

Licensing Act Sub-Committee

Agenda

Date: Thursday, 12th November, 2015
Time: 9.30 am
Venue: Committee Suite 1, Westfields, Middlewich Road, Sandbach
CW11 1HZ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Appointment of Chairman**

To appoint a Chairman for the meeting.

2. **Declarations of Interest**

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

3. **Application for a Premises Licence - 17 Regent Street, Knutsford, Cheshire
WA16 6GR** (Pages 45 - 86)

To consider an application for a Premises Licence by Rachel & Kevin Derek Choudhary in respect of 17 Regent Street, Knutsford, Cheshire WA16 6GR.

4. **Application for a Premises Licence - The Tonic Lounge, 33 Nantwich Road,
Crewe CW2 6AF** (Pages 87 - 120)

To consider an application for a Premises Licence by Mr John Paul Burgis in respect of The Tonic Lounge, 33 Nantwich Road, Crewe CW2 6AF.

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:	Thursday 12th November 2015 at 09.30am
Report of:	Mrs N Cadman, Licensing Officer
Subject/Title:	Application for a Premises Licence at 17 Regent Street, Knutsford, Cheshire, WA16 6GR

1.0 Report Summary

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

2.0 Recommendations

- 2.1 The Licensing Act Sub-Committee is requested to determine the application for a Premises Licence by Rachel & Kevin Derek Choudhary, in respect of:

17 Regent Street
Knutsford
Cheshire
WA16 6GR

- 2.2 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

- 2.3 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 proposed operating schedules.

- 2.4 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.

- 2.5 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 Knutsford

5.0 Local Ward Members

Cllr Tony Dean
Cllr Stewart Gardiner
Cllr Hayley Wells-Bradshaw

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 The representations relate to the Licensing Objective, Prevention of Public Nuisance . The Licensing Authority sets out at paragraph 9 of its Statement of Licensing Policy how it will deal with representations under this objective.
- 6.3 Members should provide reason(s) for any decision taken and should set out they reasoning where they determine to depart in any way from the Policy or Guidance.

7.0 Financial Implications

- 7.1 Not applicable.

8.0 Legal Implications

- 8.1 In accordance with the provisions of section 18 of the Licensing Act 2003 the Licensing Authority must, having regard to the representations, take such steps (if any) as it considers appropriate for the promotion of the licensing objectives. Section 18(4) provides that the authority may:
- (a) Grant the licence subject to the relevant mandatory conditions and conditions consistent with the operating schedule
 - (b) Modify the application to such extent as the Authority considers appropriate for the promotion of the Licensing Objectives
 - (c) Exclude from the scope of the licence any of the Licensable Activities to which the application relates
 - (d) Refuse to specify a person in the licence as the Premises Supervisor

(e) Reject the application.

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

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

9.0 Risk Management

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

10.0 Background and Options

10.1 The application was received on the 17th September 2015. The application is for the grant of a Premises Licence under section 17 of the Licensing Act 2003.

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

Live Music

Recorded Music

Sale and Supply of Alcohol

Late Night Refreshment

10.3 The hours applied for are as follows:

Live Music (to take place indoors)

On 4 occasions per year, live traditional jazz evenings between 19.00 and 22.00 or Sunday lunches between 12 noon and 15.30.

Recorded Music (to take place indoors)

Monday to Thursday 12 noon to 23.30

Friday and Saturday 12 noon to 12 midnight

Sunday 12 noon to 23.00

Non standard timings: New Years Eve until 01.30

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

Sunday to Thursday 12 noon to 23.00

Friday and Saturday 12 noon to 12 midnight

Non standard timings: New Years Eve until 01.30

Late Night Refreshment (to take place indoors)

Sunday to Thursday 23.00 to 23.30

Friday and Saturday 23.00 to 12 midnight

Hours Premises are Open to the Public

Sunday to Thursday 12 noon to 23.30

Friday and Saturday 12 noon to 00.30

Non standard timings: New Years Eve until 01.30

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

10.5 Relevant Representations

Responsible Authorities:

10.5.1 The Environmental Health Officer's representation is at Appendix 2 of this report.

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

Other Persons:

10.5.2 Representations received from other persons are at Appendices 3 and 4 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: Senior Licensing Technician

Tel No: 01270 685957

Email: nikki.cadman@cheshireeast.gov.uk

APPENDICES

Appendix 1 – Premises Licence application form

Appendix 2 – Representation from Environmental Health

Appendix 3 – 4 Representations from neighbour objectors

Appendix 5 - Map



Cheshire East
Application for a premises licence
Licensing Act 2003

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

* required information

Section 1 of 19

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

Knutsford01

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

Rachel

* Family name

Choudhary

* E-mail

[REDACTED]

Main telephone number

[REDACTED]

Include country code.

Other telephone number

[REDACTED]

☐ 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

5735978

* Business name

The Victoria Altrincham Ltd

If your business is registered, use its registered name.

* VAT number

- 884 1202 33

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 19**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

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

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 19**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- ☒ An individual or individuals
- ☐ A limited company
- ☐ A partnership
- ☐ An unincorporated association
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales
- ☐ Other (for example a statutory corporation)

Confirm The Following

- ☒ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- ☐ I am making the application pursuant to a statutory function
- ☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 19**INDIVIDUAL APPLICANT DETAILS****Applicant Name**

Is the name the same as (or similar to) the details given in section one?

☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Rachel

Family name

Choudhary

Is the applicant 18 years of age or older?

☒ Yes ☐ No

*Continued from previous page...***Applicant Postal Address**

Is the address the same as (or similar to) the address given in section one?

☒ Yes☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	<input type="text" value="82"/>
Street	<input type="text" value="Harley Road"/>
District	<input type="text"/>
City or town	<input type="text" value="Sale"/>
County or administrative area	<input type="text" value="Greater Manchester"/>
Postcode	<input type="text" value="M33 7FP"/>
Country	<input type="text" value="United Kingdom"/>

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

☒ Yes☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail	<input type="text" value="[REDACTED]"/>
Telephone number	<input type="text" value="[REDACTED]"/>
Other telephone number	<input type="text" value="[REDACTED]"/>

Second Applicant Name

Is the name the same as (or similar to) the details given in section one?

☒ Yes☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name	<input type="text" value="Kevin Derek"/>
Family name	<input type="text" value="Choudhary"/>

Is the applicant 18 years of age or older?

☒ Yes☐ No

Continued from previous page...

Second Applicant Postal Address

Is the address the same as (or similar to) the address given in section one?

☒ Yes☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	<input type="text" value="82"/>
Street	<input type="text" value="Harley Road"/>
District	<input type="text"/>
City or town	<input type="text" value="Sale"/>
County or administrative area	<input type="text" value="Greater Manchester"/>
Postcode	<input type="text" value="M33 7FP"/>
Country	<input type="text" value="United Kingdom"/>

Second Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

☒ Yes☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail	<input type="text" value="[REDACTED]@k"/>
Telephone number	<input type="text" value="[REDACTED]"/>
Other telephone number	<input type="text" value="[REDACTED]"/>
<input type="button" value="Remove this applicant"/>	

Section 5 of 19**OPERATING SCHEDULE**

When do you want the premises licence to start?

<input type="text" value="01"/>	/	<input type="text" value="11"/>	/	<input type="text" value="2015"/>
dd		mm		yyyy

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

<input type="text"/>	/	<input type="text"/>	/	<input type="text"/>
dd		mm		yyyy

Provide a general description of 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.

The premises would be operated as an upper ground floor restaurant, one one level, seating approximately 40 - 50 people in total including a small bar area. We only intend to serve alcohol on the premises, the premises will operate as a local, owner operated British neighborhood bistro serving produce sourced predominately from Britain, incorporating a bar

Continued from previous page...

specialising in both British gin and also small producer soft beverages, along with the more usual wine / beer / spirits. We previously operated a gastro pub in Altrincham for about 9 years.

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Section 6 of 19**PROVISION OF PLAYS**

Will you be providing plays?

☐ Yes ☒ No

Section 7 of 19**PROVISION OF FILMS**

Will you be providing films?

☐ Yes ☒ No

Section 8 of 19**PROVISION OF INDOOR SPORTING EVENTS**

Will you be providing indoor sporting events?

☐ Yes ☒ No

Section 9 of 19**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

Will you be providing boxing or wrestling entertainments?

☐ Yes ☒ No

Section 10 of 19**PROVISION OF LIVE MUSIC**

Will you be providing live music?

☒ Yes ☐ No

Standard Days And Timings**MONDAY**

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

Give timings in 24 hour clock.

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

Continued from previous page...

THURSDAY

Start End Start End

FRIDAY

Start End Start End

SATURDAY

Start End Start End

SUNDAY

Start End Start End

Will the performance of live music take place indoors or outdoors or both?

☒ Indoors
 ☐ Outdoors
 ☐ Both

Where taking place in a building or other structure tick 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.

State any seasonal variations for the performance of live music

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 performance of live music at different times from those listed in the column on the left, list below

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

We would possibly have occasional (4 times a year) live traditional jazz evenings / Sunday lunches, as we have run these successfully before, the hours would either be 12 noon until 3.30 pm or 7.00 pm until 10.00 pm.

Section 11 of 19**PROVISION OF RECORDED MUSIC**

Will you be providing recorded music?

Continued from previous page...

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

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

Start End **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

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 tick 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.

Music will be background music which will be played through a built in sound system.

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.

Continued from previous page...

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

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

New Years Eve until 01:30

Section 12 of 19**PROVISION OF PERFORMANCES OF DANCE**

Will you be providing performances of dance?

☐ Yes ☒ No

Section 13 of 19**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes ☒ No

Section 14 of 19**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

☒ Yes ☐ No

Standard Days And Timings**MONDAY**

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

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

Continued from previous page...

FRIDAY

Start 23:00

End 24:00

Start

End

SATURDAY

Start 23:00

End 24:00

Start

End

SUNDAY

Start 23:00

End 23:30

Start

End

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 tick 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.

To allow for the service of coffee and dessert if requested when the customer has already dined on the premises. No additional entry would be allowed to the premises.

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 late night refreshments at different times from those listed in the column on the left, 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 15 of 19

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes

☐ No

Continued from previous page...

Standard Days And Timings**MONDAY**Start End Start End

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

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

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.

Continued from previous page...

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

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

New Years Eve until 01:30

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

Name

First name

Family name

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ☐ Electronically, by the proposed designated premises supervisor
- ☒ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 19**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

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

None

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

Give timings in 24 hour clock.

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

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 in the column on the left, list below

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

Later on New Years Eve - Until 01:30

Section 18 of 19

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)

List here steps you will take to promote all four licensing objectives together.

We will implement strong management, and effective staff training so that all employees are aware of the premises licence and the requirements to meet the four licensing objectives with particular attention to:

No selling of alcohol to underage people

No drunk and disorderly behavior on the premises area

Vigilance in preventing the use and sale of illegal drugs at the retail area

No violent and anti-social behaviour

No harm to children

A clear Operating Schedule providing the hours of operation and licensable activities during those hours.

A designated premises supervisor will be in day-to-day control of the premises and will provide good training for staff to make or authorize each sale.

A clear "Challenge 25" system will be used to prevent the supply of alcohol to under-age drinkers.

As a licensed premises we know that it is necessary to operate our businesses within a structure which promotes these objectives. We will support these objectives throughout our business and will take any measures we can to ensure that the business conforms to these standards (including staff training and qualifications, policies, and strategic partnerships with other agencies).

b) The prevention of crime and disorder

A clear and legible notice will be displayed in the premises indicating the normal business hours under the terms of the premises licence during which licensable activities are permitted.

We will not sell alcohol to drunk or intoxicated customers, and all staff will be trained to politely refuse service in these circumstances.

Continued from previous page...

We will show vigilance and awareness to prevent illegal drug use anywhere on the premises.

All staff will be well trained in asking customers to use the premises in an orderly and respectful manner.

All staff will be well trained in asking customers to leave the premises in an orderly and considerate manner

c) Public safety

Internal and external lighting will always be sufficient to maintain public safety.

Staff will be well trained in food safety and environmental health requirements.

Staff will be well trained in the implementation of underage ID checks.

All parts of the premises and all fixtures and fittings and apparatus therein, fire extinguishers, kitchen equipment, door fastenings and notices, lighting, heating, electrical, air conditioning and other installations, will be maintained at all times in good order and in a safe condition.

d) The prevention of public nuisance

Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.

Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.

The Licensee will ensure that staff who depart late at night after the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.

Customers will be asked not to stand around loudly talking in the street outside the premises.

Customers will not be admitted to premises beyond the opening hours.

The movement of bins and rubbish outside the premises will be kept to a minimum at night.

e) The protection of children from harm

Staff will be well trained in the "Challenge 25" system, including the acceptable requirements for a persons' identification and age establishment.

Staff will be well trained to ensure that any children are always accompanied by an appropriate adult whilst on the premises.

No gambling machines will be on the premises.

Section 19 of 19**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.

Premises Licence 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

Continued from previous page...

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event 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

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

Rachel Choudhary

* Capacity

Director / DPS

* Date

17	/	09	/	2015
dd		mm		yyyy

Full name

Kevin Derek Choudhary

Capacity

Director

* Date

17	/	09	/	2015
dd		mm		yyyy

Remove this signatory

Add another signatory

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/apply-1> to upload this file and continue with your application.

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

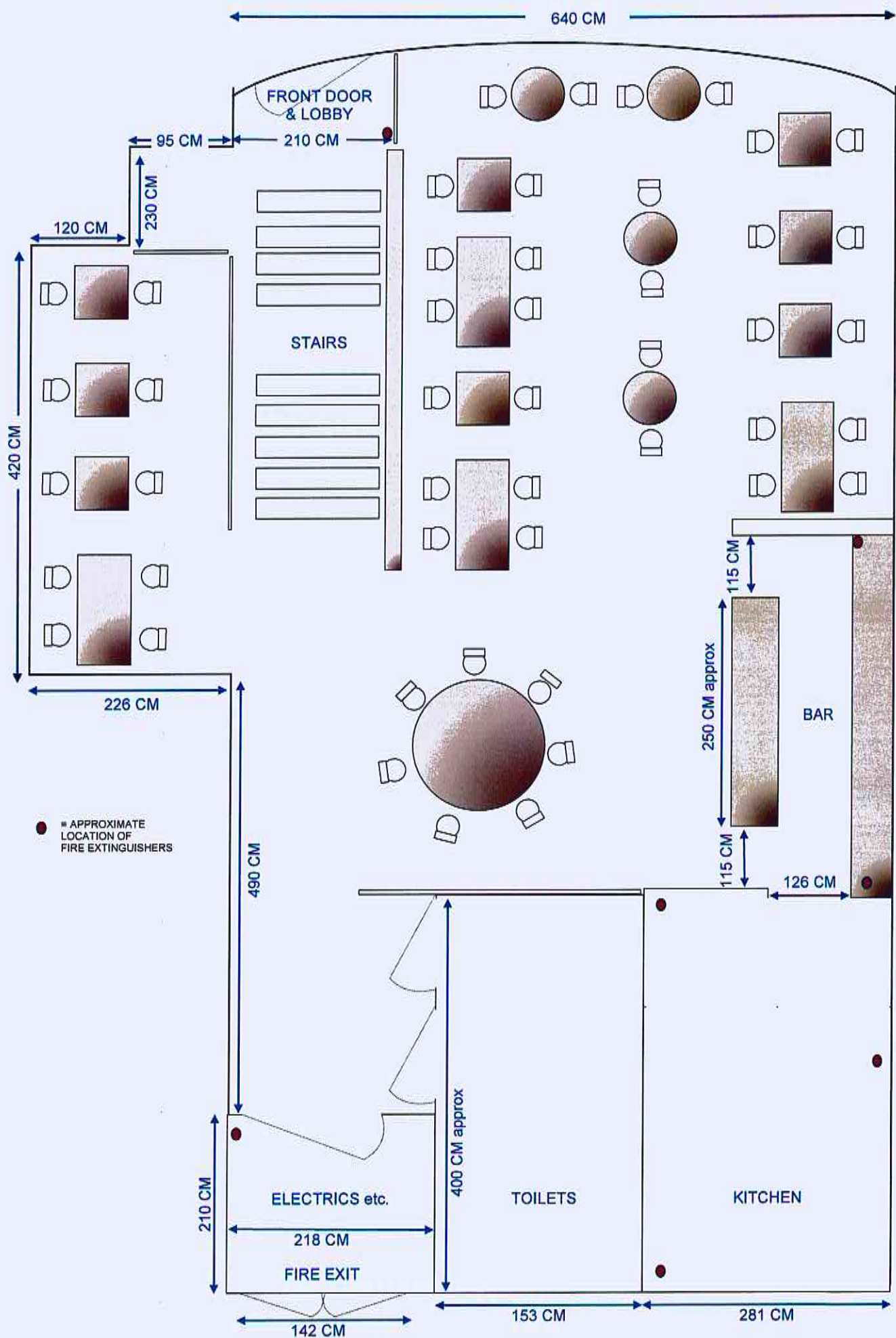
Continued from previous page...

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

OFFICE USE ONLY

Applicant reference number	<input type="text" value="Knutsford01"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

< Previous [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) Next >



From: ROSCOE, Hamish
 Sent: 13 October 2015 13:04
 To: LICENSING (Cheshire East)

Subject: RE: (F039295) Application for a Premises Licence - 17 Regent Street, Knutsford

Dear Licensing

Thank you for the opportunity to review and comment on this application.

These comments have been copied to the applicant for completeness.

This department has been in contact with Mr Choudhary the applicant in relation to the lack of planning permission for this use at this premises and the noise issues. We have spoken a number of times in a bid to resolve the various issues. He and the building owners appear to be considering additional acoustic advice and possible construction measures to improve the apparent acoustic weakness. However a scheme is not expected to be available in the time frame of this licence determination

Given the issues and the time scales we do not believe that the matters of concern can be addressed fully.

Thus we have no option but to object to the application on the grounds of public nuisance and the lack of information.

This is based on the complaint history relating to the use of the previous occupiers. The intrinsic nature of the structure is the issue rather than the previous operational activities.

The premises has un-associated dwelling sharing a party wall and another un-associated dwelling above. The fabric of the building has been shown to be acoustically weak with kitchen and other activities clearly audible through the party wall. Music and entertainment noise has also been witnessed and complained about (TENS)

There is also a complaint history of odours from cooking activities, partly due to the lack of abatement technology and the low level extract point being below the dwelling and balcony above.

The previous planning (we now believed to have expired as it was a personal permission) and licensing terminal hours (22.00) were the maximum that was deemed to be acceptable. The planning concerns directly reflect the same concerns within the licensing regime.

1 the premises does not have planning permission for the licencing activities requested
 (I understand that this is not strictly a licensing matter but we feel we need to be open and fair to the applicant and that the usability would be dependant on getting planning permission)(Parma had a personal permission)

2 the activity use and hours requested are excessive given what we know about the nature of the building being acoustically weak (public nuisance)

3 there are potential odour issues from the cooking activities (public nuisance) given the scale of the covers proposed (40 to 50) and the current restriction as to the outlet point being below the dwelling above. It is not certain if there is the legal ability to attach a high level kitchen extract flue to the upper areas of the building as this may be outside the control of the applicant.

Thus at present we feel that this application should be refused on the grounds that there is insufficient information with that application to enable us to comment further.

We have significant and relevant complaint history about the previous use, that was not user specific ie it wasn't necessarily based on unreasonable use or activity but just the activity of a restaurant (odours and noise) and the acoustic weakness of the structure and proximity of sensitive dwellings.

Hamish Roscoe
BSc(HONS), MCIEH, AMIOA
Senior Enforcement Officer

postal communication to:-

Cheshire East Council
Hamish Roscoe
Regulatory Services and Health
(Macclesfield Town Hall)

C/O Municipal Buildings
Earle Street
CREWE
CW1 2BJ

27.09.2015

[REDACTED]
[REDACTED]
[REDACTED]

To
The Licensing Section
Municipal Buildings
Earle Street
Crewe
CW1 2BJ



We would like to know to you our objection to the application for a Premises License for Regent Street 17, Knutsford, WA16 6GR.

The premises in question used to be Italian restaurant Parma / Via Via and there are historical noise issues concerning this premises.

Regent Street is a quiet pedestrian street with lots of apartments on top of the retail premises. All the other retail shops are open during the normal office hours and will be closed by 6pm. Retail premises in this street were never intend to be restaurants because that kind of business is considered to cause too much noise disturbance to the people who live here.

Based on previous experience we believe it is not acceptable to grant Premises License for 17 Regent Street. It has been clear that it is not profitable to run a restaurant in this premises and it will cause lot of noise disturbance for the residents, both from the music played as well as from the customers leaving the restaurant, especially at the closing time middle of the night. Excluding this restaurant, there has been several different restaurants on top of the street (latest 'Turka') as well as on Silk Mill Street ('Folly') in the past 5 years and all of them have caused noise complaints and eventually none of them have succeeded, showing clearly that this is not the right area for a restaurant.

When these premises in question were Parma restaurant, they applied the change from A1/A3 use to the A3 use and later applied extension for their opening hours (Application No 13/392M and 14/1350M).

Cheshire East Council stated that in case of changing these premises from combined A1/A3 use to the A3

"The restaurant shall not be open outside of the hours of 07.30- 22.00 Monday to Sunday.

Reason: In the interests of neighbouring amenity in accordance with Macclesfield Borough Local Plan policies DC3, DC13 and the National Planning Policy Framework.

No music or amplified sound shall be played outside the hours of 07.30- 22.00 Monday to Sunday.

Reason: In the interests of neighbouring amenity in accordance with Macclesfield Borough Local Plan policies DC3, DC13 and the National Planning Policy Framework."

Cheshire East Council also refused the extension for the opening hours for the following reasons:

“The variation of condition 6 on application 13/3292M to allow the premises to operate between 07.30- 23.00 on Fridays and Saturdays would result in extending noise levels for an unacceptable period of time in this location, to the detriment of the amenities of the occupiers of nearby residential property.

The approval of the development would therefore be contrary to Macclesfield Borough Local Plan policies DC3, DC13 and the National Planning Policy Framework, thereby causing harm to the objectives of those policies.”

Cheshire East Council Environmental Health also commented as their opinion that:
“No music or other amplified sound generated at the A3 premises shall be audible at the boundary of any adjacent residential premises.

Reason: In the interests of residential amenity and to prevent impact on health.”

They also advised that:

“The A3 use shall solely be granted to Parma and their business use and should Parma cease to trade at the premises then the use class will revert back to the current A1/A3 use. There shall be no other A3 use at the premise other than Parma, who operate an Italian restaurant.”

Based on this information and historical noise issues associated with these premises in question we believe it is not possible to grant Premises License for 17 Regent Street.

APPENDIX 4



The Licensing Section
Cheshire East Council
Municipal Buildings
Earle Street
Crewe
CW1 2BJ

RECEIVED

15 OCT 2015

CEC LICENSING

**Ref: Application for a Premises Licence, 17 Regent Street, Knutsford,
WA16 6GR**

Dear Sir/Madam

Please find enclosed the following documents relating to the above application and the above property:

Decision Notice for Application No: 13/3292M
Decision Notice for Application No: 14/1350M
Sarah Allwood's Environmental Report

The property was originally an A1 property, then there was a change of use to A1/A3 and in January 2014 the Council granted permission for A3 use.

However, the operating hours of the restaurant were restricted from 7.30 to 22.00, as well as playing of music or amplified sound.

Furthermore, on 1st October the Council refused the application for change of operating hours to 23.00

According to Sarah Allwood's report dated 20th December 2013 the property should revert back to A1/A3 use should Parma cease to trade at the premises. She also states: "There shall be no other A3 use at the premise other than Parma, who operate an Italian restaurant".

As a resident of Regent Street I strongly object the application.

The unique position of the premises, being sandwiched in between residential properties, makes it unsuitable for a bar/restaurant with the proposed operating hours as it would have a very negative impact on all residents of the neighbouring properties.

Yours Faithfully,

To: Cheshire East Planning[CEPlanning@cheshireeast.gov.uk];
Cc: FRAY, Ian[Ian.Fray@cheshireeast.gov.uk];
Subject: Revised Consultation Response 13/3292M
Sent: Fri 12/20/2013 2:50:41 PM
From: ALLWOOD, Sarah

To

Cheshire East Planning

Copy to

Ian Fray

From

Sarah Allwood

Tel. No.

[REDACTED]

Date

20 December 2013

Your ref

13/3292M

Our ref

EL7/027632

Subject

PLANNING CONSULTATION WITH ENVIRONMENTAL PROTECTION

Location: Parma, 17 Regent Street, Knutsford, WA16 6GR

Proposal: Change of use from A1/A3 to A3 for inside and outdoor
seating area
(Resubmission)

This Service has considered the above planning application and wishes to make the following comments / recommendations.

The following recommendations DO NOT constitute planning conditions, however are intended to provide sufficient information to guide planning officers to adequately word conditions which are enforceable, justified and proportionate, in line with their own guidelines.

Where a planning officer considers that the recommended condition should be substantially altered, or not included on any final decision notice it is strongly recommended contact is made with the relevant officer.

PUBLIC PROTECTION AND HEALTH COMMENTS

Sarah Allwood 

Please see our revised comments below, following the submission of additional information with the application.

NOISE MITIGATION SCHEME

-

The applicant has submitted a scheme of acoustic insulation as additional information. The scheme recommends mitigation designed to ensure that occupants of nearby properties are not

adversely affected by noise from the A3 use.

The mitigation recommended in this report, namely installing the Draper vibration absorber mat (model 30743) to separate the cooker hood from the tiled wall, shall be implemented within one month of the date of this permission.

Reason: In the interests of residential amenity and prevent impact on health

NOISE MITIGATION

No music or other amplified sound generated at the A3 premises shall be audible at the boundary of any adjacent residential premises.

Reason: In the interests of residential amenity and to prevent impact on health

The agreed scheme shall be implemented, and maintained throughout the use of the development.

Reason: In the interests of residential amenity and prevent impact on health

ODOUR CONTROL SCHEME SUBMITTED

Additional information has been submitted to include a scheme of odour abatement which is designed to ensure that odours associated with the A3 Parma use, do not cause a significant loss of residential amenity in the vicinity.

The odour abatement recommended in the additional information, consisting of an extract fan, bag filter and a carbon filter box, shall be implemented in full within one month of the date of this permission.

Information: The submitted scheme takes into account the proposed use of the development and as such if the proposed use changes then it may be necessary to alter the odour abatement which may require additional planning consent,

Reason: To protect nearby residents from undue noise and disturbance (including fumes, odours and vibration) that would cause demonstrable harm to residential amenity and to preserve the quality of the local environment.

ODOUR CONTROL

There shall be no odours that could affect the amenity of local residents emanating from the proposed A3 use.

Reason: In the interests of residential amenity and to prevent impact on health

All odour control equipment shall be maintained in accordance with the manufacturers' recommendations.

Reason: To protect nearby residents from undue noise and disturbance (including fumes, odours and vibration) that would cause demonstrable harm to residential amenity and to preserve the quality of the local environment.

OUTDOOR SEATING AREA

Due to the potential for noise disturbance to local residents, the outside seating area shall be closed to customers, and all of the outside furniture removed and brought inside, by 21:00 hours each evening.

Reason: In the interests of residential amenity and to prevent impact on health

Due to the potential for noise disturbance to local residents, there shall be no music played in the outside area.

Reason: In the interests of residential amenity and to prevent impact on health

HOURS OF USE

Due to the potential for noise disturbance to local residents, the development should be subject to the following hours of operation restrictions;

Monday – Sunday 07:30hrs till 22:00hrs

Reason: In the interests of residential amenity and to prevent impact on health

USE

The A3 use shall solely be granted to Parma and their business use and should Parma cease to trade at the premises then the use class will revert back to the current A1/A3 use. There shall be no other A3 use at the premise other than Parma, who operate an Italian restaurant.

Reason: In the interests of residential amenity and to prevent impact on health

WASTE

Activities relating to the collection of refuse (including disposal and collection of bottles/glass) shall only take place between the hours of 08:00 and 18:00 Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason: In the interests of residential amenity and to prevent impact on health

Mr Morten Lindholt,
PS (K) Ltd
[REDACTED]
[REDACTED]
[REDACTED]

Development Management
PO Box 606
Municipal Buildings
Earle Street
Crewe
CW1 9HP

email: planning@cheshireeast.gov.uk

DECISION NOTICE

Application No: **13/3292M**

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Particulars of Development

**Change of use from A1/A3 to A3 for inside and outdoor seating area
(Resubmission)**

Location

17, REGENT STREET, KNUTSFORD, CHESHIRE, WA16 6GR

for **Mr M Dellapina, Trattoria Da Marco Ltd**

In pursuance of its powers under the above Act, the Council hereby GRANTS planning permission for the above development in accordance with the application and accompanying plans submitted by you subject to compliance with the conditions specified hereunder, for the reasons indicated:

1. The development hereby approved shall be retained in total accordance with the approved plans labelled 1:200, 1:50 EXISTING AND PROPOSED PLAN , 1:50 FRONT ELEVATION, 1:50 SIDE ELEVATION received by the Local Planning Authority on 8th August 2013.
Reason: For the avoidance of doubt and to specify the plans to which the permission/consent relates.
2. The noise mitigation scheme (as recommended in the correspondence labelled 'Draper vibration absorber mat model 30743' and 'Vent pipe from the pizza oven with a HVAC system for the filtration of air including an EU3/G3 filter' dated 20th November 2013), involving installing the Draper vibration absorber mat (model 30743) to seperate the cooker hood from the tiled wall, shall be implemented within one month of the date of this permission.

The above shall be retained at all times thereafter.

Reason: In the interests of neighbouring amenity in accordance with Macclesfield Borough Local Plan policies DC3, DC13 and the National Planning Policy Framework.

3. The odour abatement scheme (labelled 'Activated Carbon Filters- Can Filter' and 'BAG FILTER TO PROTECT CARBON' as detailed in the correspondence dated 10th December 2013), consisting of an extract fan, bag filter and carbon filter box, shall be implemented in full within one month of the date of this permission and shall be retained at all times thereafter.

Reason: To protect nearby residents from from undue noise and disturbance (including fumes, odours and vibration) that would cause demonstrable harm to residential amenity and to preserve the quality of the local environment, in accordance with Macclesfield Borough Local Plan policies DC3, DC13 and the National Planning Policy Framework.

4. The outside seating area shall not be used for any purpose after 21.00 hours every day.

Reason: In the interests of neighbouring amenity in accordance with Macclesfield Borough Local Plan policies DC3, DC13 and the National Planning Policy Framework.

5. There shall be no music or amplified sound from, or transmitted to, the outdoor seating area at any time.

Reason: In the interests of neighbouring amenity in accordance with Macclesfield Borough Local Plan policies DC3, DC13 and the National Planning Policy Framework.

6. The restaurant shall not be open outside of the hours of 07.30- 22.00 Monday to Sunday.

Reason: In the interests of neighbouring amenity in accordance with Macclesfield Borough Local Plan policies DC3, DC13 and the National Planning Policy Framework.

7. No music or amplified sound shall be played outside the hours of 07.30- 22.00 Monday to Sunday.

Reason: In the interests of neighbouring amenity in accordance with

Macclesfield Borough Local Plan policies DC3, DC13 and the National Planning Policy Framework.

8. The approved use shall only be operated by the applicant and shall be only be operated as an Italian Restaurant/ Eatery and within the hours of 07.30-22.00 Monday to Sunday.

Reason: In the interests of neighbouring amenity in accordance with Macclesfield Borough Local Plan policies DC3, DC13 and the National Planning Policy Framework.

9. Bottles/ glass containers shall not be disposed of outside of the premises except between the hours of 08.00 and 18.00 Monday to Saturday.

Reason: In the interests of neighbouring amenity in accordance with Macclesfield Borough Local Plan policies DC3, DC13 and the National Planning Policy Framework.

The reason(s) for approving this application is/are:

INFORMATIVE: The policies and proposals in the Development Plan relevant to this decision are: Macclesfield Borough Local Plan;

BE1: Design Guidance
BE3: Conservation Area
DC1: New Build
DC2: Extensions and alterations
DC3: Amenity
DC6: Circulation and Access
DC13: Noise
DC38: Space, Light and Privacy
KTC1, KTC2: Knutsford Town Centre Conservation Area
KTC9: Knutsford Town Centre Shopping Area
KTC 10: Knutsford Town Centre Shopping Area

and the National Planning Policy Framework.

The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraphs 186 and 187 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. This has been demonstrated by providing advice to the

applicant/agent during the course of the application on potential problems and possible solutions.

Please Note: This decision notice does not convey any approval or consent which may be required under any enactment, bye-laws, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

This consent is granted subject to conditions and it is the owner(s) and the person(s) responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. **A fee is payable to us for the discharge of conditions. Please see our Website for details.** If there is a condition that requires work to be carried out or details to be

approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent:

(a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.

(b) Where a condition precedent is breached and the development is unauthorised, the only way to rectify the development is the submission of a new application.

Other conditions on this permission must also be complied with. Failure to comply with any condition may render the owner(s) and the person(s) responsible for the implementation of the development liable to enforcement action.

This permission is granted in strict accordance with the approved plans. It should be noted however that:

(a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.

(b) Variation to the approved plans will require the submission of a new planning application.

Dated: 22nd January 2014

Signed



**Authorised Officer for
Cheshire East Borough Council**

Morten Lindholt,
PS(K)Ltd
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Development Management
PO Box 606
Municipal Buildings
Earle Street
Crewe
CW1 9HP

email: planning@cheshireeast.gov.uk

DECISION NOTICE

Application No: **14/1350M**

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Particulars of Development

Variation of condition 6 (hours) attached to planning application 13/3292M

Location

17, REGENT STREET, KNUTSFORD, CHESHIRE, WA16 6GR

for **Marco Dellapina, Trattoria Da Marco**

In pursuance of its powers under the above Act, the Council hereby **REFUSES** to grant planning permission for the above development referred to in the application and accompanying plans submitted by you for the following reasons:

1. The variation of condition 6 on application 13/3292M to allow the premises to operate between 07.30- 23.00 on Fridays and Saturdays would result in extending noise levels for an unacceptable period of time in this location, to the detriment of the amenities of the occupiers of nearby residential property. The approval of the development would therefore be contrary to Macclesfield Borough Local Plan policies DC3, DC13 and the National Planning Policy Framework, thereby causing harm to the objectives of those policies.

INFORMATIVE

The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraphs 186 and 187 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Despite advice a solution has not

been reached which overcomes the environmental harm identified in the reasons for refusal.

Dated: 1st October 2014

Signed



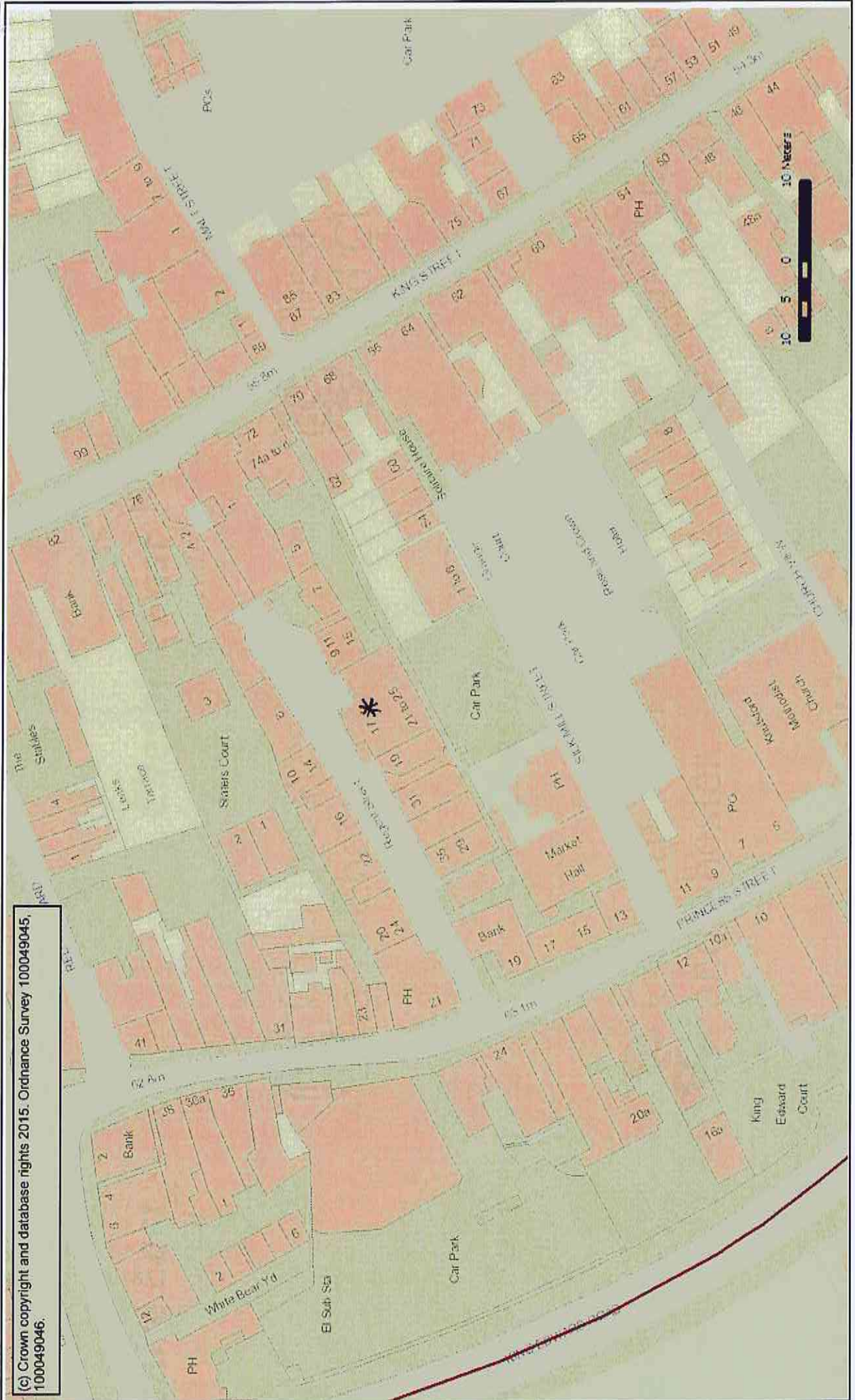
**Authorised Officer for
Cheshire East Borough Council**



Cheshire CC WebGIS



(C) Crown copyright and database rights 2015. Ordnance Survey 100049045, 100049046.



This page is intentionally left blank

CHESHIRE EAST COUNCIL

REPORT TO: LICENSING ACT SUB-COMMITTEE

Date of Meeting:	Thursday 12th November 2015 at 11am
Report of:	Mrs N Cadman, Licensing Officer
Subject/Title:	Application for a Premises Licence at The Tonic Lounge, 33 Nantwich Road, Crewe, CW2 6AF

1.0 Report Summary

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

2.0 Recommendations

- 2.1 The Licensing Act Sub-Committee is requested to determine the application for a Premises Licence by Mr John Paul Burgis, in respect of:

The Tonic Lounge
33 Nantwich Road
Crewe
CW2 6AF

- 2.2 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

- 2.3 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 proposed operating schedules.

- 2.4 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.

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

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

3.0 Reasons for Recommendations

- 3.1 The Licensing Act Sub-Committee has the power to determine this application in accordance with the provisions of the Licensing Act 2003 and the Council's Constitution.

4.0 Wards Affected

- 4.1 Crewe South

5.0 Local Ward Members

Councillor Dorothy Flude
Councillor Steven Hogben

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 The representation relates to the Prevention of Public Nuisance Objectives. The Licensing Authority sets out at paragraph 9 of its Statement of Licensing Policy how it will deal with representations under these objectives.
- 6.3 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 was received on the 23rd September 2015. The application is for the grant of a Premises Licence under section 17 of the Licensing Act 2003.
- 10.2 The operating schedule indicates that the relevant licensable activities applied for are:

Sale and Supply of Alcohol
Provision of recorded music
Performances of dance

- 10.3 The hours applied for are as follows:

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

Sunday to Wednesday 12.00 to 02.30
Thursday to Friday 12.00 to 03.00
Saturday 11.00 to 03.00

Recorded Music (to take place indoors only)

Sunday to Wednesday 19.00 to 03.00
Thursday to Saturday 19.00 to 03.30
Non Standard timings: Xmas Eve, Boxing Day and New Years Eve – extend hours to 03:30 hours.

Performance of Dance (to take place indoors only)

Sunday to Wednesday 19.00 to 03.00
Thursday to Saturday 19.00 to 03.30
Non Standard timings: Xmas Eve, Boxing Day and New Years Eve – extend hours to 03:30 hours.

Hours Premises are Open to the Public

Sunday to Wednesday 12.00 to 03.00
Thursday to Friday 12.00 to 03.30

Saturday 11.00 to 03.30

Non Standard timings: Xmas Eve, Boxing Day and New Years Eve – extend hours to 03:30 hours.

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

10.5 Relevant Representations

Responsible Authorities:

10.5.1 The Police wish to approve the application with amendments to the timings to reduce the terminal hour for licensable activities and opening hours by 30 minutes and to add conditions. A copy of the Police representation is attached as Appendix 2 of this report.

10.5.2 The Environmental Health Officer wishes to approve the application with added conditions. A copy of the Environmental Health Officer's representation is attached as Appendix 3 of this report.

The applicant has agreed the amended timings and conditions recommended by the Police. The applicant has also agreed to the Environmental Health Officer's recommended conditions.

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

Other Persons:

10.5.4 Written objections have been received from two other persons. A copy of these representations are attached as Appendices 4 and 5 of this report. The other persons have been made aware of the applicant's agreement to the Police amended timings and conditions and Environmental Health conditions. At the time of writing this report, no response has been received from these persons in relation to the agreed amendments to the application.

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: Senior Licensing Technician

Tel No: 01270 685957

Email: nikki.cadman@cheshireeast.gov.uk

APPENDICES

Appendix 1 – Premises Licence application form

Appendix 2 – Police representation

Appendix 3 – Environmental Health representation

Appendix 4 – 5 Objections from other persons

Appendix 6 Map

This page is intentionally left blank

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

**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We John Paul Burgess
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description	
THE TONIC LOUNGE 33 NANTWICH RD.	
Post town	CREWE
Postcode	CW2 6AF

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£

Part 2 – Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | |
|---|---|
| a) an individual or individuals * | <input checked="" type="checkbox"/> please complete section (A) |
| b) a person other than an individual * | |
| i. as a limited company | <input type="checkbox"/> please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B) |

- c) a recognised club ☐ please complete section (B)
- d) a charity ☐ please complete section (B)
- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)


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

Please tick yes

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

I am making the application pursuant to a
 statutory function or ☐
 a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname BURGIS			First names JOHN PAUL		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address		42 VINCENT ST.			
Post town	CREWE			Postcode	CW1 4AA
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

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

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
09	11	2015

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

DD	MM	YYYY

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

BAR/ DANCE VENUE.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

--

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

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

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

Supply of alcohol (if ticking yes, fill in box J) ☒

In all cases complete boxes K, L and M

A

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

B

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

C

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

D

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

E

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

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	19.00	03.00	Amplified Music.		
Tue	19.00	03.00	DISCS VINYL VINYL DIGITAL		
Wed	19.00	03.00	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	19.00	03.30			
Fri	19.00	03.30	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	19.00	03.30	xmas eve Boxing day new years eve		
Sun	19.00	03.00			

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2) Indoors <input checked="" type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	
Mon	19.00	03.00	
Tue	19.00	03.00	<u>Please give further details here</u> (please read guidance note 3) amplified dance Music
Wed	19.00	03.00	
Thur	19.00	03.30	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)
Fri	19.00	03.30	
Sat	19.00	03.30	<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5) xmas eve boxing day new years eve.
Sun	19.00	03.00	

H

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



I

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

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	12.00	02.30			
Tue	12.00	02.30			
Wed	12.00	02.30			
Thur	12.00	03.00			
Fri	12.00	03.00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	11.00	03.00			
Sun	12.00	02.30			

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

Name	John P Burqis
Address	42 Vincent St,
Postcode	CW1 4AA
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

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

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	12.00	03.00	<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)</p> <p>xmas eve , Boxing day , new years eve .</p>
Tue	12.00	03.00	
Wed	12.00	03.00	
Thur	12.00	03.30	
Fri	12.00	03.30	
Sat	11.00	03.30	
Sun	12.00	03.00	

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

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

all the following objectives are clearly lined out to our staff, and are asked to always be vigilant.

b) The prevention of crime and disorder

No drugs tolerated on the premises or anyone showing antisocial behaviour will be dismissed from the premises.

c) Public safety

All fire escapes marked and unobstructed,
Door entrances hazard marked where applicable

d) The prevention of public nuisance

Notices for the customers when leaving to have respect for neighbours.
any music and events kept within the realm of permitted licence.

e) The protection of children from harm

We have notices for parents to be attentive to their children at all times and the staff to be aware of children to, and inform the parents.

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
John Paul Burgess 42 Vincent St			
Post town	CREWE	Postcode	CW1 4AA
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

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

--


Checklist:**Please tick to indicate agreement**

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

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

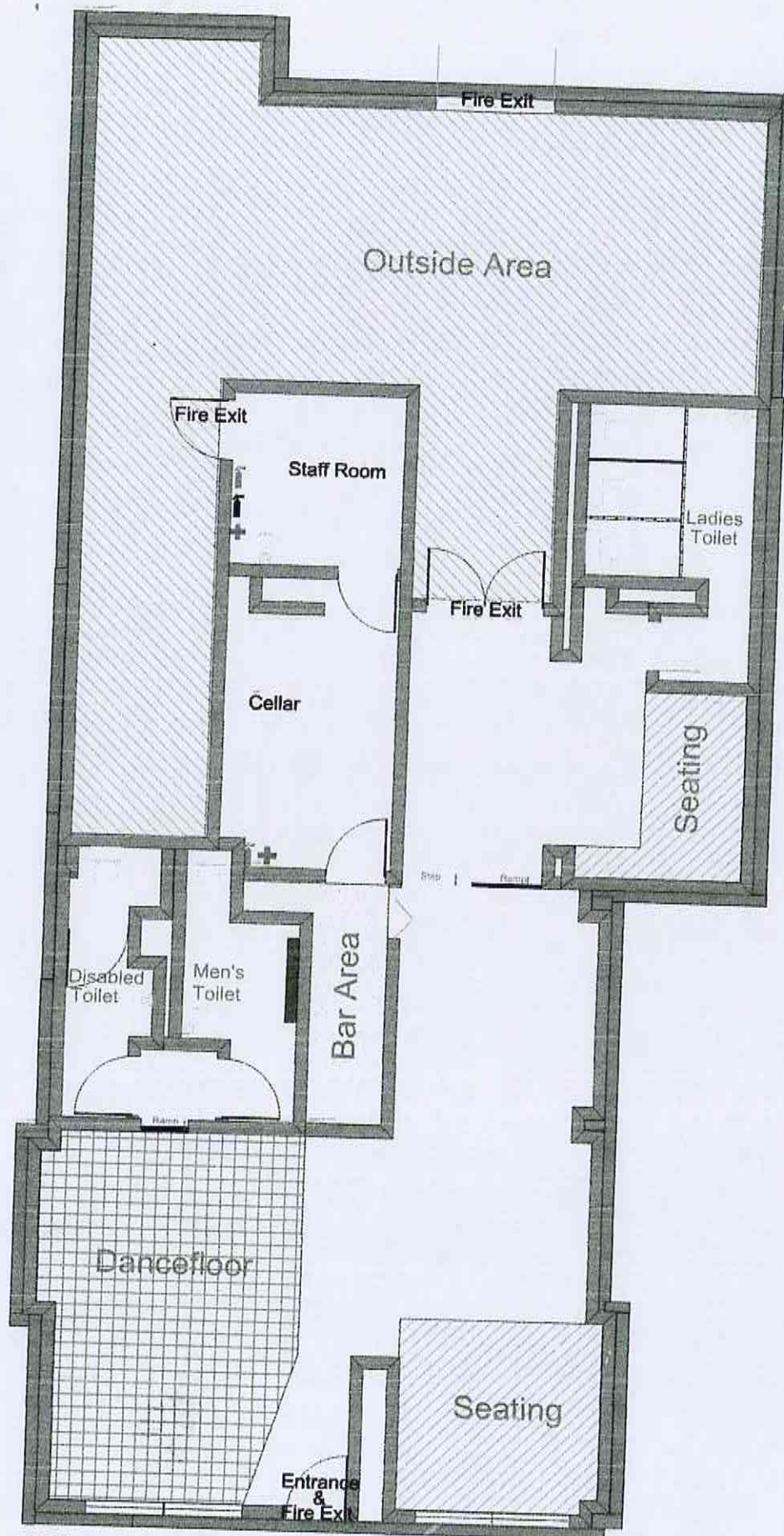
Part 4 – Signatures (please read guidance note 10)

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







Signature	
Date	
Capacity	

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	



Key -

-  - Water Fire Extinguisher
-  - Carbon Dioxide (CO2) Fire Extinguisher
-  - First Aid Kit
-  - Toilet
-  - Sink
-  - Urinal Toilet

CADMAN, Nikki

From: john paul burgis [REDACTED]
Sent: 24 September 2015 13:26
To: HINTON, Amanda
Subject: RE: Application for a Premises Licence - Tonic Lounge

hello amanda, just responding to your email, and everything looks ok, and thank you for your support advice and help ,
if possible email or text you got this, forms printed and going up shortly, and on to the cronicle many thanks .

From: Amanda.Hinton@cheshireeast.gov.uk
To: jpburgis [REDACTED]
Date: Thu, 24 Sep 2015 10:42:44 +0100
Subject: Application for a Premises Licence - Tonic Lounge

Good Morning Mr Burgis

With reference to our telephone conversation this morning, please can you confirm the following:

- 1) You ticked the "Performance of Live Music" box on the application form in error
- 2) The Non-Standard Timings for "Playing of Recorded Music", "Performances of Dance" and the opening hours are – **Xmas Eve, Boxing Day and New Years Eve – extend hours to 03:30 hours.**

Please can you confirm the above is correct. I will email you the public notice shortly and this needs to be printed off on pale blue A4 paper and displayed at the premises today.

Many thanks

Mandy

Amanda Hinton
Licensing Administrative Officer
Cheshire East Council
Municipal Buildings
Earle Street
Crewe
CW1 2BJ
0300 123 5015

Confidentiality: This email and its contents and any attachments are intended only for the above named. As the email may contain confidential or legally privileged information, if you are not the above named person or responsible for delivery to the above named, or suspect that you are not an intended recipient please delete or destroy the email and any attachments immediately.

HINTON, Amanda

From: LICENSING (Cheshire East)
Sent: 13 October 2015 14:14
To: HINTON, Amanda
Subject: FW: Tonic Lounge, Crewe ~[NOT PROTECTIVELY MARKED]~

Follow Up Flag: Follow up
Flag Status: Flagged

From: David Smethurst [mailto:david.smethurst7541@cheshire.pnn.police.uk]
Sent: 13 October 2015 14:11
To: LICENSING (Cheshire East)
Cc: ALLWOOD, Sarah
Subject: FW: Tonic Lounge, Crewe ~[NOT PROTECTIVELY MARKED]~

Please note below agreement from the applicant for a premises licence at Tonic Lounge, Crewe to certain amendments to the timings in his application and to several conditions being attached to the premises licence in order to promote the licensing objectives.

Please forward me a copy of the new premises licence when issued.

Kind regards

David Smethurst – Police Licensing Officer
Sandbach Police Office | Middlewich Road | Sandbach | Cheshire CW11 1HU
☎ 01606 363580 | Mobile [REDACTED] | Fax 01606 363571



From: john paul burgis [REDACTED]
Sent: 13 October 2015 14:04
To: David Smethurst
Subject: RE: Tonic Lounge, Crewe ~[NOT PROTECTIVELY MARKED]~

Hello dave, read through times and conditions, and as agreed all looks OK, thanks John

From: david.smethurst7541@cheshire.pnn.police.uk
To: ipburgis@cheshire.pnn.police.uk
CC: sarah.allwood@cheshireeast.gov.uk; amanda.hinton@cheshireeast.gov.uk
Subject: Tonic Lounge, Crewe ~[NOT PROTECTIVELY MARKED]~
Date: Mon, 12 Oct 2015 12:17:03 +0000

John,

Thank you for meeting with me on Thursday 8th October 2015 and agreeing to the changes to your application listed below and for the additional conditions to be added to the premises licence in order to promote the licensing objectives. Please peruse again the items below and then email me back indicating your formal agreement.

Amendments to the application:

The time by which the premises must close to the public will reduce by 30 minutes from the time in the application and will now become:

Sun – Wed 02:30

Thu, Fri & Sat 03:00

The end time for all licensable activities, i.e. Supply of alcohol - Playing of recorded music - Performance of dance - will also be brought forward by 30 minutes and will now become

Supply of alcohol (for consumption ON the premises)

Sun – Wed 02:00

Thu, Fri & Sat 02:30

Playing of recorded music

Sun – Wed 02:30

Thu, Fri & Sat 03:00

Performance of dance

Sun – Wed 02:30

Thu, Fri & Sat 03:00

Conditions to be attached the new premises licence:

1. Two Security Industry Authority (SIA) registered Door Supervisors are to be present, on **each** entrance giving access to the premises, from 21:00 hours and until the premises close to the public every Friday and Saturday. A written record shall be kept on the premises by the Designated Premises Supervisor, of every person employed as a Door Supervisor in a register kept for that purpose. The register shall record the following details for every Door Supervisor and this information shall be retained at the premises for a period of at least twelve months:

The Door Supervisor's full name, date of birth and home address.

His/ her Security Industry Authority licence number.

The date and time he/she starts and finishes duty.

Each entry shall be signed by the Door Supervisor.

The register shall be available for inspection on demand by an employee of the Local Authority, Police Authority or Security Industry Authority or a Police Constable.

2. A tamper proof CCTV system shall be installed at the premises in liaison with and to the satisfaction of the Police Licensing Officer. The CCTV system shall be used to record during all hours that the premises are open to the public and faulty equipment shall be replaced whilst any repairs are carried out.

The images recorded by the CCTV system shall be retained in unedited form for a period of not less than 14 days and copies made freely available on demand to an employee of the Local Authority, Police Authority or Security Industry Authority or a Police Constable

3. The Designated Premises Supervisor or a person nominated by him/her shall be a member of and regularly attend at meetings of the local Pubwatch scheme for the area within which the premises are located.

4 The proof of age initiative "Challenge 25" shall be operated for all sales of alcohol.

5 Public access into the premises shall **only** be allowed by way of the entrance from Nantwich Road into the front of the building after 21:00 hours each night.

6. No-one under the age of 18 years will be allowed to enter or remain on the premises after 21:00 hours, unless attending a pre-booked private function.
7. There will be no entry or re-entry of customers into the premises after 02:00hrs each night.

Kind regards

David Smethurst – Police Licensing Officer

Sandbach Police Office | Middlewich Road | Sandbach | Cheshire CW11 1HU

☎ 01606 363580 | Mobile [REDACTED] | Fax 01606 363571



This communication is intended for the addressee(s) only.
Please notify the sender if received in error. Internet email
is not to be treated as a secure means of communication.
The Constabulary monitors all Internet and email activity
and requires it is used for official communications only. Thank
you for your co-operation.

LICENSING ACT 2003
Environmental Health Consultation
Response



EP Ref: ELL/039372

Date Received:

23 September 2015

Name of Applicant:

John Paul Burgis

Address to which application relates:

Tonic Lounge 31-33 Nantwich Road, Crewe, CW2 6AF

Conversion:

☐

Variation:

☐

New:

☒

<input type="checkbox"/>
X
<input type="checkbox"/>

Approve

Approve with Conditions

Object to Section(s)

Prevention of Public Nuisance

In order to protect the interest of local residents and ensure that the licensing objective of public nuisance prevention is upheld: all necessary steps shall be taken to ensure that any noise from the premises shall not be at a level which could cause a noise nuisance at the boundary of the nearest residential premises, therefore the following conditions should be applied:

1. No music to be played in the outside drinking area.
2. No customers with drinks may remain in the external drinking area or take drinks out to the external area after midnight every night.
3. Noise emanating from the premises as a result of regulated entertainment shall not be clearly audible at the boundary of any adjacent residential premises.
4. All external windows and doors shall be closed whilst regulated entertainment is taking place, except for normal access and egress. Doors shall not be propped or held open.
5. There shall be notices located at the exit(s) requesting that customers leaving the premises do so quietly and with consideration to neighbours.
6. There shall be no disposal of bottles outside the premises between the hours of 21.00 and 09.00.

Signed: Sarah Allwood

Dated: 16 October 2015

HINTON, Amanda

From: LICENSING (Cheshire East)
Sent: 29 September 2015 16:34
To: HINTON, Amanda
Subject: FW: licence for Tonic Bar Nantwich Road

From: [REDACTED]
Sent: 29 September 2015 16:22
To: LICENSING (Cheshire East)
Cc: jason gillett
Subject: licence for Tonic Bar Nantwich Road


Dear sir

I would like to object to a licence for the tonic bar for music from 19.30 to 03.30 every night as I live next door at [REDACTED] Nantwich Road and at the moment it is bad enough on a Wednesday, Thursday, Friday, Saturday and Sunday night the noise is really loud and the beat comes right through my living room I understand it is a business but I get up at 03.15 most mornings for work as a lorry driver and cannot get much sleep at all

thank you for your help with this matter

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Sent from Windows Mail


Telephone or Fax No: 




To Whom It May Concern:

Ref: Application for a premises licence at 31-33 Nantwich Road Crewe.

I wish to register my strongest objection to the granting of a music license to the business above.

Whilst it will have no direct impact on my business during normal working hours I have the following concerns:

- 1 – I rent the flat above my shop to a private individual as his sole dwelling. This is bordered by the Last Orders Public House on one side, with the attendant noise this brings. To have music playing until the early hours on the other side would be an insufferable intrusion into his right to peaceful enjoyment of his home.**
- 2 – The flat would effectively become un-lettable with a huge impact on rental income and value of the whole property.**
- 3 – My premises would be prone to acts of anti-social behaviour, particularly adjacent to a late night music venue.**
- 4 – My premises already suffers from litter and detritus thrown over the party wall from the venue – this is intolerable when trying to operate a food business which is safety critical. Any further extension of that venue could result in a huge problem with vermin.**
- 5 – The application also raises questions about the security of my premises during the early hours, with large numbers of inebriated patrons at large.**

I hope that you will take very seriously these concerns when assessing the merits (or otherwise) of the application, as I feel the potential detriment to my business (and others) in this area, plus the huge impact on the quality of life of my tenant far outweighs the dubious benefits of the granting of this application.

Yours sincerely,



19.10.15



Cheshire CC WebGIS



(c) Crown copyright and database rights 2015. Ordnance Survey 100049045, 100049046.



This page is intentionally left blank