

# Licensing Act Sub-Committee

## Agenda

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**Date:** Wednesday, 10th May, 2017  
**Time:** 10.00 am  
**Venue:** Committee Suite 2/3 - Westfields, Middlewich Road, Sandbach, CW11 1HZ

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

It should be noted that Part 1 items of Cheshire East Council decision making and Overview and Scrutiny meetings are audio recorded and the recordings will be uploaded to the Council's website.

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

1. **Appointment of Chairman**

To appoint a Chairman for the meeting.

2. **Declarations of Interest**

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

3. **Application to Vary a Premises Licence - Boars Head, Walgherton, Nantwich CW5 7LA (Pages 7 - 38)**

To consider an application to vary a Premises Licence submitted by Orange Tree Bar and Grill Limited in respect of Boars Head, Walgherton, Nantwich CW5 7LA.

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

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For requests for further information

**Contact:** Julie Zientek  
**Tel:** 01270 686466  
**E-Mail:** [julie.zientek@cheshireeast.gov.uk](mailto:julie.zientek@cheshireeast.gov.uk)

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## CHESHIRE EAST COUNCIL

**Procedure for Hearings – Licensing Act 2003****The Licensing Committee**

The full Licensing Committee consists of fifteen elected Members of the Council. From this full Committee will be drawn sub-committees of three members to deal with licensing functions under the Licensing Act 2003. The Chairman and Vice Chairman of the Licensing Committee shall have the discretion to refer a matter up to a hearing of the full Licensing Committee.

**Officers at Hearings**

- **The Committee Officer** introduces all parties and records the proceedings
- **The Legal Adviser** provides independent advice to the Members on legal matters and procedure.
- **The Licensing Officer** will introduce the matter and outline the application; the officer will also answer any questions Members may have.

**PROCEDURE**

NOTE: If the Sub-Committee has not already elected a Chairman, that will be the first item of business.

<b>1</b>	<b>Chairman</b>	The Chairman will: (i) call the matter to be considered (ii) call for any declarations of interest (iii) ask all parties to introduce themselves (iv) summarise the procedure to be followed at the hearing (v) will consider any request made by a party for another person to appear at the hearing (v) will advise the parties of any maximum period of time in which it has to present its case (if a maximum is imposed this shall be equal for all parties)
<b>2</b>	<b>Licensing Officer</b>	Will introduce and summarise the application, highlighting areas of contention or dispute.
<b>3</b>	<b>Committee Members</b>	May ask questions of the Licensing Officer
<b>4</b>	<b>Applicant</b>	Will present his/her case, calling witnesses, as appropriate.  <i>(If necessary, applicant will produce any notices required by law. Legal Adviser will draw attention to this if required.)</i>

5	<b>Responsible Authorities</b>  (who have made representations)	Each in turn may ask <u>questions</u> of the applicant, by way of clarification.
6	<b>Other Persons</b>  (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	<b>Committee Members</b>	Each in turn may ask <u>questions</u> of the applicant.
8	<b>Applicant</b>	May make a <u>statement</u> or ask his witnesses to clarify any matters which he feels are unclear, or may have been misunderstood.
9	<b>Responsible Authorities</b>	Will make their representations.
10	<b>Applicant</b>	Or his representative or witnesses to ask <u>questions</u> of Responsible Authorities represented at the meeting, by way of clarification.
11	<b>Other Persons</b>  (who have made representations)	May ask <u>questions</u> of the Responsible Authorities represented at the meeting, by way of clarification.  <b>(Note: This is not the point at which they should be stating their objections.)</b>
12	<b>Committee Members</b>	May ask <u>questions</u> of the Responsible Authorities represented at the meeting
13	<b>Other Persons</b>  (who have made representations)	Those who have objected to the application will be invited <b><u>to make observations on the application</u></b> and present the bases of their objections.
15	<b>Applicant</b>	Or his representative or witnesses may ask <u>questions</u> of the other persons, by way of clarification.
16	<b>Committee Members</b>	May ask <u>questions</u> of the other persons.
17	<b>Chairman</b>	To invite both <b>Responsible Authorities</b> and <b>Other Persons</b> to make their closing addresses.
18	<b>Applicant</b>	Or his representative will <u>briefly summarise the application</u> and comment on the observations and any suggested

		conditions.
19	<b>Committee</b>	<u>Will retire</u> to consider the application. The Committee may request the Legal Advisor to advise on legal issues.
20	<b>Committee</b>	<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

**REPORT TO: LICENSING ACT SUB-COMMITTEE**

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<b>Date of Meeting:</b>	<b>10.00AM Wednesday 10<sup>th</sup> May 2017</b>
<b>Report of:</b>	<b>Jennifer Knight, Licensing Officer</b>
<b>Subject/Title:</b>	<b>Application for a Variation to the Premises Licence at Boars Head, Walgherton, Nantwich, CW5 7LA</b>

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**1.0 Report Summary**

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

**2.0 Recommendations**

- 2.1 The Licensing Act Sub-Committee is requested to determine the application for a Variation to a premises licence by Orange Tree Bar and Grill Limited in respect of:

**Boars Head  
Walgherton, Nantwich, CW5 7LA**

- 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**

Wybunbury

### **5.0 Local Ward Members**

Councillor Janet Clowes

### **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 Prevention of Crime and Disorder and the Prevention of Public Nuisance Licensing Objectives. The Licensing Authority sets out at paragraphs 7 and 9 respectively, of its Statement of Licensing Policy how it will deal with representations under these objectives. At paragraph 9.1 the Statement of licensing policy confirm that a broad interpretation of what constitutes a public nuisance will be taken
  - 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. Para 9.2
  - The Statement of Licensing Policy has a specific section relating to noise nuisance. This section is reproduced for the benefit of the sub-committee at appendix 3
- 6.3 Members should provide reason(s) for any decision taken and should set out the 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 initially received on the 10<sup>th</sup> March 2017. The application is for a Variation to a Premises Licence under Section 34 of the Licensing Act 2003.
- 10.2 The operating schedule indicates that the relevant licensable activities applied for are:

To vary the internal layout of the premises

The addition of late night refreshment to the licence 23.00 – Midnight

The applicant has applied to remove four conditions from the licence

- Children not allowed on the premises after 9:30PM
- No amplified music
- Cigarette machine positioned to be clearly visible from behind the bar server
- No smoking area for family use

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

**Late Night Refreshment**

10.3 The hours applied for are as follows:

23.00 - Midnight

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

10.5 Relevant Representations are attached as Appendix 2.

Responsible Authorities:

10.8 Cheshire Police have no representations to the application

10.7 Environmental Protection have no representations to the application

Other Persons:

10.6 The Council has received one objection from the public to the application

**11.0 Access to Information**

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

Name: Miss Jennifer Knight

Designation: Senior Licensing Officer

Tel No: 01270 686337

Email: Jennifer.knight@cheshireeast.gov.uk

**APPENDICES**

Appendix 1 – Premises Licence Application Form

Appendix 2 – Objection

Appendix 3 – Relevant parts of Licensing Policy

Appendix 4 – Premises Licence Summary

Appendix 5 – Site plan of premises

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

Cheshire East Council  
Municipal Buildings  
Earle Street  
Crewe  
CW1 2BJ

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

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

**XWe** The Orange Tree Bar and Grill Limited  
(Insert name(s) of applicant)

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

Premises licence number  
256

### Part 1 - Premises Details

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

Boars Head  
Walgherton

Post town Nantwich

Post code CW5 7LA

Telephone number at premises (if any)

01270 845134

Non-domestic rateable value of premises

£ 38,750.00

### Part 2 - Applicant Details

Daytime contact telephone  
number

E-mail address (optional)

Current postal address if  
different from premises  
address

Post town

Post code

**Part 3 - Variation**

Please tick as appropriate

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

☒ Yes ☐ No

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

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

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1)

☐ Yes ☒ No

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

**Please describe briefly the nature of the proposed variation (Please see guidance note 2)**

The premises currently have a premises licence which allows the sale of alcohol for consumption on & off the premises & Recorded Music on Mon-Sat 10:00-00:00 & Sun 12:00-00:00 and Live Music Mon-Sat 10:00-00:00 Sun 11:00-00:00

The proposed variation is to update the plans to show a change of layout following a refurbishment, to add the Licensable Activity of Late Night Refreshment Mon-Sun 23:00-00:00 and to remove conditions under Annex 2 which state "Children not allowed on the premises after 9:30pm" / "No amplified music" (to enable the licensable activities of live music and recorded music to be used) / "The cigarette machine positioned to be clearly visible from behind the bar serverly" & "No smoking area for family use"

**Part 4 - Operating Schedule**

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

**Provision of regulated entertainment**

Please tick all that apply

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

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

<b>Plays</b> Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both - please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
Fri			<u>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</u> (please read guidance note 6)		
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both - please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Thur					
Fri			<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 6)		
Sat					
Sun					

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 5)
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 6)
Fri			
Sat			
Sun			

D

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick (please read guidance note 3)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	
Tue				
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)	
Thur				
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)	
Sat				
Sun				

## E

<b>Live music</b> Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both - please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both		
Mon	10:00	00:00	<u>Please give further details here</u> (please read guidance note 4)		
Tue	10:00	00:00			
Wed	10:00	00:00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5) <small>The opening hours &amp; all licensable activities are extended by one hour into the morning following every Friday, Saturday, Sunday and Monday for each May Day, Spring/Whitsun Holiday, August Bank Holiday weekend, Easter Bank Holiday weekend, Maundy Thursday, Christmas Eve and Boxing Day. Extended for the period between New Year's Eve and the commencement of normal licensing hours on New Years Day.</small>		
Thur	10:00	00:00			
Fri	10:00	00:00	<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 6)		
Sat	10:00	00:00			
Sun	11:00	00:00			

## F

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both - please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both		
Mon	10:00	00:00	<u>Please give further details here</u> (please read guidance note 4)		
Tue	10:00	00:00			
Wed	10:00	00:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5) <small>The opening hours &amp; all licensable activities are extended by one hour into the morning following every Friday, Saturday, Sunday and Monday for each May Day, Spring/Whitsun Holiday, August Bank Holiday weekend, Easter Bank Holiday weekend, Maundy Thursday, Christmas Eve and Boxing Day. Extended for the period between New Year's Eve and the commencement of normal licensing hours on New Years Day.</small>		
Thur	10:00	00:00			
Fri	10:00	00:00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	10:00	00:00			
Sun	12:00	00:00			



**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both - please tick</u> (please read guidance note 3)		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 4)			
Tue						
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)			
Thur						
Fri			<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 6)			
Sat						
Sun						

**H**

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			<u>Please give a description of the type of entertainment you will be providing</u>			
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both - please tick</u> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)			
Tue						
Wed			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)			
Thur						
Fri			<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 6)			
Sat						
Sun						



<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<u>Will the provision of late night refreshment take place indoors or outdoors or both - please tick</u> (please read guidance note 3)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish		
Mon	23:00	00:00	<u>Please give further details here</u> (please read guidance note 4)	
Tue	23:00	00:00		
Wed	23:00	00:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5) <small>The opening hours &amp; all licensable activities are extended by one hour into the morning following every Friday, Saturday, Sunday and Monday for each May Day, Spring/Whitsun Holiday, August Bank Holiday weekend, Easter Bank Holiday weekend, Maundy Thursday, Christmas Eve and Boxing Day. Extended for the period between New Year's Eve and the commencement of normal licensing hours on New Years Day</small>	
Thur	23:00	00:00		
Fri	23:00	00:00	<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 6)	
Sat	23:00	00:00		
Sun	23:00	00:00		

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<u>Will the supply of alcohol be for consumption - please tick</u> (please read guidance note 8)	On the premises <input type="checkbox"/>
				Off the premises <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish		
Mon	10:00	00:00	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5) <small>The opening hours &amp; all licensable activities are extended by one hour into the morning following every Friday, Saturday, Sunday and Monday for each May Day, Spring/Whitsun Holiday, August Bank Holiday weekend, Easter Bank Holiday weekend, Maundy Thursday, Christmas Eve and Boxing Day. Extended for the period between New Year's Eve and the commencement of normal licensing hours on New Years Day</small>	
Tue	10:00	00:00		
Wed	10:00	00:00		
Thur	10:00	00:00	<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 6)	
Fri	10:00	00:00		
Sat	10:00	00:00		
Sun	12:00	00:00		

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 9).

N/A

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variations</b> (please read guidance note 5)
Day	Start	Finish	<b>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</b> (please read guidance note 6) The opening hours & all licensable activities are extended by one hour into the morning following every Friday, Saturday, Sunday and Monday for each May Day, Spring/Whitsun Holiday, August Bank Holiday weekend, Easter Bank Holiday weekend, Houndy Thursday, Christmas Eve and Boxing Day. Extended for the period between New Year's Eve and the commencement of normal licensing hours on New Years Day
Mon	10:00	00:30	
Tue	10:00	00:30	
Wed	10:00	00:30	
Thur	10:00	00:30	
Fri	10:00	00:30	
Sat	10:00	00:30	
Sun	12:00	00:30	

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

Annex 2 -

"Children not allowed on the premises after 9:30pm".

"No amplified music"

"The cigarette machine positioned to be clearly visible from behind the bar servery"

"No smoking area for family use"

Please tick as appropriate

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

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

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

The whereabouts of the original Licence & Summary is not currently known

## M

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

### a) General - all four licensing objectives (b, c, d and e) (please read guidance note 10)

As Premises Licence Holders, we understand that we have a duty to the local community and to our customers and that we continue to protect our staff and customers from danger and harm.

We are eager to work in partnership with all responsible authorities to ensure the promotion of the four licensing objectives and to achieve a successful cohesion between our business operations and our neighbours.

### b) The prevention of crime and disorder

We are keen to work in partnership with the local Police to prevent crime & disorder at this licensed premises.

Exterior trading areas are closely monitored.



**c) Public safety**

- All exterior areas are well illuminated.
- All interior trading areas and toilets are regularly checked.

**d) The prevention of public nuisance**

- No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the building.
- There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public notices requiring customers to leave the premises and the area quietly.
- Refuse such as bottles shall be disposed of from the premises at a time when it is not likely to cause a disturbance to residents in the vicinity of the premises.

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

- No unaccompanied children will be allowed on the premises.
- No nudity or striptease.

**Checklist:**

Please tick to indicate agreement

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

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

**Part 5 - Signatures** (please read guidance note 11)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	9th March 2017
Capacity	Solicitor / Authorised Agent for the Applicant

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature			
Date			
Capacity			
<b>Contact name (where not previously given) and address for correspondence associated with this application</b> (please read guidance note 14) Shoosmiths LLP The Lakes			
<b>Post town</b> Northampton		<b>Post code</b> NN4 7SH	
<b>Telephone number (if any)</b>			
<b>If you would prefer us to correspond with you by e-mail, your e-mail address (optional)</b>			

## Notes for Guidance

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

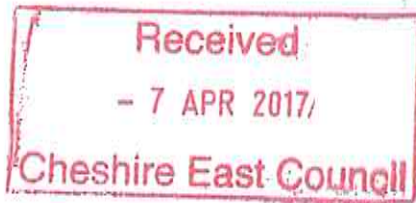
1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.
2. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing 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.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. 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.
8. 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'.
9. 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.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
14. This is the address which we shall use to correspond with you about this application.











Original  
To: Planning  
Waypoint  
Name: LCP  
CWS / 26

30<sup>th</sup> March, 2017

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

Dear Sir/Madam

**Planning Application – Orange Tree Bar and Grill Ltd (operated by Parogen Group) Licence change at The Boar's Head**

I wish to register my objection to the above mentioned planning application on the following grounds:

The Boar's Head is located in the countryside with low background noise particularly at night. The introduction of amplified music will definitely have a detrimental effect on background noise. I think it would be appropriate to check on existing noise levels and agree what increase would be acceptable before a change to the licence is approved.

I live nearby and have previous experience of the use of unauthorised amplified music at the Boar's Head late in the evening, up to 12.30pm – 1am. The noise kept my family awake and I personally contacted the manager to complain.

I believe that uncontrolled permission to use live or amplified music could lead to a serious noise nuisance. This applies not only to the music itself, but also to late night customers exiting the premises and starting cars, slamming doors etc, something which would be inevitable if licensing hours are extended to midnight.

If any alteration is made to the licensing of this establishment it would be useful to consider restrictions on the number of occasions live or amplified music could be used, and a commitment from The Paragon Group to abide by any limitations imposed.

Yours faithfully,

W. A. S.

040359

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**Relevant Sections of Cheshire East Licensing Policy**

**9. Prevention of Public Nuisance 15 | P a g e**

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 denser 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.

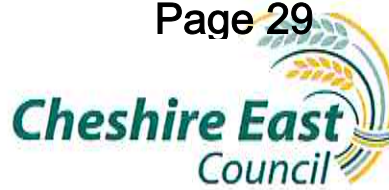
9.5 Applicants will be expected to have included measures in their Operating Schedules that make adequate provision to:

- ☐ 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.



## Premises Licence Summary

**Premises Licence Number:**

**256**

### Premises Details

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

Boars Head  
London Road  
Walgherton  
Nantwich

Post Town: Nantwich

Post Code: CW5 7LA

Telephone Number: 01270 845134

Where the Licence is time limited, the dates:

Not applicable

Licensable activities authorised by the Licence:

Supply of Alcohol  
Recorded Music (Indoors)  
Live Music (Indoors)

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

#### Supply of Alcohol and Recorded Music

#### Live Music

Monday to Saturday 10:00 – 00:00  
Sunday 12:00 – 00:00

Monday to Saturday 10:00 – 00:00  
Sunday 11:00 – 00:00

The opening hours and all licensable activities are extended by one hour into the morning following every Friday, Saturday, Sunday and Monday for each May Day, Spring/Whitsun Holiday, August Bank Holiday weekend, Easter Bank Holiday weekend, Maundy Thursday, Christmas Eve and Boxing Day. Extended for the period between New Years Eve and the commencement of normal licensing hours on New Years Day.

The opening hours of the Premises:

Monday	10:00	to	00:30
Tuesday	10:00	to	00:30
Wednesday	10:00	to	00:30
Thursday	10:00	to	00:30
Friday	10:00	to	00:30
Saturday	10:00	to	00:30
Sunday	12:00	to	00:30

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

Alcohol is supplied for consumption both on and off the Premises

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

The Orange Tree Bar and Grill Limited  
371 Newcastle Road  
Stoke on Trent  
ST4 6PG

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

08003957

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

Mr Peter Harold Morrison

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

No unaccompanied children  
No children on premises after 21:30 hrs

**Licence Issued:** 4<sup>th</sup> December 2015

J. Cornes.

Mrs Jane Cornes  
On Behalf of Cheshire East Borough Council



**Annex 1 - Mandatory Conditions (as applicable)**

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

**Where a Village Hall is exempt from needing DPS under s.19 Licensing Act 2003**

Every supply of alcohol under the premises licence must be made or authorised by the Management Committee.

**Mandatory condition where the licence authorises the exhibition of films**

The admission of children to the exhibition of any film must be restricted in accordance with section 20 of the Licensing Act 2003. Admission of children must be restricted in accordance with any recommendation made by the British Board of Film Classification or the Licensing Authority.

**Prohibited conditions: plays**

1. In relation to a premises licence 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.
2. But subsection (1) does not prevent a licensing authority imposing, in accordance with section 18(2)(a) or (3)(b), 35(3)(b) or 52(3), any condition which it considers necessary on the grounds of public safety.

**Mandatory condition: Door supervision**

Each individual engaged in security activities at the premises must either:

- 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 the Private Security Industry Act 2001.

**LICENSING ACT 2003 (MANDATORY LICENSING CONDITIONS)( AMENDMENT) ORDER 2014**

**MANDATORY CONDITIONS**

**Condition 1**

1. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:
  - 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 in a manner which carries a significant risk of undermining a licensing objective;

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 in a manner which carries a significant risk of undermining a licensing objective;

d) 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;

e) Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

### **Condition 2**

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

### **Condition 3**

1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

3. 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 either -

a) A holographic mark, or

b) An ultraviolet feature

### **Condition 4**

The responsible person must 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: 25ml or 35ml; and

iii. Still wine in a glass: 125ml;

b) These measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

c) Where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.



**The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014**

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—

- a) 'duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- b) 'permitted price' is the price found by applying the formula—

$$P = D + (D \times V)$$

Where —

- i. P is the permitted price,
- ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

c) 'relevant person' means, in relation to premises in respect of which there is in force a premises licence—

- i. the holder of the premises licence,
- ii. the designated premises supervisor (if any) in respect of such a licence, or
- iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;

d) 'relevant person' means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

e) 'valued added tax' means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the building.

There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public notices requiring customers to leave the premises and the area quietly.

Refuse such as bottles shall be disposed of from the premises at a time when it is not likely to cause a disturbance to residents in the vicinity of the premises.

All exterior areas well illuminated.

Exterior trading areas are closely monitored.

All interior trading areas and toilets regularly checked.

No amplified music.

No unaccompanied children allowed on the premises.

Children not allowed on the premises after 9:30PM.

No smoking area for family use.

Cigarette machine positioned to be clearly visible from behind the bar servery.

No nudity or striptease.

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

None

**Annex 4 - Plans**

See attached

Annex 5 – Existing licence conditions				
NO	SOURCE	TYPES OF PREMISES	TYPE OF RESTRICTION	WORDING OF CONDITION
	S60, 63, 86, LA1964	Off-licences and off sales departments of on-licensed premises	Permitted hours	<p>Alcohol shall not be sold or supplied except during permitted hours</p> <p>In this condition, permitted hours means:</p> <ul style="list-style-type: none"> <li>(a) On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.</li> <li>(b) On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.</li> <li>(c) On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.</li> <li>(d) On Good Friday, 8 a.m. to 10.30 p.m.</li> </ul> <p>The above restrictions do not prohibit:</p> <ul style="list-style-type: none"> <li>(a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;</li> <li>(b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;</li> <li>(c) the sale of alcohol to a trader or club for the purposes of the trade or club;</li> <li>(d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;</li> </ul>
	S164LA 1964	Off-licence	Consumption	Alcohol shall not be sold in an open container or be consumed in the licensed premises

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