned that with the provision of alcohol, and also music, until 11.00 pm at night this will be very distressing for the current tenants of my property (some of whom are quite elderly) and residents of the other properties along this row of houses.

I am also concerned that it will devalue the properties belonging to myself and affect the likelihood of myself being able to let them easily in the future.

I do understand that there is The Olde Red Lion Public House close to the vicinity, however the entrance to this establishment is not adjacent to the residential area, and I believe that the Landlord of The Olde Red Lion does everything in his power in order to keep the disturbance to the local area at a minimum.

I would be grateful if you could please take the above points into consideration with regard to the **APPLICATION FOR A VARIATION TO A PREMISES LICENCE LICENSING ACT 2003 The Cobbles, Church View, Holmes Chapel, Crewe CW4 7AG**

The Licensing Section
Cheshire East Council
Macclesfield Town Hall
Market Place
Macclesfield
Cheshire
SK10 1DS
8th March 2014

Dear Sir/Madam

Representation in relation to application for a variation to a premises licence made by Janet Hulley on 14th March 2014 regarding The Cobbles, Church View, Holmes Chapel, CW4 7AG

I am writing to register my objection to the above application which seeks to vary the times of Provision of Recorded Music, Supply of Alcohol and hours the Premises (The Cobbles) are open to the Public, as set out in The Chronicle on 20th March 2014.

I am a close neighbour, with a property within [redacted] of The Cobbles. Varying the times of these activities is likely to increase nuisance caused by these activities, which will impact adversely on my quiet enjoyment of my own property.

I am particularly concerned by two key sources of nuisance -

1. Nuisance from the noise from music and people, especially when using the external seating area to the rear of The Cobbles, which is very close to my home.
2. Any increase in trading hours or change in the type of business which will bring additional vehicles to this area. The private parking provided for the residents of The Mews is already impacted upon by visitors to the rear of The Cobbles. Given the lack of public parking close to The Cobbles, I am concerned that there will be an increase in traffic and associated risk to the safety and quality of life of the elderly residents of The Mews, like myself, through patrons of The Cobbles seeking parking spaces

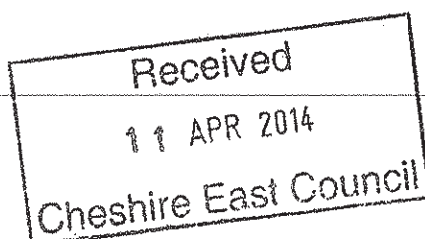
Whilst I appreciate the desire of the proprietors of The Cobbles to develop their business, of which I am very happy to be an occasional customer, I cannot support this application because it could be significantly detrimental to my quiet enjoyment of my own home, especially during the evenings.

The consumption of alcohol and playing of music should definitely be excluded from The Cobbles rear yard and no vehicular traffic related to The Cobbles' business could possibly be acceptable in the vehicular areas reserved for residents of The Mews.

I am already disturbed by noise from patrons of the car park of the Red Lion, which adjoins the rear boundary of The Mews, especially during the evening, and I am apprehensive about the extension of this type of disturbance close to my own front door and bedroom, just a [redacted] of The Cobbles. I am also concerned that there could be an increase in instances when my family, friends and carers visiting me are unable to park in my parking space, because visitors to The Cobbles have taken the parking space allocated to my property.

I do hope that this application will be refused.

Yours Faithfully



RECEIVED
4 APR 2014Licensing Section
Cheshire East CouncilObjection for extended opening
31 March 2014.

My objections for application for extended opening hours until 11pm and Sunday at The Cobbles Tearoom & Bed & Breakfast in Church View Holmes Chapel CW4 7AG are:-

Parking.

Parking in Church View has always been a problem. The residents in Church View are waiting to see if we have been allowed "Resident Parking Only" Cars parked until 11pm at night will cause more problems and residents unable to drive out by Barclays Bank as it gets blocked by people eating at the Cobbles.

Alcohol

We have had many problems over the past few years with late opening at the Red Lion. Noise, damage to cars, groups congregating round the back of the church. The Red Lion have now closed the back entrance to avoid the problems - It has proved to be very successful.
late night opening now at the other end.

will start the same thing again. As has been proved when "The Ebbles have opened in the evening.

My objections are. parking and alcohol served until 11pm. . opening all day in a quiet residential conservation area

SELFE, Vanessa

From: [redacted]
Sent: 07 April 2014 10:30
To: SELFE, Vanessa
Subject: Re: Application for a variation to a Premise Licence (Licencing Act 2003) for the Cobbles Team Room, 5 Church View, Holmes Chapel, Crewe, Cheshire, CW4 7AG

Re: Application for a variation to a Premise Licence (Licencing Act 2003) for the Cobbles Team Room, 5 Church View, Holmes Chapel, Crewe, Cheshire, CW4 7AG

Dear Vanessa,

I would like to take the opportunity to give a positive contribution to the aforementioned application.

I am a regular user of the Cobbles Tea Room and have been for some time. The tea room is a lovely environment with a low & pleasant ambience. Janet and Peter are outstanding Host's and have built an excellent and highly reputable community establishment.

I have attended two events where they have opened beyond their normal times with a Special Licence in place. (Quiz and Charity event).

Both events were attended by a more 'Civilized / mature' audience rather than a more rambunctious youthful audience that I would expect to see in the main local public houses.

I would very much like to see the Tea Room granted additional licenced hours (And let's not forget it is a tearoom, not a public house) as they host local community events which serve to benefit the residents of Holmes Chapel and charitable events. It is an establishment that supports and gives.

I for one would like the opportunity to attend more events at the tea room.

If I can give any additional support to this application or if you want any further information, then please do not hesitate to contact me.

Regards,

The Cobbles has applied to amend its premises license to include evening opening and Sunday Lunch.

Without positive approval and feedback from our Customers this may not happen.

If you are in agreement with the Variation to the Premises Licence please could you sign below, and add any comments as you wish.

Alternatively you can forward your comments to: (before 11th April 2014)

Vanessa Selfe, Licensing Team, Cheshire East Borough Council, Westfields, Middlewich Road, Sandbach, CW11 1HZ

Or email: Vanessa.Selfe@cheshireeast.gov.uk

Many thanks.

I/we are in **APPROVAL** of the application for a variation to a Premises Licence, Licensing Act 2003 for The Cobbles, 5 Church View, Holmes Chapel, Crewe, Cheshire CW4 7AG.

NAME	ADDRESS	COMMENTS
		See no reason for not opening on Sunday
		Sunday opening would be welcome to many - breakfast lunch
		Would love my Sunday Breakfast here.
		Visit every Saturday would like the option to choose SAT or Sunday
		Would be lovely to drive over for a Sunday lunch.

NAME	ADDRESS	COMMENTS
		WOULD LOVE OPTION OF EATING HERE ON A SUNDAY.
		Would love a choice, of eating here on a Sunday
		A WONDERFUL PLACE. BUT IT WOULD BE BETTER TO GET HERE ON A SUNDAY.
		SUNDAY'S WOULD BE PERFECT WHEN FAMILY COME OVER. THIS IS AN IDEAL PLACE TO COME
		would love to be able to eat here on a sunday!!
		An all-day breakfast on a Sunday would be ideal for a hangover.
		Don't be mean, let them open on sundays!!
		Would be nice to have options on a Sunday for the village.

NAME	ADDRESS	COMMENTS
		It would be nice to visit on a Sunday
		* It will be nice to have a Sunday lunch got ready for me.
		AN ALTERNATIVE OPTION ON SUNDAYS WOULD BE IDEAL FOR THE VILLAGE.
		A nice home cooked meal would be nice in the evening.
		Very pleasant & friendly.
		Very enjoyable.
		Great Place! Would love a drink
		FIRST VISIT & WOULD COME BACK ON A SUNDAY.
		It would provide a lovely option for refreshments on a Sunday.

NAME	ADDRESS	COMMENTS
		would be great to be able to Have Sunday lunch or come for an evening meal.
		would be wonderful to open. Snday would be able to bring Crocodon ^{the} in for lunch.
		would love a superb home cooked evening meal + Sunday lunch.
		Fantastic, just what the village needs
		great to be able to have a meal in a restaurant not a pub.
		Lovely Homey Atmosphere. would love Sunday lunch!
		would be a good addition to the village - very nice place & staff.
		would love to come and have lunch on a Sunday.
		Holmes Chapel needs this place open on a Sunday. the

NAME	ADDRESS	COMMENTS
		Fantastic home cooking in evenings for a meal with family
		have food here & would love opportunity to come on a Sun & evening in the village food idea.
		Good food
		Much needed in the village.
		Lovely food should be open all hours Brilliant staff Good food friendly atmosphere
		A Sunday option would be a great addition to the village.
		Great idea to open in the evenings and I come in after work and Sunday lunch would be fab!

NAME	ADDRESS	COMMENTS
		Would like to see the Cobbles Tea Room open on a Sunday!
		Would be lovely to open on a Sunday! Lovely friendly staff!
		Would be great to see a Sunday opening.
		Would love to see the Cobbles open on a Sunday.
		It would be lovely to come for Sunday lunch or eve meal when we visit the Village.
		Just had a lovely coffee + cake & it would be good to be able to do this on a Sunday as well.
		Would be good to pop in for evening meal or Sunday lunch.
		Brilliant for Sunday Lunch. Lovely staff helpful & friendly
		WOULD BE GOOD EVENING MEAL SUNDAY LUNCH *FRIENDLY STAFF*

NAME	ADDRESS	COMMENTS
		1 - very good cafe
		2 - Very friendly staff.
		Would love for it to be open on a Sunday! Great staff - great food!
		Would be greatly open later on in evening for tea time!
		Sunday lunch would be lovely & later in an evening.
		LONGER OPENING WOULD BE NICE
		AGREE LONGER OPENING WOULD WOW BE AN ADVANTAGE
		Friendly and welcoming Cafe/Restaurant That would be an asset to open longer
		ditto

NAME	ADDRESS	COMMENTS
		ditto
		ditto
		would be lovely to come in in evenings and Sunday have no problem with there being a tea party here.
		Would love to come in for Sunday lunch!
		lovely place for Sunday lunch!
		LOVELY TO BE ABLE TO CALL IN ON A SUMMER SUNDAY
		E
		LOVELY TO BE ABLE TO CALL IN AFTER A WALK.
		2 Be great to have that option Sunday lunch!

NAME	ADDRESS	COMMENTS
		would be lovely to have Sunday lunches!
		Great Idea, just what the village needs, welcome change from pubs etc.
		GOOD IDEA.
		GREAT IDEA
		GREAT IDEA
		READY FOR MY NEXT VISIT
		Great idea
		Great idea!

NAME	ADDRESS	COMMENTS
		good idea
		Great Idea
		Great.
		Great
		yes!
		yes
		yes
		yes.
		yes.

NAME	ADDRESS	COMMENTS
		yes
		Would use for Sunday lunch.
		As above when visiting
		yes
		yes

The Cobbles Tearoom

5 Church View

Holmes Chapel

Crewe

Cheshire

CW4 7AG

To:

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

Re: APPLICATION FOR VARIATION OF A PREMISES LICENCE

LICENSING ACT 2003, The Cobbles Tearoom, 5 Church View, Holmes Chapel, Crewe, CW4
7AG

Dear Sir/Madam,

Thank you for your e-mails regarding the objections to our application. I would like to go through some of the objections and put forward counter arguments to those objections.

Conservation area: -

The whole centre of the village is a conservation area that includes all of the businesses from the square to past the Red Lion. The village centre needs activity and needs businesses to serve all the residents of the village. Williams has closed, the salad bowl has closed, the Nat West bank has closed, the carpet shop is closing, and the Cheshire Building society has announced that it is closing.

Morreys has moved to Manor Lane and Sainsburys has now open 7 days a week from 7 until 11 o'clock in the middle of the conservation area. If you decide to live in the centre of the village then you must expect there to be business premises in the heart of the village.

Noise/Nuisance: -

The noisiest part of the village is the heavy traffic going through the centre of the conservation area and in particular the 40 tonne lorries. Additionally, I can hear the clank clank of the loose drain lids from inside my house. (I believe this has already been reported.)

The Campanologist at St. Luke's Church practise on a Friday night and the bells can boom out for anything up to two hours between 7 and 9 o'clock, on Sunday mornings for half an hour and Saturdays when there are weddings. If you chose to live in a village centre next to a pub and a Church then you will get noise.

I live right next to the Red Lion and have complained about the noise. They are three houses and an alleyway away from us, not next door. They therefore make assumptions that the Cobbles will be similar to the Red Lion. This is not the case, the cobbles since it opened, has sold home made breakfast, lunches and snacks. Since it has been licensed we have sold wines and bottled beers and spirits. Customers have this with a meal they do not come in and just drink alcohol. We have never caused any problems.

When the Red Lion shut for refurbishment we applied and received permission to open for four nights. There was no problems, no complaints and no-one was disturbed. If the neighbours had been I am quite sure they would have mentioned this in their letters of complaint.

We have PRS license and have played music in the cobbles for nearly five years. It is not loud in order to allow customer to have a meal and converse together. We have never had any comment from anybody about loud music. Does anyone actually believe that, suddenly, we would turn up the music loud enough for the neighbours to hear? We would deafen and upset our customers long before the neighbours heard any music. The tearoom is on the opposite side from [redacted] and an alleyway away from the nearest cottage. The idea of the cobbles causing noise is farcical. The George and Dragon for example have speakers outside the pub and they play music for patrons in the garden.

We have no intention of opening as a pub, we do not sell draught beer or lager. Our main intention is to sell wholesome home cooked food. Many of our customers have requested us to open for Sunday Lunch. Our Customers are mainly families and elderly people. The village centre from Chester Road to Church Walk is all old peoples homes and flats, Macclesfield Road, Brookfield Drive etc. etc. We do not have a clientele that is noisy or raucous. If people want a pub the Red Lion and the George and Dragon are in the centre of the village.

We spoke to [redacted] and told her that we intend to open for Sunday Lunch. We applied for the evening licence as well, to keep our options open. We have in the past occasionally opened in the evening. Every time we have a special occasion we have to apply for an extension. We want the freedom to be able to open as and when the occasion arises. We do not have any intention of opening 7 nights a week. Customers have requested that we open the odd evening and that they would like to visit at night.

Parking

Holmes Chapel has a chronic parking problem and Church View is in the centre of the village. We recently supported the residents at the last meeting and voted for residential parking. At the last meeting the whole issue was openly discussed and the main problem was people blocking the exit as they parked to go to the Bank and Morreys. When Morreys shut, the parking issued eased up. Although it is back now that Sainsburys has opened. When Costa Coffee opens it may get worse? Who knows? I have often seen people parking in Church View and going to bakery, as it is easier than parking in his small car park.

The Cobbles has never caused a parking problem, no more than any other business. We have lived in Church View since 2006, 3 years before we opened the business, and we had the same parking issues as we have today. It has not got any better or any worse.

... who lives ... has a Bakery and a shop adjacent to our business. Lorries park up next to his bakery on Macclesfield road and stop traffic when they either pick up or drop off, but then again there is nothing anyone can do. It is the middle of the village and there are no other options other than to cause a traffic problem on the narrowest part of Macclesfield road. There are many businesses in the middle of Holmes Chapel and we cannot be singled out as causing either parking or traffic problems. There are many more businesses causing bigger problems than we could ever cause. We are still awaiting the outcome of the council's resolution to the traffic problems in Holmes Chapel.

... has a business in the village. She and her family own three of the cottages. She often parks in church view while collecting the rent. Some current and past tenants of hers have visited our tearoom. I find it strange that she can complain when she does not even live here. When we met to discuss residents parking she was **specifically excluded on that basis**. The tenants came to the meeting not the landlady.

... has a business at the rear of her property but I don't suppose that causes any issues.

The Pink Garlic Indian restaurant has no parking and is open every evening seven nights a week to twelve. It is less than 50 yards from our street. The nearest parking is Church View and many nights the staff and sometimes customers park in Church View. They have every right to do so.

There is a person on Macclesfield Road that parks in Church view and some times the car may not move for months. This can be annoying to the residents but she has every right to park there.

The residents parking I believe will go through. I cannot see parking as an issue or our business having any effect.

Please find attached comments from our customers. We asked them this week to provide feedback.

What is particularly interesting is the amount of customers we are attracting from outside the village, which if the village is ever to get back on its feet and be a vibrant Town Centre again, is what we need more of.

Yours Faithfully

Janet Hulley

Owner/Director – The Cobbles Tearoom

APPENDIX 10

Janet Hulley
The Cobbles Tearoom
Holmes Chapel
Crewe, Cheshire
CW4 7AG

To:

Nikki Cadman
Licensing Section
Cheshire East Council

Dear Ms Cadman,

Re: Letter.

As stated previously the only music we have is background in the restaurant. The outside courtyard is small and has been used for the last five years ,mainly in the summer, and has never caused a noise or a nuisance. There are no speakers outside at all, never has been, never will be.

Most of the businesses in the centre of the village do not have their own car parks. The Cobbles being a small business, does not, and will not create a parking or a traffic problem. We are yards away from the crossroads of the A50 and the A54 and the A535.

To single out our little business as a problem is farcical compared to the other businesses in the area.

The Cobbles employs local people. We support the community. We currently sponsor the under 11 ~~Homes-Chapel-Hurricanes. We took our whole advertising budget for the year and gave it to the~~ team to allow a new set of home and away strips. Why would we want to become a nuisance to the community we support.

The Car park at the rear of the Cobbles is for the residents of the mews. We also have two car parking spaces for our private use. The only entrance to the Cobbles is through the front in Church View. The private car park is never full and patrons of the Cobbles do not use it . Most people do not even know it exists. It is a private road and a private car park and there has never been a problem.

Several of the residents of the Mews use the Cobbles (via the front door). In fact the only individual who has ever been allowed through the back door is because of her infirmity.

These people have used the Cobbles and have never mentioned any issue.

The Red Lion car park runs adjacent to the Mews as does Bakery on the other side.

The optician is on the corner on Macclesfield Road and the Pink Garlic is opposite on Macclesfield road.

I find it difficult to believe that actually wrote the letter. We do know that a certain individual has been posting information through peoples doors, scare mongering and creating conjecture of what might happen.

There is no hard evidence to say that we have ever been a problem or ever would be in future.

Yours faithfully

Janet Hulley



(c) Crown copyright and database rights 2014. Ordnance Survey 100049045, 100049046.



This page is intentionally left blank