

Licensing Act Sub-Committee

Agenda

Date: Monday, 11th December, 2017

Time: 10.30 am

Venue: The Capesthorpe Room - Town Hall, Macclesfield SK10 1EA

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 for a Personal Licence** (Pages 7 - 32)

To consider an application for a Personal Licence.

4. **Application to Vary a Premises Licence - Lyme Breeze, Wood Lane East, Adlington SK10 4PH** (Pages 33 - 96)

To consider an application to vary a Premises Licence submitted by Wilshaws of Bexton Limited in respect of Lyme Breeze, Wood Lane East, Adlington SK10 4PH.

THERE ARE NO PART 2 ITEMS

For requests for further information

Contact: Julie Zientek

Tel: 01270 686466

E-Mail: julie.zientek@cheshireeast.gov.uk

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

REPORT TO: LICENSING ACT SUB-COMMITTEE

Date of Meeting:	10.30 Monday 11th December 2017
Report of:	Jennifer Knight, Licensing Officer
Subject/Title:	Application for Personal Licence by Mr Ryan Clive Hulme in Cheshire East

1.0 Report Summary

1.1 Summary

Cheshire East Council, being the authorised licensing authority for the issue of Personal Licences, has received an application from Mr Ryan Clive Hulme.

Cheshire Police Constabulary have submitted an objection to the application under Section 120 (5)(a) on the grounds that to grant the application would undermine the Crime and Disorder licensing objective.

After considering all the relevant issues the licensing authority may either grant or refuse the application.

2.0 Recommendations

- 2.1 The Licensing Act Sub-Committee is requested to determine the application for a Personal Licence by:

Ryan Clive Hulme
Resident of Cheshire East

- 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 the application and its content.

- 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 West

5.0 Local Ward Members

Councillor Jill Rhodes
Councillor Brian Roberts

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:

- Section 4 of the Licensing Act 2003 Statutory Guidance provides information about the Disclosure of Convictions and Relevant Convictions, the guidance is attached to this report at Appendix 5

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:

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 8th November 2017. The application is for a Personal Licence under section 117 of the Licensing Act 2003.
- 10.2. Under the Licensing Act 2003, any individual who authorises sales or supplies of alcohol from licensed premises must hold a Personal Licence, or have been given consent by such a person to make the sale or supply.
- 10.3 Personal Licence holders may also give a greater number of temporary event notices (TENs) per year than other persons – 50 instead of 5.
- 10.4. To obtain a Personal Licence, an individual must complete a short (1 day) training course including an exam, and make an application to the relevant local council for the area in which they reside. Application forms must be accompanied by a Disclosure of convictions and civil immigration penalties and declaration form, the results of a recent criminal records check, evidence of an accredited qualification and the photograph with prescribed application fee.
If the applicant is over 18, has completed the accredited training, has not forfeited a licence and has no unspent convictions for relevant criminal offences, a licence will be granted and is valid indefinitely
- 10.5 Once a licence has been issued, it may be used at licensed premises throughout England and Wales. It is not necessary, nor permitted by law, to obtain licences in each area where the individual intends to work. As such, many licence-holders who originally applied to Cheshire East Council have since moved out of the area. However, replacement licences or changes of name or address notifications must be made to the Council which issued the original licence, irrespective of where the holder is living at the time.
- 10.6 Mr Hulme has submitted an application for a Personal Licence and disclosed one conviction at Appendix 2. Mr Hulme also provided an accredited qualification and evidence of his right to work in the UK, with the prescribed fee and passport sized photograph.

10.7 The Disclosure Scotland Basic Disclosure submitted with the application provided the following relevant convictions –

13/01/2014	North East Derbyshire And Dales Magistrates	Produce Controlled Drug – Class B – Cannabis	<p>23/01/14 North East Derbyshire Magistrates Sentenced</p> <p>Community Order 22/01/15 Costs 40.00 Unpaid Work Requirement Curfew Requirement With Electronic Tagging Victim Surcharge 60.00 Forfeiture And Destruction Order Revoked</p> <p>05/06/15 Northern Derbyshire Magistrates Subsequently Varied</p> <p>Imprisonment 14 Days</p> <p>Community Order 22/01/15 Unpaid Work Requirement Curfew Requirement With Electronic Tagging</p>
01/06/2015	Northern Derbyshire Magistrates	Driving A Motor Vehicle With Excess Alcohol	<p>Community Order 04/06/16 Programme Requirement 19 Days Rehabilitation Activity Requirement 5 Days Unpaid Work Requirement 150 HRS Costs 85.00 Criminal Courts Charge 150.00</p> <p>Disqualified From Driving – Obligatory 15 MTHS Disqualification From Driving Reduced If Course Completed By 16 Weeks If Completed By 14/03/2016 Driving Licence Endorsed</p> <p>14/03/16 South And East Cheshire Magistrates Subsequently Varied</p>

			<p>Order Revoked 14/03/16 & RE Sentenced Imprisonment 18 WKS Consecutive</p> <p>Community Order 04/06/16 Programme Requirement 19 Days Rehabilitation Activity Requirement 5 Days Unpaid Work Requirement 150 HRS</p> <p>14/03/16 South And East Cheshire Magistrates Subsequently Varied</p> <p>Order Revoked 14/03/16 & RE Sentenced Imprisonment 4 WKS</p>
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10.4 A copy of the application form is attached as Appendix 1.

10.5 Relevant Representations are attached as Appendix 4.

Responsible Authorities:

10.8 Cheshire Police have objected 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 – Personal Licence Application
- Appendix 2 – Disclosure of Convictions
- Appendix 3 – Biiab Level 2 award for Personal Licence Holders
- Appendix 4 – Cheshire Police Objection
- Appendix 5 – Licensing Act 2003 Section 4 Guidance
- Appendix 6 – List of Relevant convictions

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Application for a personal licence

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 or typed in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

1. Your personal details		
TITLE Please tick		
Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	Hulme	
Forenames	Ryan Clive	
PREVIOUS NAMES (if relevant) please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary.		
TITLE Please tick		
Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname		
Forenames		
Date of Birth		
Nationality		
I am 18 years old or over. Please tick		Yes <input type="checkbox"/> No <input type="checkbox"/>
ADDRESS WHERE ORDINARILY RESIDENT (We will use this address to correspond with you unless you complete the separate correspondence box below).		
<div style="background-color: black; width: 100px; height: 50px;"></div>		
Post town		Post code
<div style="background-color: black; width: 100px; height: 15px;"></div>		<div style="background-color: black; width: 100px; height: 15px;"></div>
TELEPHONE NUMBERS		
Daytime	<div style="background-color: black; width: 150px; height: 15px;"></div>	
Evening	<div style="background-color: black; width: 150px; height: 15px;"></div>	
Mobile	<div style="background-color: black; width: 150px; height: 15px;"></div>	
FAX NUMBER	N/A	
E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)		
<div style="background-color: black; width: 150px; height: 15px;"></div>		

Address for correspondence associated with this application (if different to the address above)	
Post town	Post code
TELEPHONE NUMBERS	
Daytime	
Evening	
Mobile	
E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)	


2. Your licensing qualifications	
Read Note 1	Please tick yes
Please indicate below which one of these statements applies to you:	
1. I hold an accredited licensing qualification	<input checked="" type="checkbox"/>
2. I hold a certified qualification	<input type="checkbox"/>
3. I hold an equivalent qualification	<input type="checkbox"/>
4. I am a person of prescribed description	<input type="checkbox"/>
If you have ticked either of statements 1, 2 or 3 please provide details of your qualification in the box below (name of qualification, date of issue, issuing body) and please enclose your qualification with your application.	
If you have ticked statement 4, please provide evidence that you are a person of prescribed description.	
<u>Bilal Level 2 Award For Personal Licence Holders.</u> <u>Issued by CPL Training, On 26th October 2017.</u>	

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3. Previous or outstanding applications for a personal licence					
Note: You may only hold one personal licence at a time.	Please tick				
Do you currently hold a personal licence?	<table border="1"> <tr> <td>Yes</td> <td>No</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </table>	Yes	No	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Yes	No				
<input type="checkbox"/>	<input checked="" type="checkbox"/>				
Do you currently have any outstanding applications for a personal licence, with this or any other licensing authority?	<table border="1"> <tr> <td>Yes</td> <td>No</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </table>	Yes	No	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Yes	No				
<input type="checkbox"/>	<input checked="" type="checkbox"/>				

Has any personal licence held by you been forfeited in the last 5 years?		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Licensing Authority			
Licence number			
Date of issue			
Any further details			

4. CHECKLIST:	
I have	Please tick yes
• enclosed two photographs of myself, one of which is endorsed as a true likeness of me by a solicitor or notary, a person of standing in the community or any individual with a professional qualification	<input checked="" type="checkbox"/>
• enclosed any licensing qualification I hold or proof that I am a person of prescribed description	<input checked="" type="checkbox"/>
• enclosed a criminal conviction certificate or a criminal record certificate or the results of a subject access search of the police national computer by the National Identification Service	<input checked="" type="checkbox"/>
• enclosed a completed disclosure of criminal convictions and declaration form (Schedule 2)	<input checked="" type="checkbox"/>
• included a proof of my right to work in the United Kingdom (see note 2)	<input checked="" type="checkbox"/>
• made or enclosed payment of the fee for the application	<input checked="" type="checkbox"/>

5. Declaration	
<p>I am entitled to work in the UK and am not subject to a condition preventing me from doing work relating to the carrying on of a licensable activity. I understand that my licence will become invalid if I cease to be entitled to live and work in the UK.</p> <p>The information contained in this form is correct to the best of my knowledge and belief.</p> <p>It is an offence knowingly or recklessly to make a false statement in or in connection with an application for the grant of a personal licence. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement). To do so could result in prosecution and a fine of any amount. It is an offence under section 24B of the Immigration Act 1971 to work illegally.</p>	
SIGNATURE	DATE
	07/11/17

NOTES

Information on the Licensing Act 2003 is available on legislation.gov.uk or from your local licensing authority.

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

Disclosure of convictions and civil immigration penalties and declaration

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 or typed in black ink. Use additional sheets if necessary.


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


1. Your personal details	
TITLE Please tick ✓	
Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)	
Surname	Hume
Forenames	Ryan Clive
PREVIOUS NAMES (if relevant) please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary.	
TITLE Please tick ✓	
Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)	
Surname	
Forenames	

2. Forfeiture by a court or revocation by a licensing authority of a personal licence in the last 5 years		
Has any personal licence held by you been forfeited or revoked in the last 5 years?		Please tick ✓
If yes, please provide details below:		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Name of court/licensing authority		
Address of court		
Date of forfeiture/revocation		
Offence which resulted in the forfeiture/revocation		

Any additional details	
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3. Relevant or foreign offences and civil immigration penalties					
Read Notes	Please tick				
Have you been convicted of any relevant offence or foreign offence or been required to pay a civil immigration penalty?	<table border="1"> <tr> <td>Yes</td> <td>No</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </table>	Yes	No	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Yes	No				
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				
If you have been convicted of any relevant offence you must provide details for each conviction of the date of conviction, the name and location of the convicting court, offence of which you were convicted and the sentence imposed:					
<p>Driving under influence - 3x 1/6/15 1/6/15 - community order, DQ from Driving 15 months, 150 hrs, fine £150 - Northern derbyshire magistrates</p>					
If you have been convicted of any foreign offence you must provide details for each conviction of the date of conviction, the name and location of the convicting court, offence of which you were convicted and the sentence imposed:					
If you have received an immigration penalty you must provide details, including the reference, date and company name.					

4. Declaration			
I declare that I have not been convicted of any relevant offence or any foreign offence or been required to pay a civil immigration penalty			
SIGNATURE		DATE	6/10/17

5. Declaration			
The information contained in this form is correct to the best of my knowledge and belief.			
It is an offence knowingly or recklessly to make a false statement in or in connection with an application for the grant of a personal licence. A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement. To do so could result in prosecution and a fine of any amount. It is an offence under section 24B of the Immigration Act 1971 to work illegally.			
SIGNATURE		DATE	6/10/17

NOTES

1. Relevant or foreign offences

Relevant offences are the offences listed in Schedule 4 to the Licensing Act 2003:

The meaning of **foreign offence** is dealt with in section 113 of the Licensing Act 2003.

If you are the holder of a justices' licence and you are applying for a personal licence under regulation 8 of the Licensing Act (Personal licences) Regulations 2005 see paragraphs 23 and 28 in Part 3 of Schedule 8 to the Licensing Act 2003 for the information you are required to give.

If you are convicted of any relevant or foreign offence during the period between when your application is made and when your application is determined or withdrawn, you must notify the authority to which your application was made. Failure to do so without reasonable excuse could lead to prosecution and a fine not exceeding level 4 on the standard scale.

2. Civil immigration penalty

An immigration penalty means a penalty under either section 15 of the Immigration, Asylum and Nationality Act 2006 or section 23 of the Immigration Act 2014.



This is to certify that

RYAN CLIVE HULME

has been awarded the

BIIAB Level 2 Award for Personal Licence Holders

Qualification Accreditation Number: [REDACTED]
Certificate Number: [REDACTED]

Date Achieved: 26/10/2017
Learner Number: [REDACTED]



Denise Thomson
Responsible Officer

Regulated by
Ofqual



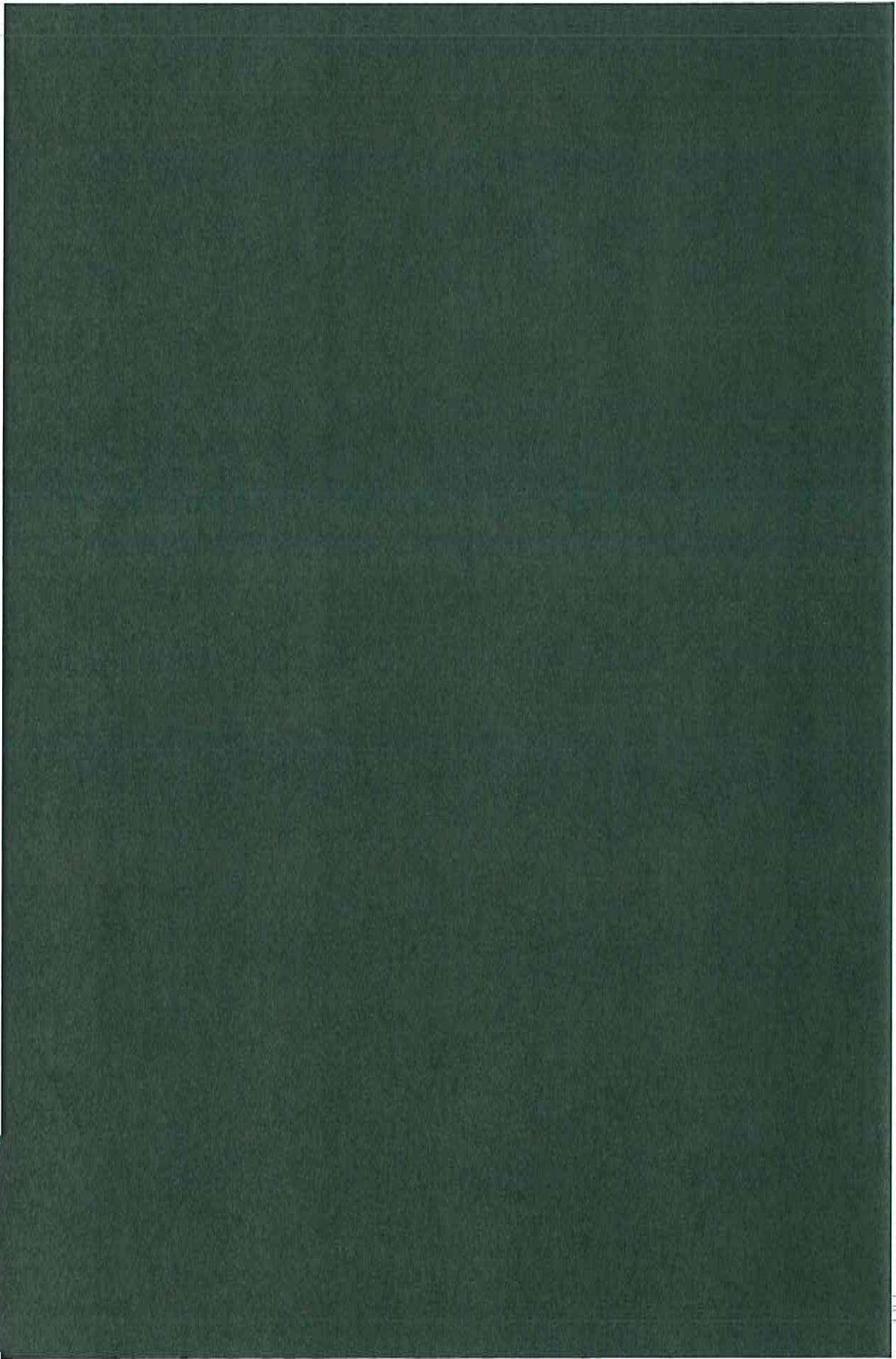
For more information visit <http://www.ofqual.gov.uk>

Application Number



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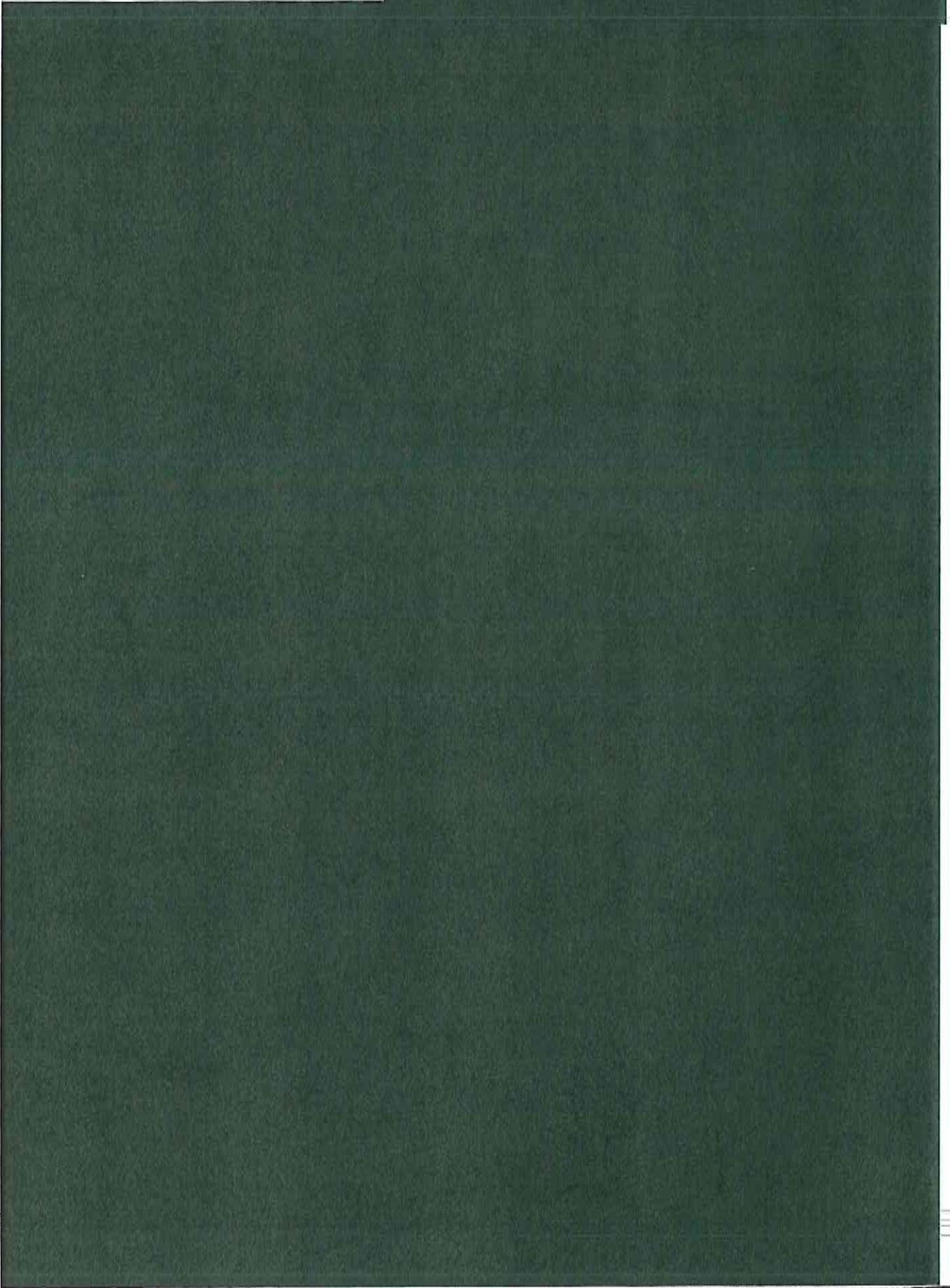
OF AN ENTRY



P60 End of Year Certificate

Tax year to 5 April

2017



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From:**Sent:** 15-Nov-2017 12:58**To:** LICENSING (Cheshire East)**Subject:** S.120 (5) notice from Chief Officer of Police re Ryan Clive HULME. ~[OFFICIAL]~**Importance:** High

I refer to the personal licence application, dated 06/11/17, given by Ryan Clive HULME to Cheshire East Borough Council and received by me today, on behalf of the Chief Officer of Police.

The Chief Officer of Police for Cheshire is satisfied that:

- Mr Hulme has unspent relevant convictions which are listed in Schedule 4 to the Licensing Act 2003, and that
- Granting the licence would undermine the crime prevention objective.

The reasons why the Chief Officer of Police is so satisfied is that the convictions themselves, and subsequent connected court appearances, are indicative of an individual who is dishonest, violent, who does not respect authority or the law, fails to accept the consequences of his actions, has evidence of alcohol abuse issues and is far from the sort of responsible person who can be trusted to authorise the sale of alcohol.

I understand that this application will now be determined by the licensing authority at a hearing and I look forward to the details of that so that I may amplify my representation.

Kind regards

Police Licensing Officer

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



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.

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Annex 5

Licensing Act 2003 Guidance

Section 4. Personal licences

4.1 This chapter provides advice about the framework for personal licences. The Deregulation Act 2015 has removed the requirement to renew a personal licence with effect from 1 April 2015.

Requirements for a personal licence

4.2 The sale and supply of alcohol, because of its impact on the wider community and on crime and anti-social behaviour, carries with it greater responsibility than the provision of regulated entertainment and late night refreshment. This is why sales of alcohol may not be made under a premises licence unless there is a DPS in respect of the premises (who must hold a personal licence); and every sale must be made or authorised by a personal licence holder.

4.3 Any premises at which alcohol is sold or supplied where the requirement for a personal licence holder does apply may employ one or more such licence holders. For example, there may be one owner or senior manager and several junior managers holding a personal licence. However, the requirement that every sale of alcohol must at least be authorised by a personal licence holder does not mean that the licence holder has to be present on the premises or oversee each sale; it is sufficient that such sales are authorised. It should be noted that there is no requirement to have a DPS in relation to a Temporary Event Notice (TEN) or club premises certificate, and sales or supplies of alcohol authorised by a TEN or club premises certificate do not need to be authorised by a personal licence holder.

Who can apply?

4.4 In the case of an application for a personal licence under Part 6 of the 2003 Act, the requirements are that:

- the applicant must be aged 18 or over;
- the applicant, if subject to immigration control, must have permission to work in a licensable activity (see paragraph 4.8);
- the applicant possesses a licensing qualification accredited by the Secretary of State (or one which is certified as if it is such a qualification or is considered equivalent) or is a person as prescribed in the Licensing Act 2003 (Personal licences) Regulations 2005²);
- the applicant must not have forfeited a personal licence within five years of their application;
- the applicant has paid the appropriate fee to the licensing authority; and in a case in which the applicant has an unspent conviction for a relevant offence or a foreign offence, the police have not objected to the grant of the application on crime prevention grounds or the licensing authority has considered their objection but determined that the grant of the application will not undermine the crime prevention objective.

4.5 Any individual may apply for a personal licence whether or not they are currently employed or have business interests associated with the use of the licence. The issues which arise when the holder of a personal licence becomes associated with particular licensed premises and is specified as the DPS for

those premises are dealt with at paragraphs 4.31 to 4.38 below. Licensing authorities may not therefore take these matters into account when considering an application for a personal licence.

4.6 Applicants for personal licences who are ordinarily resident in a licensing authority's area are required to make the application to that licensing authority. An applicant who is not ordinarily resident in a licensing authority's area (which may include persons living outside England and Wales), may apply for the grant of a personal licence to any licensing authority in England and Wales.

4.7 For applications made after 6 April 2017, applicants who are subject to UK immigration control must be entitled to work in a licensable activity. Section 192A of the Licensing Act 2003 defines 'entitlement to work' for the purposes of the Act

Criminal record

4.19 Regulations made under the 2003 Act require that, in order to substantiate whether or not an applicant has a conviction for an unspent relevant offence, an applicant for the grant of a personal licence must include a criminal conviction certificate, a criminal record certificate or the results of a subject access search of the Police National Computer by the National Identification Service to the licensing authority.

4.20 The requirement for an individual to establish whether or not they have unspent convictions for a relevant offence or foreign offence applies whether or not the individual has been living for a length of time in a foreign jurisdiction. It does not follow that such individuals will not have recorded offences in this country. All applicants are also required to make a clear statement as to whether or not they have been convicted outside England and Wales of a relevant offence or an equivalent foreign offence. This applies both to applicants ordinarily resident in England and Wales and any person from a foreign jurisdiction. Details of relevant offences as set out in the 2003 Act should be appended to application forms for the information of applicants, together with a clear warning that making any false statement is a criminal offence liable to prosecution.

4.21 Licensing authorities are required to notify the police when an applicant is found to have an unspent conviction for a relevant offence defined in the 2003 Act or for a foreign offence. The police have no involvement or locus in such applications until notified by the licensing authority.

4.22 Civil penalties received after 6 April 2017 for immigration matters are treated in the same way as relevant offences. Licensing authorities are required to notify the Secretary of State for the Home Department (through Home Office Immigration Enforcement) when an applicant declares that they have been issued with an immigration penalty or convicted of an immigration offence or a foreign offence comparable to an immigration offence. The Home Office may object to an application on grounds that granting the personal licence would be prejudicial to the prevention of illegal working in licensed premises. Civil penalties for immigration matters were added to the Licensing Act with effect from 6 April 2017, and penalties received before that date cannot be taken into account in respect of grant, revocation or suspension of a personal licence.

4.23 Where an applicant has an unspent conviction for a relevant or foreign offence, and the police object to the application on crime prevention grounds the

applicant is entitled to a hearing before the licensing authority. The applicant is also entitled to a hearing if the Home Office (Immigration Enforcement) object to the application on the grounds of the prevention of illegal working where the applicant has an unspent conviction for a relevant immigration offence or has been required to pay an immigration penalty. If the police or Home Office (Immigration Enforcement) do not issue an objection notice and the application otherwise meets the requirements of the 2003 Act, the licensing authority must grant it. Home Office (Immigration Enforcement) can object only with respect to convictions and civil immigration penalties received on or after 6 April 2017.

4.24 A number of relevant offences never become spent. However, where an applicant is able to demonstrate that the offence in question took place so long ago and that the applicant no longer has a propensity to re-offend, a licensing authority may consider that it is appropriate to grant the application on the basis that doing so would not undermine the crime prevention objective.

4.25 If an application is refused, the applicant will be entitled to appeal against the decision they make. Similarly, if the application is granted despite a police objection notice or an objection from the Home Office (Immigration Enforcement), the chief officer of police or Home Office are entitled to appeal against the licensing authority's determination. Licensing authorities are therefore expected to record in full the reasons for any decision which they make.

Relevant licensing authority

4.28 Personal licences remain valid unless surrendered, suspended, revoked or declared forfeit by the courts. For applications made on or after 6 April 2017, a licence granted to someone subject to immigration control will lapse if the individual ceases to be entitled to work in the UK. The requirement to renew a personal licence was removed from the Licensing Act 2003 by the Deregulation Act 2015. While personal licences issued before the 2015 Act have expiry dates, these licences will remain valid and such dates no longer have an effect. Once granted, the licensing authority which issued the licence remains the "relevant licensing authority" for it and its holder, even though the individual may move out of the area or take employment elsewhere. The personal licence itself will give details of the issuing licensing authority.

Changes in name or address

4.29 The holder of the licence is required by the 2003 Act to notify the licensing authority of any changes to a holder's name or address. These changes should be recorded by the licensing authority. The holder is also under a duty to notify any convictions for relevant offences to the licensing authority and the courts are similarly required to inform the licensing authority of such convictions, whether or not they have ordered the suspension or forfeiture of the licence. The holder must also notify the licensing authority of any conviction for a foreign offence. These measures ensure that a single record will be held of the holder's history in terms of licensing matters.

4.30 The 2003 Act authorises the provision and receipt of such personal information to such agencies for the purposes of that Act.

Relevant offences

4.51 Relevant offences are set out in Schedule 4 to the 2003 Act. If a person has been required to pay a civil penalty for immigration matters on or after 6 April 2017, this may be taken into consideration in the same way as a relevant offence. Offences added to the list of relevant offences with effect from 6 April 2017 may only be taken into consideration if the conviction was received on or after 6 April 2017.

Licensing Act 2003 – Personal Licence: Relevant Offences.

An offence under this Act.

An offence under any of the following enactments-

- * Schedule 12 to the London Government Act 1963 (c. 33) (public entertainment licensing);
- * the Licensing Act 1964 (c. 26);
- * the Private Places of Entertainment (Licensing) Act 1967 (c. 19);
- * section 13 of the Theatres Act 1968 (c. 54);
- * the Late Night Refreshment Houses Act 1969 (c. 53);
- * section 6 of, or Schedule 1 to, the Local Government (Miscellaneous Provisions) Act 1982 (c. 30);
- * the Licensing (Occasional Permissions) Act 1983 (c. 24);
- * the Cinemas Act 1985 (c. 13);
- * the London Local Authorities Act 1990 (c. vii).

An offence under the Firearms Act 1968 (c. 27).

An offence under section 1 of the Trade Descriptions Act 1968 (c. 29) (false trade description of goods) in circumstances where the goods in question are or include alcohol.

An offence under any of the following provisions of the Theft Act 1968 (c. 60).

- * section 1 (theft);
- * section 8 (robbery);
- * section 9 (burglary);
- * section 10 (aggravated burglary);
- * section 11 (removal of articles from places open to the public);
- * section 12A (aggravated vehicle-taking), in circumstances where subsection (2)(b) of that section applies and the accident caused the death of any person;
- * section 13 (abstracting of electricity);
- * section 15 (obtaining property by deception);
- * section 15A (obtaining a money transfer by deception);
- * section 16 (obtaining pecuniary advantage by deception);
- * section 17 (false accounting);
- * section 19 (false statements by company directors etc.);
- * section 20 (suppression, etc. of documents);
- * section 21 (blackmail);
- * section 22 (handling stolen goods);
- * section 24A (dishonestly retaining a wrongful credit);
- * section 25 (going equipped for stealing etc.).

An offence under section 7(2) of the Gaming Act 1968 (c. 65) (allowing child to take part in gaming on premises licensed for the sale of alcohol).

- * section 4(2) (production of a controlled drug);
- * section 4(3) (supply of a controlled drug);
- * section 5(3) (possession of a controlled drug with intent to supply);
- * section 8 (permitting activities to take place on premises).

An offence under either of the following provisions of the Theft Act 1978 (c. 31).

- * section 1 (obtaining services by deception);
- * section 2 (evasion of liability by deception).

An offence under either of the following provisions of the Customs and Excise Management Act 1979 (c. 2).

- * section 170 (disregarding subsection (1)(a)) (fraudulent evasion of duty etc.);
- * section 170B (taking preparatory steps for evasion of duty).

An offence under either of the following provisions of the Tobacco Products Duty Act 1979 (c. 7)-

- * section 8G (possession and sale of unmarked tobacco);
- * section 8H (use of premises for sale of unmarked tobacco).

An offence under the Forgery and Counterfeiting Act 1981 (c. 45) (other than an offence under section 18 or 19 of that Act).

An offence under the Firearms (Amendment) Act 1988 (c. 45).

An offence under any of the following provisions of the Copyright, Designs and Patents Act 1988 (c. 48)-

- * section 107(1)(d)(iii) (public exhibition in the course of a business of article infringing copyright);
- * section 107(3) (infringement of copyright by public performance of work etc.);
- * section 198(2) (broadcast etc. of recording of performance made without sufficient consent);
- * section 297(1) (fraudulent reception of transmission);
- * section 297A(1) (supply etc. of unauthorised decoder).

An offence under any of the following provisions of the Road Traffic Act 1988 (c. 52)-

- * section 3A (causing death by careless driving while under the influence of drink or drugs);
- * section 4 (driving etc. a vehicle when under the influence of drink or drugs);
- * section 5 (driving etc. a vehicle with alcohol concentration above prescribed limit).

An offence under either of the following provisions of the Food Safety Act 1990 (c. 16) in circumstances where the food in question is or includes alcohol-

- * section 14 (selling food or drink not of the nature, substance or quality demanded);
- * section 15 (falsely describing or presenting food or drink).

An offence under section 92(1) or (2) of the Trade Marks Act 1994 (c. 26) (unauthorised use of trade mark, etc. in relation to goods) in circumstances where the goods in question are or include alcohol.

An offence under the Firearms (Amendment) Act 1997 (c. 5).

A sexual offence, within the meaning of section 161(2) of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6).

A violent offence, within the meaning of section 161(3) of that Act.

An offence under section 3 of the Private Security Industry Act 2001 (c. 12) (engaging in certain activities relating to security without a licence).

CHESHIRE EAST COUNCIL

REPORT TO: LICENSING ACT SUB-COMMITTEE

Date of Meeting:	10.30am 11th December 2017
Report of:	Jennifer Knight, Licensing Officer
Subject/Title:	Application for a Variation to the Premises Licence at Lyme Breeze, Wood Lane East, Adlington, Cheshire SK10 4PH

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 Wilshaws of Bexton Limited in respect of:

**Lyme Breeze
Wood Lane East Adlington Cheshire SK10 4PH**

- 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 Poynton West and Adlington

5.0 Local Ward Members

Councillor Michael Beanland
Councillor Mike Sewart

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.

6.4 Deregulation Information

Whether a licence is needed for regulated entertainment will depend on the circumstances, and activity provided.

The deregulation of regulated entertainment in 2015 now provides an exemption for live amplified music to be played without the need for a licence for small audiences in workplaces and premises authorised to sell alcohol for consumption on the premises, between the hours of 08:00 and 23:00 on the same day for audiences of up to 500 people.

Any playing of recorded music in premises authorised to sell alcohol for Consumption on the premises will not require a licence provided that it takes place between 08:00 and 23:00 on the same day for audiences of up to 500 people.

The playing of recorded music that is incidental to other activities that are not themselves the provision of regulated entertainment will be exempt.

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 23rd October 2017. The application is for 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:

- Live Music
Monday to Sunday 12.00 – 23.00
- Recorded Music
Monday to Sunday 11.00 – 24.00
- Anything similar to Live Music, Recorded Music or Performance of Dance
Monday to Sunday 12.00 – 23.00

Removal of conditions –

Annex 3 Paragraph 2 - Recorded music at the premises shall be background music only.

Annex 3 Paragraph 3- Live music at the premises shall not be amplified

Extend the Licensable area

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

- Anything similar to Live Music, Recorded Music or Performance of Dance
Monday to Sunday 12.00 – 23.00

- 10.3 The hours applied for are as follows:

- Live Music
Monday to Sunday 12.00 – 23.00
- Recorded Music
Monday to Sunday 11.00 – 24.00
- Anything similar to Live Music, Recorded Music or Performance of Dance
Monday to Sunday 12.00 – 23.00

- 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 not submitted a representation
- 10.7 Environmental Protection have not submitted a representation

Other Persons:

- 10.6 The Council has received 13 objections 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 & Plan
- Appendix 2 – Objections
- Appendix 3 – Relevant parts of Licensing Policy
- Appendix 4 – Premises Licence Summary
- Appendix 5 – Site plan of premises

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Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We WILSHAW OF BEXTON LIMITED

(Insert name(s) of applicant)

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






Premises licence number	PR/0600
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
LYME BREEZE WOOD LANE EAST ADLINGTON			
Post town	MACCLESFIELD	Postcode	SK10 4PH

Telephone number at premises (if any)	01625 871120
Non-domestic rateable value of premises	£ 12,000

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address			
Post town		Postcode	

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			

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

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

2) THE PREMISES' PRIMARY USE IS THAT OF A WEDDING VENUE AND AN APPROVED PREMISES LICENCE FOR THE PREMISES TO BE USED AS A VENUE FOR CIVIL CEREMONIES WAS LAST ISSUED ON 3 MARCH 2016 WHICH IS VALID UNTIL 17 FEBRUARY 2019 SUBJECT TO REVOCATION. AS THE SUPPLY OF ALCOHOL, FOOD AND ENTERTAINMENT IS TRADITIONALLY ASSOCIATED WITH WEDDINGS, MARRIAGES AND CIVIL CEREMONIES THE APPLICANT DESIRES TO VARY THE PREMISES LICENCE TO CLARIFY THE LICENSABLE ACTIVITIES WHICH CAN BE PROVIDED AND REMOVE CONDITIONS AND INCLUDE ADDITIONAL LAND WITHIN THE DEFINITION OF THE PREMISES. SPECIFICALLY THIS APPLICATION IS FOR:

- (1) THE REMOVAL OF THE CONDITION RELATING TO RECORDED MUSIC AT ANNEX 3 PARAGRAPH 2 OF THE LICENCE TO PERMIT THE PLAYING OF RECORDED MUSIC BY WAY OF DISCS; AND
- (2) THE REMOVAL OF THE CONDITION RELATING TO LIVE MUSIC AT ANNEX 3 PARAGRAPH 3 OF THE LICENCE TO PERMIT THE PLAYING OF LIVE AMPLIFIED MUSIC; AND
- (3) THE INCLUSION OF THE ADDITIONAL LAND WITHIN THE DEFINITION OF THE PERIMETER OF THE PREMISES AS SET OUT ON THE ATTACHED PLAN.

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

Part 4 Operating Schedule

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

Provision of regulated entertainment (Please see guidance note 3) Please tick all that apply

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

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

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 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	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 5)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
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 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	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 5)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
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 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
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 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	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 5)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur					
Fri			<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 7)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5) (1) LIVE UNAMPLIFIED MUSIC OUTDOORS ANCILLARY TO WEDDINGS SUCH AS STRING QUARTETS, HARPS AND SIMILAR (2) LIVE AMPLIFIED AND UNAMPLIFIED MUSIC INDOORS		
Mon	12:00	23:00			
Tue	12:00	23:00	State any seasonal variations for the performance of live music (please read guidance note 6)		
Wed	12:00	23:00			
Thur	12:00	23:00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri	12:00	23:00			
Sat	12:00	23:00			
Sun	12:00	23:00			

F

Recorded music Standard days and timings (please read guidance note 8)			-Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	11:00	24:00	Please give further details here (please read guidance note 5) (1) RECORDED MUSIC OUTDOORS INCIDENTAL TO WEDDINGS BY WAY OF BACKGROUND MUSIC ONLY (2) RECORDED MUSIC INDOORS BY WAY OF BACKGROUND MUSIC DISCOS.		
Tue	11:00	24:00			
Wed	11:00	24:00	State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Thur	11:00	24:00			
Fri	11:00	24:00	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 7)		
Sat	11:00	24:00			
Sun	11:00	24:00			

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing ACTIVITIES ANCILLARY TO WEDDINGS, WEDDING BREAKFASTS AND WEDDING RECEPTIONS SUCH AS SINGERS, GROUPS, BANDS, ACTS, ETC WHICH SHALL BE BY WAY OF BACKGROUND ONLY IF AMPLIFIED OUTDOORS AND AMPLIFIED INDOORS -		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon	12:00	23:00		Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Tue	12:00	23:00	Please give further details here (please read guidance note 5) AS ABOVE TO BE BY BACKGROUND ONLY IF AMPLIFIED OUTDOORS AND LIVE. INDOORS MAY BE AMPLIFIED.		
Wed	12:00	23:00			
Thur	12:00	23:00	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 6)		
Fri	12:00	23:00			
Sat	12:00	23:00	Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sun	12:00	23:00			

I

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	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 5)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
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 7)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input 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 6)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun			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 7)		

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 10).

None.

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	11:00	00:30	
Tue	11:00	00:30	
Wed	11:00	00:30	
Thur	11:00	00:30	
Fri	11:00	00:30	
Sat	11:00	00:30	
Sun	11:00	00:30	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 (please read guidance note 7)

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 3 PARAGRAPH 2 - "RECORDED MUSIC AT THE PREMISES SHALL BE BACKGROUND MUSIC ONLY."

ANNEX 3 PARAGRAPH 3 - "LIVE MUSIC AT THE PREMISES SHALL NOT BE AMPLIFIED"

Please tick as appropriate

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

☒
☐

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

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

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

THE APPLICANT ENSURES AT ALL TIMES THAT THE LICENSING OBJECTIVES ARE MET BY APPROPRIATE MANAGEMENT & CONTROL THROUGH RELEVANT PROCESSES AND PROCEDURES CONSISTENT WITH THE OPERATION OF THE PREMISES AS A WEDDING VENUE WITH ALL STAFF BEING TRAINED AND EFFECTIVE COMMUNICATION TO STAFF AND CUSTOMERS.

b) The prevention of crime and disorder

THE PROPOSED VARIATION DOES NOT INCREASE THE POTENTIAL FOR ANY CRIME AND DISORDER ASSOCIATED WITH THE PREMISES AS ASSESSED BY THE APPLICANT'S RISK ASSESSMENT PURSUANT TO THE APPLICANT'S EXISTING POLICIES, PROCEDURES AND OPERATION AND MANAGEMENT OF THE PREMISES.

c) Public safety

THE PROPOSED VARIATION DOES NOT REPRESENT ANY INCREASE IN RISK TO PUBLIC SAFETY.

d) The prevention of public nuisance

THE APPLICANT WILL ENSURE THAT ALL MUSIC WHETHER RECORDED OR LIVE, AMPLIFIED OR UNAMPLIFIED, INDORS OR OUTDOORS IS PERFORMED UNDER ITS MANAGEMENT AND CONTROL AND THAT NOISE LEVELS ARE MONITORED SO AS TO PREVENT PUBLIC NUISANCE AT ALL TIMES.

e) The protection of children from harm

THE PROPOSED VARIATION DOES NOT REPRESENT ANY INCREASE IN THE RISK TO CHILDREN.

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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)






Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	20 OCTOBER 2017
Capacity	DIRECTOR

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 14). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

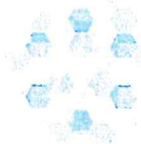
Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

			
Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
			

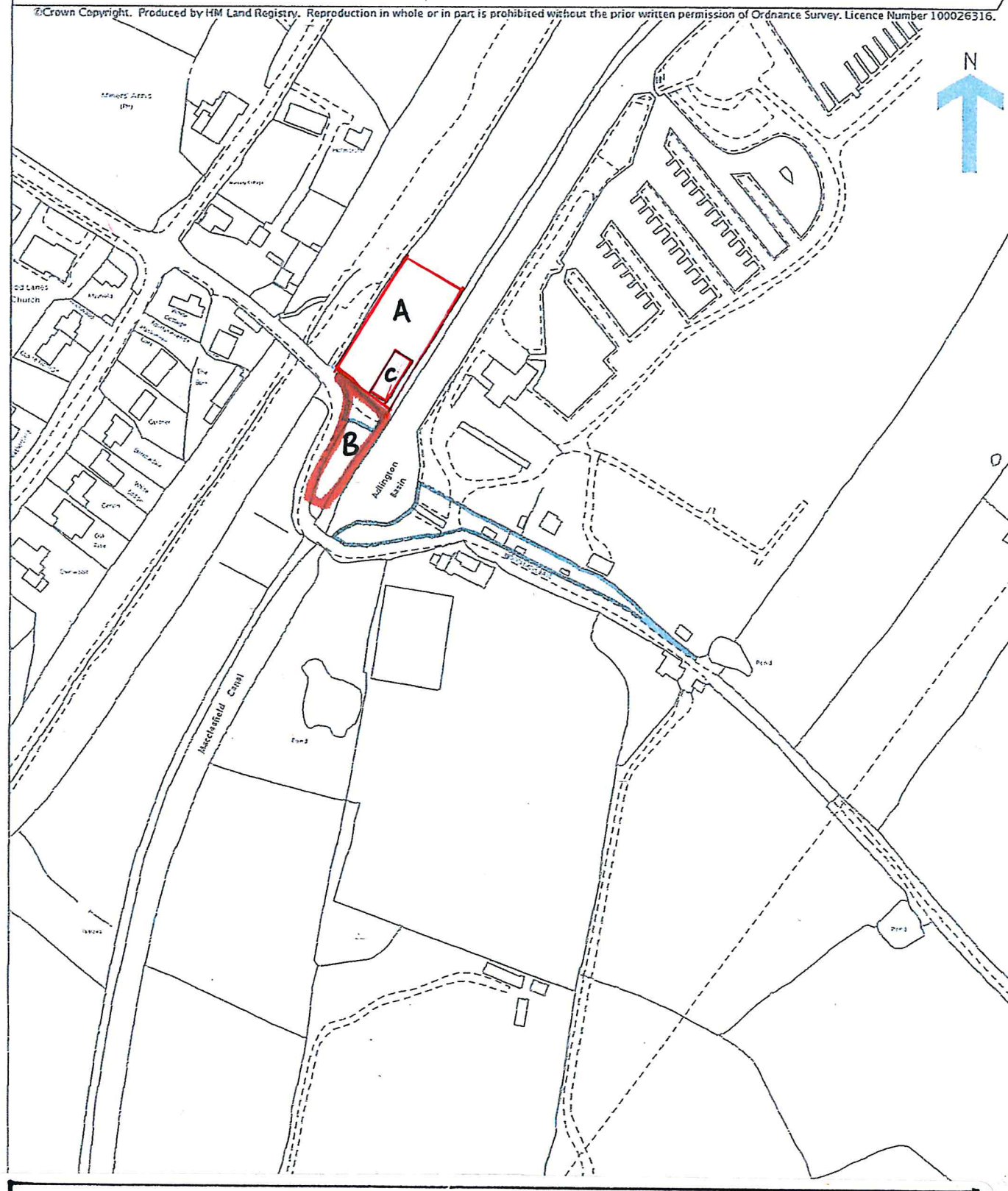
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HM Land Registry
Official copy of
title plan

Title number CH518470
Ordnance Survey map reference SJ9381NE
Scale 1:2500
Administrative area Cheshire East



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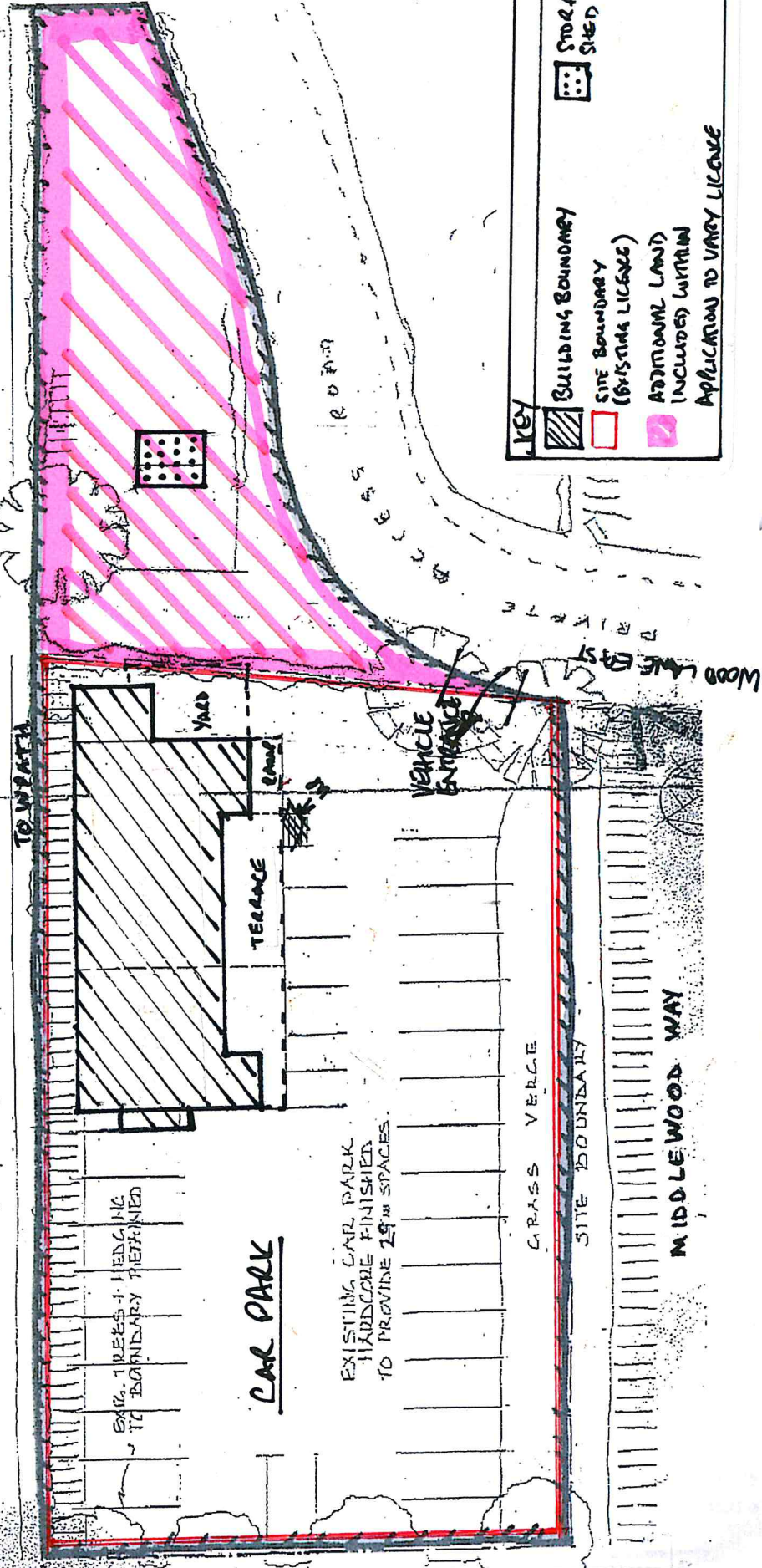
LYME BREEZE - LOCATION PLAN + SITE

- A - BOUNDARY OF EXISTING LICENSED PREMISES PR10600
- B - ADDITIONAL LAND INCLUDED WITHIN APPLICATION TO VARY PREMISES LICENCE
- C - BUILDING BOUNDARY - EXISTING LICENCE PR10600

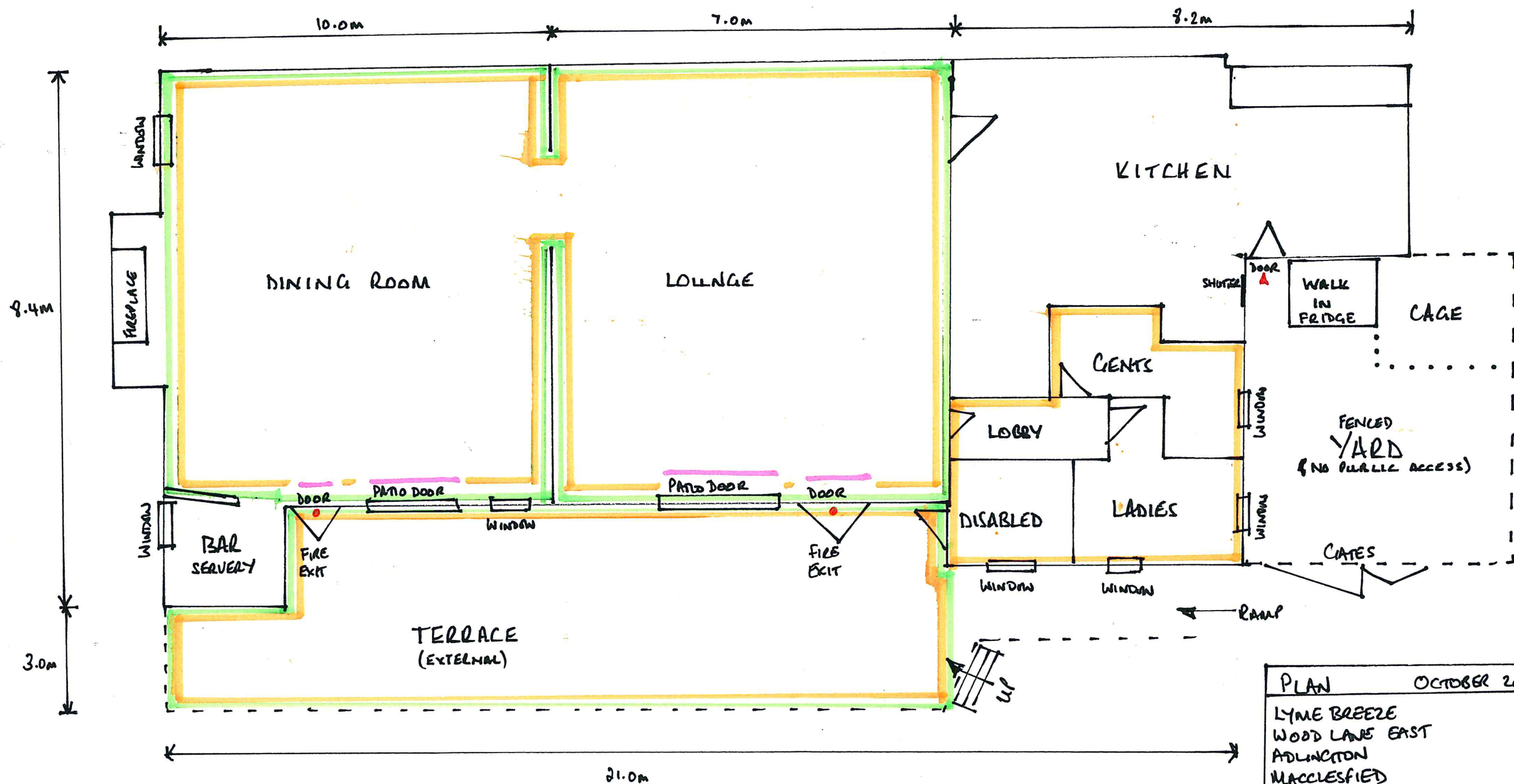
ELEVATION (SE)

LYME DEELE - SITE BOUNDARY

MACCLESFIELD CANAL



LYME BREEZE - BUILDING BOUNDARY



KEY
● FIRE EXIT FROM PUBLIC AREAS
▲ FIRE EXIT FROM STAFF AREA
— AREA WITHIN WHICH ALCOHOL CONSUMED
— PUBLIC ACCESS/EGRESS
— PUBLIC AREA

DO NOT SCALE

PLAN	OCTOBER 2017
LYME BREEZE WOOD LAKE EAST ADLINGTON MACCLESFIELD SK10 4PH	
SHOWING:	
• BUILDING	
• PUBLIC AREAS	
• STAFF AREAS	
• INGRESS/EGRESS	

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KNIGHT, Jennifer

From: LICENSING (Cheshire East)
Sent: 17-Nov-2017 09:49
To: FALLOWS, Amanda
Cc: KNIGHT, Jennifer
Subject: [OFFICIAL] FW: Objections to licence changes for "Lyme Breeze" Wood Lane East, Adlington, Cheshire
Attachments: Blank 22.docx; ATT00001.txt

Follow Up Flag: Follow up
Flag Status: Flagged

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

From: [REDACTED]
Sent: 17-Nov-2017 09:32
To: LICENSING (Cheshire East)
Cc: [REDACTED]
Subject: Objections to licence changes for "Lyme Breeze" Wood Lane East, Adlington, Cheshire

I have attached my objections to the changes to the Licensing regulations for Lyme Breeze, Wood Lane East, and the extension of the licensable area to the land next to Lyme Breeze.

Objection to the licence changes proposed for the Site of Lyme Breeze, Wood Lane East, Adlington, Cheshire on the grounds of Public Nuisance and Road Safety

I would like to register my objection to any change to the present Licensing regulations to the present site of Lyme Breeze, Wood Lane East, Adlington and to the extension of the licensable area of the premises to include the land to the South of the Lyme Breeze site, between Lyme Breeze and the Canal Bridge. Wilshaws of Bexton (www.wilshaws.co.uk) is an "Event and Wedding Company" that run "Quality Celebrations, Banqueting and Weddings".

Wood Lanes is a quite rural area of approaching 100 homes. It is a mixed community of young families and older residents. My main reason is that it would cause a significant change to the nature of a quiet, peaceful rural area. The site in question is on an elevated area which would help to spread the sounds of outdoor events over a much larger region than is desirable. Added to this the site has very little screening in terms of trees or shrubs so this also helps the widespread propagation of the noise, causing a public noise nuisance to a considerable number of homes and also to the residents on the narrow boats of Adlington Marina. This will reduce the amenity of quite a number of properties in the local area. The open air site or temporary structures that would be used on the extended site would generate noise pollution such that many residents' enjoyment of a peaceful rural ambience is destroyed.

The roads to the site are small country roads. Wood Lane North and East are dead ends, Wood Lane South narrows to one car wide as it meets Pedley Hill and there are no pavements or Street lighting on any of these roads. Wood Lane West, the main access route, only has a narrow pavement on one side of the road, which changes from side to side as the road bends, causing walkers to cross the road several times, and it narrows at one point, so two vehicles have to slow down to allow safe passage. It also only has street lighting close to the Meadows side road junction. In the daytime the roads are used to exercise the many horses in the area, and for walkers, so the increased traffic for Events or Weddings in either daytime or evening would cause major concerns for the safety of the many users of the area.



②

KNIGHT, Jennifer

From: LICENSING (Cheshire East)
Sent: 17-Nov-2017 10:00
To: FALLOWS, Amanda
Cc: KNIGHT, Jennifer
Subject: [OFFICIAL] FW: Variation of Licence - Lyme Breeze, Adlington
Attachments: Lyme Breeze_Adlington_Cervin.pdf; ATT00001.htm

Follow Up Flag: Follow up
Flag Status: Flagged

From: [REDACTED]
Sent: 17-Nov-2017 09:55
To: LICENSING (Cheshire East)
Subject: Variation of Licence - Lyme Breeze, Adlington

Please see attached objections to the application for a change in licence for Lyme Breeze, Adlington.

[REDACTED]



Re:

Lyme Breeze, Wood Lane East, Adlington, Macclesfield, Cheshire, SK10 4PH

APPLICATION TO VARY A PREMISES LICENCE: LICENSING ACT 2003

Notice is hereby given that Wilshaws of Bexton Limited have applied on 23 October 2017 to Cheshire East Council in respect of the premises known as Lyme Breeze, Wood Lane East, Adlington, Macclesfield, SK10 4PH to vary the premises licence as follows:

To extend the licensable area of the premises

To provide regulated entertainment both indoors and outdoors

To remove conditions 2 and 3 in Annex 3.

Having been resident at the above property for the last 32 years, we would raise objections to any variance to the current licence for alcohol and entertainment at Lyme Breeze.

1. The property is alongside the Middlewood Way, a developed country walk/ bridle path from the old railway line, and popular for family walks, cycling and horse riding. Any licence to permit outside entertainment and drinking of alcohol would be in total conflict with the original concept of the Middlewood Way.
2. It is also alongside the Macclesfield-Marple Canal, with the open land separated only by a small hedge from the canal towpath. Access to the towpath is also afforded through a gate by that piece of land.
3. Access to the Adlington Marina is also via a narrow road which runs past Lyme Breeze.
4. There have already been incidents of loud music late into the night, as well as firework celebrations, which we feel are also not in keeping with the rural nature of the area.

In summary, the area is an attraction for walkers, horse riding, cyclists, fishing and leisure activities. We feel that to expand the entertainment activities at Lyme Breeze would detract from what is already a well-established attraction of the area. It would inevitably attract people to the area not interested in those leisure activities, the drinking of alcohol outside in an area frequented by cyclists, horse riders, and walkers, with traffic seeking access to the marina. Undoubtedly it would discourage many from carrying out those already established activities, as well as increasing the noise nuisance to local residents.



③

KNIGHT, Jennifer

From: LICENSING (Cheshire East)
Sent: 20-Nov-2017 08:18
To: KNIGHT, Jennifer
Subject: FW: Variation to Premises License Application: Lyme Breeze, Wood Lane East' Adlington
Attachments: license objection.docx
Follow Up Flag: Follow up
Flag Status: Flagged

From: [REDACTED]
Sent: 19-Nov-2017 17:23
To: LICENSING (Cheshire East)
Cc: [REDACTED]
Subject: Variation to Premises License Application: Lyme Breeze, Wood Lane East' Adlington



19 November 2017

Objection to Variation of License Application

Applicant	Wilshaws of Bexton Limited
Premise	Lyme Breeze
Premise Address	Wood Lane East Adlington Macclesfield SK10 4PH

I am writing to register our objections [REDACTED] to the above variation application. The basis for this opposition is that granting the variations to the license for these premises will not promote the licensing objectives, particularly the prevention of crime, disorder, public safety and antisocial behavior. Our response to each of these categories is broken down below.

1. The prevention of crime and disorder.

We regularly suffer from anti-social behaviour when patrons are drinking outside the Miners Arms Pub on Wood Lane North, and leaving at closing time. This involves arguments, drunken behaviour and shouting, engine revving and arguments with taxi drivers. We have every expectation that the extensions and variations proposed will result in similar behaviour from customers at Lyme Breeze impacting on the local community particularly late at night.

We are also concerned about the potential for damage to property if customers leave late in the evening having drunk significant quantities of alcohol.

2. Public safety.

Wood Lane West, which leads to Lyme Breeze is a narrow 1 ½ cars wide private road which has no footpaths or street lighting. Access to the Middlewood Way is immediately before the entrance to Lyme Breeze's car park, whilst access to the Canal is immediately after the proposed extended licensing area containing the small kiosk, with the road continuing in to the Marina complex with numerous users, longstay residents and a couple of small businesses all requiring vehicular access.

If attendees at any events exceeded the capacity of the existing car park this would result in on road parking and negatively impact access to the Canal and Middlewood Way, and the safety of pedestrians who have to walk in the road due to the lack of footpaths. Parking on Wood Lane West would reduce the width of the road to at best a single car's width with no passing places. This will further impact on pedestrian safety and pose problems for horse riders. There are no passing places. In an area where there is already traffic congestion this will add to the parking problems as there is no public car park.

3. Prevention of public nuisance.

In 2015 the 26 mile stretch of the Macclesfield Canal on which this property borders was awarded the prestigious Green Flag Award, and was the first ever Canal to be awarded the much coveted "Keep Britain Tidy" accolade. In making this award the judges made specific reference to the importance of the "genuine joint effort between the Canal Trust and the Local community". The extension of the licencing area would go against everything the Green Flag report commended. Indeed, the so called small kiosk has not been used for at least the last 10 years when its function was as a tea and sweet shop for leisure users. Extending licencing and music to this area would serve no possible benefit to the surroundings, and the ability to play music live or otherwise would just undermine the peace and tranquillity of this area and adversely affect local residents, including the Canal and Marina users and residents.

Wood Lane West, which leads to Lyme Breeze is a narrow – 1 ½ cars wide, private road which has no footpaths or street lighting. Access to the Middlewood Way is immediately before the access to Lyme Breeze's car park, whilst access to the Canal is immediately after the proposed extended licensing area containing the small kiosk, with the road continuing in to the Marina complex with numerous users, long stay residents and a couple of small businesses all requiring vehicular access.

These leisure attractions draw a wide range of users at all times of the day and into the late evenings in the summer. This includes walkers, with and without dogs, horse riders, cyclists, runners, canoeists etc. from all age groups including children, elderly and disabled leisure users. There is no direct car parking for any of these leisure visitors who all have to walk up and down Wood Lane West. Pedestrians have no option but to walk in the road as there are no pavements. Anyone wishing to attend an event at Lyme Breeze would need to do so by foot or their own vehicle as there is infrequent public transport that serves the immediate area and no late-night services. This in-itself will cause significant disturbance and an increase in traffic in the general area but specifically on Wood Lane East. Increased traffic on the road would have a significant impact on pedestrians and all leisure users accessing the Middlewood Way and Canal and compromise their safety.

Wood Lane West, which adjoins Wood Lane East, contains sheltered homes for elderly residents, who would be particularly affected by any disruption caused by noise and traffic congestion. Carers and emergency services could also be subjected to delays and parking problems

In respect of the regulated entertainment extension, any extension – internal or external – will be to the detriment of the local area and our properties in particular. There is no justification for an external license extension, that includes the kiosk or otherwise. This is a quiet rural community and any extension would be completely out of character.

With respect to the internal live music / disco extension, the premises do not have sound-proofing or noise-limiting devices and it is not designed to contain modern levels of sound and vibration. As a result, the noise will inevitably escape from the premises and affect both the local area and our properties specifically where all our bedrooms face Lyme Breeze. This has been problematic in the past; both properties clearly hear music and noise from the venue. The changes to public smoking legislation also means that people congregate outside the front of the building to drink and of course smoke whilst an event takes place. This results in unacceptable noise pollution even before music is thrown in to the equation. As the property directly backs on to the canal it is not possible to situate an outside smoking area without it affecting the Middlewood Way, Canal, Marina or our properties.

If an extension to grant indoor live music and discos is approved please be aware that the property does not have any air conditioning and is ventilated by opening doors, windows and large sliding patio doors. Therefore, there is no ability to restrict the external noise pollution if these windows and doors are opened to cool the property internally. In addition, if people have to go outside the property to cool down / get fresh air this causes external noise pollution. It becomes almost impossible to keep noise inside the property.

Given that the business applying for the variation is a wedding event company we have every expectation that events will run late in to the evening and significantly disrupt the peace and quiet of the local area and our properties specifically at unacceptable times of the night due to vehicles arriving at and leaving the premises late at night. We already suffer late night disturbance from the pub and the extension of the license will add to this providing an unacceptable increase in noise pollution in a rural area that already has one licensed premises.

Our properties are [REDACTED] the Miners Arms pub [REDACTED] and Lyme Breeze to [REDACTED]. If the extensions requested were granted the impact on the noise pollution for our properties would be significant. We are already unable to enjoy our garden due to day time noise and food smells and have to close windows and doors on summer evenings due to the noise - music, traffic and people drinking and smoking outside, car noise particularly at closing time. We have often had to complain to the pub and have no reason to suspect that given the nature of events that will be held at Lyme Breeze we will not be similarly affected.

Extending the license to Lyme Breeze will also cause noise pollution across the whole village and canal basin with numerous residents especially as the licence application covers events out of doors and until the late evening.

Conclusion

This significant alteration to the licensing terms of Lyme Breeze will, if granted, greatly damage the charm and tranquility of the local community. Extended hours drinking, live music and late-night celebrating are not in keeping with a green belt rural area. The location is not well served by local transport and the increased traffic volumes will pose a very real risk to families using the canal and Middlewood way. Finally, the type and frequency of the events supported by the license will challenge the resources that maintain public safety in an area already feeling the strain from the local pub (The miners Arms) and the nearby Marina.

Sent on behalf of



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KNIGHT, Jennifer

From: LICENSING (Cheshire East)
Sent: 15-Nov-2017 14:02
To: KNIGHT, Jennifer
Subject: [OFFICIAL] FW: Variation of premises license application for Lyme Breeze, Wood Lane East, Adlington.

Follow Up Flag: Follow up
Flag Status: Flagged

From: [REDACTED]
Sent: 15-Nov-2017 14:01
To: LICENSING (Cheshire East)
Subject: Variation of premises license application for Lyme Breeze, Wood Lane East, Adlington.

Dear Sir,

I am writing to advise our strong objection to the request to change the current licensing arrangements for Lyme Breeze.

[REDACTED] Lyme Breeze on Wood Lane South, which is a quiet residential road adjacent to Middlewood Way.

Outdoor music in the form of live bands, discos, or pre-recorded music is not appropriate for the area and would adversely impact upon our lives in terms of noise, an increase in the number of visitors, and value of our residential property. Additionally many of our close neighbours have very young children, and so loud outdoor music at night is simply unacceptable.

We are more than happy for restaurant and bar facilities for the local community to be available at Lyme Breeze, but outdoor music is a step too far.

Yours Sincerely



Sent from [Mail](#) for Windows 10

5

KNIGHT, Jennifer

From: LICENSING (Cheshire East)
Sent: 16-Nov-2017 11:26
To: KNIGHT, Jennifer
Subject: [OFFICIAL] FW: Variation of Premises Licence Application Lyme Breeze, Wood Lane East, Adlington

Follow Up Flag: Follow up
Flag Status: Flagged

[REDACTED]
From: [REDACTED]
Sent: 16-Nov-2017 11:20
To: LICENSING (Cheshire East)
Subject: Variation of Premises Licence Application Lyme Breeze, Wood Lane East, Adlington

Dear Sir.

[REDACTED] I am writing to object to the above Variation of licence application to 'Lyme Breeze '

The application has been made by Wilshaws of Bexton Ltd who run Weddings and Event centers and wish to have live and recorded music both inside and outside the premises in question.

The location of Lyme Breeze is on the high point of the area and overlooks the local properties which are a mix of privately owned residential family homes and some sheltered housing predominantly for elderly occupants.

The introduction of live / recorded music, particularly outdoor, would have a serious detrimental effect on the quality of life to residents in the locality.

As an Events company, it must be anticipated that the venue would be used to its maximum potential. Events held would not be on isolated occasions, and would be held predominantly at weekend for Weddings etc. Such events could foreseeably be held Fridays, Saturdays and Sundays making the frequency of the ensuing noise pollution completely unacceptable.

I appreciate that objections should be made individually but the elderly lady residing at [REDACTED] has asked if I could include her objection within this e mail.

Yours Sincerely

[REDACTED]

(6)

KNIGHT, Jennifer

From: LICENSING (Cheshire East)
Sent: 17-Nov-2017 13:52
To: KNIGHT, Jennifer
Subject: FW: Licence application for Lyme breeze adlington

Follow Up Flag: Follow up
Flag Status: Flagged

From: [REDACTED]
Sent: 17-Nov-2017 13:51
To: LICENSING (Cheshire East)
Subject: Licence application for Lyme breeze adlington

To East Cheshire licensing team,

I am writing in regards to the application for Lyme breeze at wood lane east adlington which has just come to my attention.

[REDACTED] Lyme breeze [REDACTED] I have deep concerns regarding the applications. At the moment during the summer months there are frequent weddings going on at the venue, these go on until approximately midnight and regularly keep my young children awake at weekend's. My concern is by bringing the entertainment outside this will cause much more noise. This year I have already upgraded my Windows in an effort to minimise the sound coming from Lyme breeze functions. Could you please keep me updated regarding this application as this will have a massive impact on my family during the summer months.

Thank you

Regards

[REDACTED]

Sent from my Samsung Galaxy smartphone.

⑦

KNIGHT, Jennifer

From: LICENSING (Cheshire East)
Sent: 20-Nov-2017 08:14
To: KNIGHT, Jennifer
Subject: FW: Representation Against Lyme Breeze Licence Application - Wood Lane East, Adlington

Follow Up Flag: Follow up
Flag Status: Flagged

From: [REDACTED]
Sent: 17-Nov-2017 21:15
To: LICENSING (Cheshire East)
Cc: BEANLAND, Michael (Councillor); SEWART, Mike (Councillor)
Subject: Representation Against Lyme Breeze Licence Application - Wood Lane East, Adlington

Dear Sirs

Representation Against Lyme Breeze Licence Application - Wood Lane East, Adlington

I wish to make a representation against the proposed extension to the licensable area of the above named premises.

This proposal is not acceptable for a number of reasons. The whole area by the canal and at the top of Middlewood Way attracts families with children of all ages. There is a lovely bench by the canal bridge and young children are often in the area feeding the ducks with their parents. Looking at the events Wilshaw's organise, loud music and the almost inevitable outcome of drunken and rowdy behavior close by is completely inappropriate in such a quiet setting where families can enjoy nature at its best. Presumably these events will be during the day and evening to make matters worse.

Middlewood Way runs along the bottom of my garden. Live music across different genres will attract varying interest. It is frightening to think anyone could access my back garden under the affects of alcohol or even drugs. I am elderly and live alone. I would not feel safe every time I heard loud music wondering who was walking around and possibly into my back garden, which is easily accessible from the path below.

Will the events involve fireworks? This seems to be common place now at birthdays, weddings and all manner of celebration and not just on bonfire night. Will we have loud music and the inconvenience of fireworks? Most firework displays are so loud now it will be unbearable.

Where will everyone park who comes to these events and will they be driving up and down the lane to the canal past the families and dog walkers? We have very narrow lanes round Adlington and surely this would increase traffic and therefore danger on the roads.

We already have the Miners Arms, a five-minute walk from Lyme Breeze. Why do we need a second venue off the beaten track in what could potentially be a much harder to control environment. As well as the canal there is an old flooded mineshaft in a field above the canal bridge, what if drunken partygoers end up near the water of either and get into trouble? Will they decide to wander outside the bulding,

smoke and leave cigarette butts in the beautiful surroundings? Worse still, will they use the lane or canal area as a public convenience?

As a resident of Adlington for over 50 years I am disappointed not to have been informed of these changes by letter. After a bad fall two years ago, which has affected my mobility, I struggle to get out without assistance so have not seen any applications posted outdoors and have not been contacted by the Council.

I hope my words will be heard and my fellow neighbors have taken the time to write and oppose these plans. This proposal should not be allowed to go ahead!

An acknowledgement of the receipt of this communication would be appreciated.

Yours faithfully



cc: Councillor Michael Beanland and Councillor Michael Sewart



KNIGHT, Jennifer

From: LICENSING (Cheshire East)
Sent: 20-Nov-2017 08:19
To: KNIGHT, Jennifer
Subject: FW: Variation of Premises Licence Application: Lyme Breeze, Wood Lane East, Adlington

Follow Up Flag: Follow up
Flag Status: Flagged

From: [REDACTED]
Sent: 19-Nov-2017 22:15
To: LICENSING (Cheshire East)
Subject: Variation of Premises Licence Application: Lyme Breeze, Wood Lane East, Adlington

Re: Lyme Breeze, Wood Lane East, Adlington, Macclesfield, Cheshire, SK10 4PH - application by Wilshaws of Bexton Limited on 23 October 2017 to extend the licensable area and provide regulated entertainment both indoors and outdoors.

19 November 2017

We wish to make a representation in respect of the above-referenced licensing application.

We are concerned that playing music outdoors (live or recorded) will be a public nuisance. It will certainly have a negative impact on this otherwise quiet and peaceful part of Wood Lane East.

The land to the south of Lyme Breeze is, aside from modestly sized hedges, open. It is not a private space. It forms part of the continuum of open, green space that characterises the area bordering Macclesfield canal. Indeed, the footpath and gate leading on to Macclesfield canal is immediately adjacent the land contemplated for a license.

A great many walkers begin and/or finish their canal walk at Wood Lane East and it is a gateway to the Macclesfield canal conservation area; and many more pass along the canal towpath at this point. Cyclists also. The provision of outside music/entertainment for a wedding or other "invitation only" event will compromise the quiet enjoyment of the conservation area by the public for the benefit of a comparatively small number of customers of Wilshaws. This is in contrast to the current satisfactory arrangement whereby customers are accommodated inside Lyme Breeze, with no detriment to the users of the outside public spaces. The Wilshaws website explains: Lyme Breeze is an "intimate private fully licensed wedding and event venue". Extension of the license will fundamentally change that: weddings and events will effectively become public events, and prominently so.

Our comments above also apply to users of, and those accessing, the Middlewood Way at Wood Lane East.

The outside music will also cause a nuisance to nearby residents, including us; we live on the canal-facing (east) side of Wood Lane South.

Yours faithfully



9

KNIGHT, Jennifer

From: LICENSING (Cheshire East)
Sent: 20-Nov-2017 10:29
To: KNIGHT, Jennifer
Subject: FW: Objection to the licence changes proposed for the site of Lyme Breeze, Wood lane East, Adlington, Cheshire.

From: [REDACTED]
Sent: 20-Nov-2017 10:28
To: LICENSING (Cheshire East)
Subject: Objection to the licence changes proposed for the site of Lyme Breeze, Wood lane East, Adlington, Cheshire.

Objection to the licence changes proposed for the site of Lyme Breeze, Wood lane East, Adlington, Cheshire on the grounds of Public Nuisance and Road Safety.

I am writing to register my strong objection to any change to the present Licensing Regulations to the site of Lyme Breeze, Wood Lane East, Adlington. Also to the extension of the licensable area of the premises to include the land to the south of Lyme breeze and the canal bridge.

The company who want to develop this site is an events company, Wilshaws of Bexton (www.wilshaws.co.uk) It is not about the odd harp playing quietly or the odd violinist. They put on full parties with recorded music for all sorts of events. It is very unwise to consider them anything else than a large events company who will put on anything to make a profit with no concern for the residents.

Wood Lanes is a very quiet, rural neighbourhood with a peaceful community that shares a common understanding of respectfulness towards each other. We live well next to each other with consideration when it comes to any noise made from celebrations and parking.

This will be significantly strained should any event company move in. There is very little screening around Lyme Breeze to mute noise. To this day we are disturbed by people leaving the premises late at night, urinating in front of our homes, litter and glass bottles dumped. This has a direct effect on our children and animals, especially our nocturnal creatures, our environment plus a level of noise pollution that is totally unacceptable for our peaceful community. The people, noise and traffic these events bring will become a troubling public nuisance problem.

The increase of traffic is of great concern. The approach to Lyme Breeze is along a narrow lane that turns into a single track over a small stone bridge. We live on small narrow lanes where the majority do not have pavements. For generations they are used by horses, cyclists, walkers and children. If the premises is extended there will be a direct impact on our lanes as there will be insufficient parking for large event trucks and customers. They will inevitably park all along our lanes which will cause traffic problems and become dangerous for our children.

This is a sensitive area that needs to be respected and protected. This area is completely unsuitable for an events company.





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KNIGHT, Jennifer

From: LICENSING (Cheshire East)
Sent: 20-Nov-2017 16:48
To: KNIGHT, Jennifer
Subject: [OFFICIAL] FW: Objection to licence changes at Lyme Breeze cafe, Wood Lane east, Adlington, sk10 4ph

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

From: [REDACTED]
Sent: 20-Nov-2017 16:33
To: LICENSING (Cheshire East)
Subject: Objection to licence changes at Lyme Breeze cafe, Wood Lane east, Adlington, sk10 4ph

Dear Sir/Madam

Having just learned about the proposed change of the licence at Lyme Breeze Cafe, it leaves me deeply concerned. My family owns the property [REDACTED] the noise volumes which come from the cafe when they have a party/wedding on is unbearable, my 2 young nephews cannot sleep whilst these parties go on. My horses are kept on the families land [REDACTED] Lyme Breeze cafe, we are constantly picking up litter from our driveway, many times I have been to check on my ponies to come across adults and young people who have been partying at Lyme Breeze and they are on my driveway! They seem to think they are allowed to trespass whilst under the influence of alcohol. This fills me with dread and a deep feeling of nervousness if you were to allow an events company to open up. This is supposed to be a quiet desirable area to live and enjoy your horses. I cannot allow any more disturbances to my animals or to my 2 young nephews. It really does fill me with dread, only yesterday did I report an incident to cheshire police about an attempted robbery at my stables. I ask that you please think very hard about the people who live here and the damage this could do to a lovely neighbourhood and the many horses that live around here. If you would like any further information please feel free to contact me.

[REDACTED]



KNIGHT, Jennifer

From: LICENSING (Cheshire East)
Sent: 20-Nov-2017 16:49
To: KNIGHT, Jennifer
Subject: [OFFICIAL] FW: Objection to licence change for sure of Lyme Breeze. Wood Lane East Arlington.

From: [REDACTED]
Sent: 20-Nov-2017 16:46
To: LICENSING (Cheshire East)
Subject: Objection to licence change for sure of Lyme Breeze. Wood Lane East Arlington.

I AM writing to register a objection on the purposes change on the grounds of noise traffic late night revellers in a quiet rural neighbourhood.
The entry road is a very quite private road, and the added volume of traffic will certainly cause additional issues.

Regards
[REDACTED]

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12

KNIGHT, Jennifer

From: LICENSING (Cheshire East)
Sent: 17-Nov-2017 13:25
To: KNIGHT, Jennifer
Subject: [OFFICIAL] FW: Representation re Lyme Breeze, Adlington, SK10 4PH
Attachments: Response re Lyme Breeze Licence Application November 2017.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

From: [REDACTED]
Sent: 17-Nov-2017 13:23
To: LICENSING (Cheshire East)
Subject: Representation re Lyme Breeze, Adlington, SK10 4PH

To: Licensing, Cheshire East Council

Please find attached a pdf copy of a letter which I am posting today, by first class mail. The original copy should therefore be with you by 20.11.17 which is the closing date for representations.





17th November 2017

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

Dear Sirs

**Representation Regarding an Application to Vary a Premises Licence
Lyne Breeze, Wood Lane East, Adlington, SK10 4PH**

At its meeting on Monday, Adlington Parish Council considered the above application.

Adlington Parish Council wishes to make a representation regarding this application.

The Parish Council is concerned that the granting of this variation to allow live and recorded music outdoors will lead to a public nuisance in the area near to these premises. It was felt that this could especially be a nuisance to nearby residential properties as well as canal barges moored at Adlington Marina, many of which are used as residential accommodation.

Yours sincerely



Clerk



(13)

KNIGHT, Jennifer

From: LICENSING (Cheshire East)
Sent: 21-Nov-2017 08:07
To: KNIGHT, Jennifer
Subject: FW: Objection to the licence changes proposed for the site of Lyme Breeze, Wood Lane East, Adlington

From: [REDACTED]
Sent: 20-Nov-2017 17:34
To: LICENSING (Cheshire East)
Subject: Objection to the licence changes proposed for the site of Lyme Breeze, Wood Lane East, Adlington

To Whom It May Concern,

Please can you register our strong objection to any change to the current Licensing regulations to the present Lyme Breeze site on Wood Lane East, Adlington. We object to the extension of the licensable area of the premises to include the outside boundaries of the site.

Wood Lanes is a rural, residential area with near to 100 homes, with young and old alike. The following reasons for my objection include:

The location is very close to our property and extended licence will create extra noise pollution.

We, like many families that are in close proximity to Lyme Breeze, have young children who are used to early sleeping routines; any further noise easily spreads around the open area of the site, to the houses on the Wood Lanes side to the canal side where there are residents on the narrow boats as well as the static caravans that have permanent inhabitants also. Lyme Breeze itself is on an elevated area compared to the surrounding buildings, the noise is likely to spread further as there is no form of noise barrier such as walls, trees etc. Being a rural area, we chose it for its peace and tranquillity, and such noise pollution may ruin this. Already, Lyme Breeze has moved from a local restaurant to a functions business. When they have functions, even with the current licensing laws, when they have the windows open, the noise can be disturbing, which we already put up with - spreading to outside would just be unthinkable.

The safety of the area caused by the increase in traffic.

As mentioned above, changing the license law to extend to outside, with the "Event and Wedding Company" - Wilshaws of Bexton, creates a lot of issues. This is a quiet, rural area, where currently locals enjoy the peace, walkers, runners and children amble to the Middlewood Way, riders take their horses out. The roads are very narrow in places, many parts without pavements so as locals we know to drive with extra care and attention, especially as the roads can be windy with poor visibility around bends. The increase in traffic from extra events, whether it be in the day or evening, will increase the risk of accidents occurring. During the evening, there are no street lights on any of these roads which is of concern for extra traffic flow. We also have concerns that the extension of the facility will require additional parking the likelihood of more cars being parked on the streets around Wood Lanes.

Thank you for the opportunity to raise objections. We strongly object to the license law being extended, especially as we are affected now and then by the functions they have now when the windows and doors are left open.

I look forward to a confirmation of receipt from you.

Regards,



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Relevant Sections of Cheshire East Licensing Policy

6. Anti-Social Behaviour

6.1 The Licensing Authority recognises that in addition to the requirements for it to promote the Licensing Objectives, the Council 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.

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.

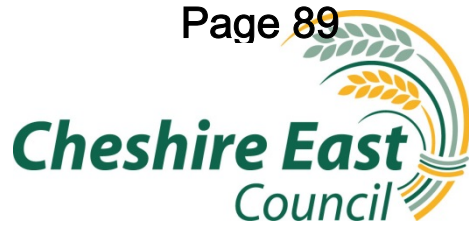
Noise and Vibration

- 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 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 premise 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.

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.

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Premises Licence Summary

Premises Licence Number:

PR/0600

Premises Details

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

Lyme Breeze
Wood Lane East
Adlington
Macclesfield
Cheshire

Post Town: Macclesfield

Post Code: SK10 4PH

Telephone Number: 01625 871120

Where the Licence is time limited, the dates:

Not applicable

Licensable activities authorised by the Licence:

Recorded Music
Live Music
Provision of facilities for dancing
Sale and supply of alcohol
Provision of facilities for making music
Late Night Refreshment

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

Recorded Music (to take place indoors)

Monday to Sunday 11.00 to 24.00
New Years Eve 11.00 to 01.00

Live Music (to take place indoors)

Monday to Sunday 12.00 to 23.00
New Years Eve extend hours to 24.00

Provision of facilities for dancing (to take place indoors)

Monday to Sunday 12.00 to 24.00
New Years Eve extend hours to 00.30

Sale and supply of alcohol

Monday to Sunday 11.00 to 24.00
New Years Eve 11.00 to 01.00

Provision of facilities for making music (to take place indoors)

Monday to Sunday 11.00 to 24.00

New Years Eve 11.00 to 01.00

Late Night Refreshment (to take place indoors)

Monday to Sunday 23.00 to 24.00

New Years Eve 23.00 to 01.00

The opening hours of the Premises:

Monday to Sunday 11.00 to 00.30

New Years Eve 11.00 to 01.30

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

For consumption on the premises only

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

Wilshaws of Bexton Limited
Suite 21
Edwin Foden Business Centre
Moss Lane
Sandbach
CW11 3AE

Tel No: 01270 667185

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

07761036

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

Katrina Marie Shenton

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

No.

Licence issued on 13th September 2017



.....
Signed by Amanda Fallows
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 no 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

Prevention of Crime and Disorder

1. There shall be CCTV cameras installed inside and outside of the premises.
2. There shall be an alarm system fitted at the premises.

Public Safety

3. There shall be an incident/accident report book on site.
4. Staff shall refuse to serve anyone who appears to be intoxicated or acting in an aggressive manner.

Prevention of Public Nuisance

5. No glasses or bottles shall be taken off the premises.
6. Noise levels at the premises shall be monitored by the Licence Holder/Designated Premises Supervisor, so as to prevent public nuisance.
7. Notices shall be displayed at the premises requesting patrons to respect the neighbours and leave quietly.

Protection of Children from Harm

8. All staff shall be trained in relation to the the sale of alcohol.

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

1. When recorded music is played after 22.00, doors and windows shall remain closed, except for purposes of access and egress.
2. Recorded music at the premises shall be background music only.
3. Live music at the premises shall not be amplified.

Annex 4 - Plans

See attached.

Lyme Breeze



November 27, 2017



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