

Licensing Act Sub-Committee

Agenda

Date:	Wednesday, 17th October, 2018
Time:	1.30 pm
Venue:	Committee Suite 2/3 - Westfields, Middlewich Road, Sandbach, CW11 1HZ

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

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. **Temporary Event Notice: The White Horse, 22 Pillory Street, Nantwich, Cheshire CW5 5BD (Pages 7 - 34)**

To consider a temporary event notice which has been served in respect of The White Horse, 22 Pillory Street, Nantwich, Cheshire CW5 5BD and the objection notice which has been received in respect of this temporary event notice.

THERE ARE NO PART 2 ITEMS

For requests for further information

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

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CHESHIRE EAST COUNCIL

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

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

Officers at Hearings

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

PROCEDURE

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

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.



Working for a brighter future together

Licensing Act Sub Committee

Date of Meeting: 17 October 2018

Report Title: Determination of a Temporary Event where an objection notice has been received

Senior Officer: Frank Jordan - Executive Director Places

1. Report Summary

1.1. The report provides details of a temporary event notice submitted by Teracina Margaret Slaughter-Hudson which has been served in respect of:

The White Horse
22 Pillory Street
Nantwich
Cheshire
CW5 5BD

1.2. The notice requests authorisation for the following licensable activities to take place between 01:00 hours to 03:00 hours on 14th November 2018

1.2.1. The sale by retail of alcohol (for consumption on and off the premises)

1.2.2. The provision of regulated entertainment

1.2.3. The Provision Of Late Night Refreshment

1.3. A maximum of 400 people can attend the event.

2. Recommendation/s

2.1. The Licensing Act Sub-Committee is requested to consider the temporary event notice served, the objection received and determine whether to give a Counter Notice under section 105 of the Licensing Act 2003. A Counter Notice will render any licensable activities provided unlawful.

2.2. 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 notice and objection.

2.3. 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.

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

1. The rules of natural justice
2. The provisions of the Human Rights Act 1998

3. Reasons for Recommendation/s

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. Other Options Considered

4.1. No other options have been considered. This matter must be determined by the Sub-Committee in line with statutory requirements and the Council's Constitution.

5. Background

5.1. On 5th October 2018 the Licensing Authority received a Temporary Event Notice in respect of an event to be held at The White Horse. A copy of the notice is attached at appendix 1. A summary of the licensable activities is provided in paragraphs 1.2 and 1.3 (above).

5.2. The application was originally submitted by post with a cheque attached.

5.3. The Council's Environmental Health Team has submitted an objection notice in respect of this temporary event notice. A copy of the objection notice is attached as Appendix 3.

5.4. The Cheshire Constabulary has not submitted an objection notice in respect of the temporary event notice.

5.5. As the notice is submitted for a Premises which already holds a premises licence, if you are not minded to issue a counter notice you may wish to consider using existing conditions on the Premises Licence and applying them to the Temporary Event Notice. A copy of the premises licence, conditions and licensable area is attached at Appendix 4 and 5.

6. Implications of the Recommendations

6.1. Legal Implications

- 6.1.1. Section 104 of the Licensing Act 2003 provides that where a 'relevant person' (i.e. the Chief Officer of Police or the Environmental Health Service) are satisfied that allowing a premises to be used in accordance with a temporary event notice would undermine a licensing objective, that 'relevant person' is required to give a notice ("an objection notice") stating the reasons for being so satisfied.
- 6.1.2. Where a licensing authority receives an objection notice it is required, by section 105(2) of the Licensing Act 2003 to:
- 6.1.3. hold a hearing to consider the objection notice, unless the premises user, the relevant person who gave the notice and the licensing authority agree that a hearing is unnecessary; and
- 6.1.4. having regard to the objection notice, give the premises user a counter notice if it considers it appropriate for the promotion of a licensing objective to do so.
- 6.1.5. In circumstances where an objection notice has been given (and not withdrawn) and the licensing authority has determined not to give a counter notice under section 105, the authority may impose one or more conditions on the standard temporary event notice if (a) the authority considers it appropriate for the promotion of the licensing objectives to do so; (b) if the conditions are already imposed on the premises licence that has effect in respect of the premises; and (c) the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.

6.2. Finance Implications

- 6.2.1. There are no financial implications

6.3. Policy Implications

- 6.3.1. The Licensing Authority has adopted a Statement of Licensing Policy in accordance with section 5 of the Licensing Act 2003.
- 6.3.2. The Licensing Authority must also have due regard to the guidance issued under section 182 of the Licensing Act 2003.
- 6.3.3. 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. Equality Implications

6.4.1. There are no direct equality implications

6.5. Human Resources Implications

6.5.1. There are no human resources implications

6.6. Risk Management Implications

6.6.1. The Licensing Sub-Committee will hear representations made on behalf of both the premises user and the 'relevant person' who has submitted the objection notice and will make a decision on the basis of the evidence presented to it. Section 181 and Schedule 5 (part 3) of the Licensing Act 2003 make provision for appeal to the Magistrates' Court of any decision made by the Licensing Authority.

6.7. Rural Communities Implications

6.7.1. There are no direct implications for rural communities.

6.8. Implications for Children & Young People

6.8.1. There are no direct implications for children and young people.

6.9. Public Health Implications

6.9.1. There are no direct implications for public health.

7. Ward Members Affected

7.1. Nantwich South and Stapeley Councillor Peter Groves

7.2. Nantwich South and Stapeley Councillor Andrew Martin

8. Consultation & Engagement

8.1. Consultation in respect of the giving of a temporary event notice is prescribed in the Licensing Act 2003 and has been fully complied with.

9. Access to Information

9.1. The background papers relating to this report can be made available by contacting the report writer.

10. Contact Information

10.1. Any questions relating to this report should be directed to the following officer:

Name: Jennifer Knight

Job Title: Senior Licensing Officer

Email: Jennifer.knight@cheshireeast.gov.uk

APPENDICES

Appendix 1 – Temporary Event Notice

Appendix 2 – Plan

Appendix 3 – Objection Notice

Temporary Event Notice

Before completing this notice please read the guidance notes at the end of the notice. If you are completing this notice 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 should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)	
1. Your name	
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input checked="" type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	SLAUGHTER-HUDSON
Forenames	TERACINA MARGARET
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)	
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	
Forenames	
3. Your date of birth	
4. Your place of birth	
5. National Insurance Number	
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)	
Post town	Post code
7. Other contact details	
Telephone numbers	
Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address	
(if available)	
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	

Post town	
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address (if available)	

2. The premises	
Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2)	
THE WHITE HORSE 22 PILGRY STREET NANTWICH CW5 5BD	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below	
Premises licence number	313
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
PUBLIC HOUSE	
Please describe the nature of the premises below. (Please read note 4)	
PUBLIC HOUSE	
Please describe the nature of the event below. (Please read note 5)	
CHARITY BOXING AFTERPARTY	

3. The licensable activities

Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on) (Please read note 6)		
The sale by retail of alcohol	<input checked="" type="checkbox"/>	
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>	
The provision of regulated entertainment	<input checked="" type="checkbox"/>	
The provision of late night refreshment	<input checked="" type="checkbox"/>	
Are you giving a late temporary event notice? (Please read note 7)	<input type="checkbox"/>	
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)		
14-11-2018		
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock) (Please read note 9)		
Music - 01:00 - 03:00 Alcohol - 02:00 - 02:30		
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)		
400		
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box) (Please read note 11)	On the premises only	<input checked="" type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input type="checkbox"/>

4. Personal licence holders (Please read note 12)			
Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you).		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.			
Issuing licensing authority	CHESHIRE EAST COUNCIL		
Licence number	PERS1459		
Date of issue	23-12-2011		
Date of expiry	23-12-2021		
Any further relevant details			

5. Previous temporary event notices you have given (Please read note 13)

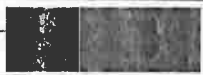
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 14)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

7. Checklist (Please read note 15)	
I shall (Please mark the appropriate boxes with an "X")	
Send at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Send a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Send a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, send at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>

If the premises are situated in one or more police areas, send a copy of this notice to each additional police officer of notice	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, send a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Make or enclose payment of the fee for the application	<input checked="" type="checkbox"/>
Sign the declaration in Section 9 below	<input checked="" type="checkbox"/>

8. Condition (Please read note 16)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 17)	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence:	
(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and	
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	17-09-2018
Name of Person signing	TERACINA SLAUGHTER-HUDSON

For completion by the licensing authority

10. Acknowledgement (Please read note 18)	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	



October 16, 2017



1:606

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LICENSING ACT 2003

Environmental Health TEN Consultation Response

Date Received: 4th October 2018

Name of Applicant: Teracina Slaughter-Hudson

Address to which application relates: The White Horse
22 Pillory Street
Nantwich
CW5 5BD

Date of event(s): 14th November 2018

☐ Approve

☒ Object

Observations

I have considered the above application and wish to object under the licensing objective of:

The prevention of public nuisance

This application is for the provision of regulated entertainment within the premises from 1am til 3am for music and 2am til 2.30am as an extension to the premises current permitted hours. The premise has numerous residential properties within close proximity and even though the entertainment is within the premises this Division are minded that this is a mid week event and complaints have also been received historically with regards to patrons leaving the premises and the associated noise. The extension of the licensable activity until the early hours of the morning, when people will be trying to sleep, is excessive and would fail to meet the licensing objective of the prevention of public nuisance.

It is important to note that Environmental Health have received complaints previously from local residents, about events held at the White Horse and particularly noise from people present during the event and whilst leaving the premises. We have very little confidence in the applicant to ensure that the event is managed correctly.

Consequently Environmental Health must object to the granting of the Temporary Event Notice under the licensing objective of the prevention of public nuisance.

SIGNED: Margaret Hopley

DATED: 8th October 2018

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Premises Licence Summary

Premises Licence Number:

313

Premises Details

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

White Horse Inn
22 Pillory Street

Post Town: Nantwich

Post Code: CW5 5BD

Telephone Number: 01270 624801

Where the Licence is time limited, the dates:

Not applicable.

Licensable activities authorised by the Licence:

Supply of alcohol
Provision of regulated entertainment
Provision of late-night refreshment

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

Recorded music, live music, karaoke and facilities for dancing - all indoors

Monday to Sunday 10:00 – 01:00

Late night refreshment – indoors

Monday to Sunday 23:00 – 02:30

Sale of alcohol

Monday to Sunday 10:00 – 02:00

Licensable activities and opening times are extended by one hour on the following days or dates:

On Bank Holiday weekends (ie, Friday, Saturday, Sunday and Monday) and on Maunday Thursday and Christmas Eve.

On 1st March, 17th March, 23rd April and 30th November – subject to the giving of 7 days notice and the agreement of the police

On occasions of local national or international significance or for charitable events

(but not more than 10 per year) – subject to the giving of 7days notice and the agreement of the police.

The opening hours of the Premises:

Monday – Sunday
09:00 – 02:30

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

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

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

Greene King Brewing And Retailing Limited
Westgate Brewery
Bury St Edmunds
Suffolk
IP33 1QT

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

03298903

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

Teracina Slaughter-Hudson

Licence Issued: 21st September 2018

Signed By: Mr Tony Haskell
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

Replaced with conditions attached after a hearing by the Licensing Authority

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

General

1. The premises licence holder shall require the Designated Premises Supervisor, or in his/her absence other responsible person, to keep an "incident/refusals report register" ('the register') in a bound book in which full details of all incidents are recorded. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The register is to be kept on the premises at all times and shall be produced to a Police or Licensing Officer when requested.
2. The DPS or nominated member of staff shall attend Pub Watch meetings and ensure that Pub Watch bans are identified and where possible reasonable steps are taken to ensure that those persons are excluded from the premises.
3. All authorised staff shall receive training at the commencement of their employment, commensurate with their duties, so that they have awareness of the licensing law and wider social responsibilities attached to the sale of alcohol and the conditions attached to the licence. Such training shall be recorded in writing and refresher training given every 6 months.

Prevention of crime and disorder

1. CCTV equipment shall be installed at the premises, with the number of cameras and citing to be agreed, where possible, in agreement with the Police.
2. Images to be retained for a minimum period as agreed with the police and made available to a Police or Licensing Officer upon request and as permitted under data protection legislation.
3. The CCTV equipment shall be maintained in good working order and continually record during licensable hours and for a period of two hours afterwards.
4. A member of staff technically able to operate the CCTV system shall be available during all licensable hours and shall comply with any reasonable request of an authorised officer of the Council or the Police to view any CCTV "footage" that has been recorded. The Premises licence Holder shall ensure that a member of staff shall be technically able to reproduce CCTV images into a removable format and that such format shall be produced within 24 hours following a request from an authorised officer of the Council or the Police, where such request does not breach data protection legislation.
5. The correct time and date shall be generated onto both the recording and real time image screen of the CCTV.
6. A minimum of 2 SIA door supervisors are to be employed every Friday, Saturday night and Sunday between 20:00 hours and the close of the

premises to the public. At all other times that regulated entertainment is provided, the need to employ door supervisors will be risk assessed by the DPS/manager and the number of door supervisors identified as being required shall be employed for the time required by the risk assessment.

7. The premises licence holder shall ensure that where the door supervisors are employed at the premises, they enter in a bound register kept for that purpose their full name, badge number, (including expiry date), the time they commenced their duty and the time they completed their duty, immediately after doing so. This register shall be kept at the premises at all times and made available to a police or licensing officer immediately on requirement. Particulars of duties covering a minimum period of 31 days prior to the requirement shall be available.
8. The premises licence holder shall ensure that all door supervisors employed at the premises wear a current identification badge, issued by the Security Industry Authority, in a conspicuous position to the front of their upper body.

Public Safety

1. The premises licence holder shall ensure that all drinking glasses used within the premises are of the polycarbonate type or toughened or safety glass to the appropriate safety standard, in that they shall not produce sharp shards when broken.
2. The Premises licence holder shall provide training for all staff to ensure that they are familiar with all means of ingress and egress and the appropriate procedures in case of any emergencies that require an immediate evacuation of the premises.

Prevention of public nuisance

1. Recorded music shall be played at a reasonable level so that does not disturb any neighbouring residents.
2. For the final 30 minutes of any Dj set due to terminate after midnight, the music levels are to be audibly reduced to affect a 'winding down' period. At the end of their set, Djs to remind customers to leave quietly. The manager on any evening when a Dj is scheduled to play will notify the Dj of this requirement prior to the start of his set and will ensure that the volume is reduced for the required 30 minute winding down period.
3. No speaker for amplification of music or speech shall be placed on the outside of the premises, with the exception of the annual Nantwich Jazz Festival and Nantwich Folk Festival.
4. Except for access and egress all external doors and windows to the front bar shall be kept closed whilst regulated entertainment is being performed at the premises
5. Noise Limiters
A noise limiting device shall be used in relation to all sound amplification equipment used in conjunction with the premises licence.

- a) The noise limiting device shall be installed and set at a level approved by the Council through an authorised officer of the Pollution Control Team.
 - b) The noise limiting device shall be properly secured so that this can not be tampered with.
 - c) The noise limiting device shall only be reset with the authority of the Council through an authorised officer of the Pollution Control Team. If deemed necessary, the noise limiting device shall be reset to a level approved by the Council through an authorised officer of the Pollution Control Team within 14 days of notification.
6. No nuisance shall be caused by vibrations transmitted through the structure of the premises
7. The outdoor area at the rear of the premises shall not be used by customers after 23.30 hours except for the designated smoking area. After 23.30 hours, no more than 20 customers may use this area at any one time.
8. There shall be no consumption of beverages at the front of the premises after midnight.
9. Customers will not be permitted to congregate outside the front of the premises after midnight. Customers going outside to smoke will be asked to smoke in the designated smoking area to the back of the premises.
10. The premises supervisor, manager or other competent person shall manage the outdoor area to ensure that customers do not behave in a noisy, rowdy or offensive manner.
11. Clear notices must be displayed at the prominent points in all outdoor areas informing customers to respect the needs of local residents and behave in a quiet and orderly manner.
12. A dispersal policy ('the policy') shall be drawn up and implemented at the premises to ensure that customers leave the premises quickly and quietly at the end of the night. When door staff are employed, there will be responsible, along with the manager, for implementation of the policy.
13. Windows and doors at the rear of the premises to be closed after 20:00 hours each evening
14. Activities relating to the placing of refuse, bottles and recyclable material into external receptacles shall only take place between 09.00 hours and 20.00 hours.
15. A complaints book shall be kept at the premises and any complaints received from members of the public will be recorded in it. As a minimum, the record will contain the date, time and nature of the complaint, along with the names of the complainant (if known), the person making the record and any action taken.
16. The licence holder shall ensure that adequate measures are in place to remove litter or waste arising from their customers and to prevent such litter from accumulating in the immediate vicinity of their premises. In particular,

where necessary the premises licence holder shall ensure that adequate measures are in place to provide customers with sufficient receptacles for the depositing of waste materials such as etc.

17. Notices shall be displayed at all exits to the premises reminding customers to respect the premises' neighbours and leave quietly.

Protection of children from harm

1. All children must be accompanied and supervised by an adult.
2. Children shall not be permitted on the premises after 21:00 hrs unless attending a pre-booked function or table meal, in which case children can stay until the function ends or the meal is finished.
3. All staff to be trained in the prevention of under age sales to a level commensurate with their duties. All such training to be updated as necessary, for instance when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. The documentation shall be available for inspection on request by an authorised officer of the Licensing Authority or police.
4. An approved proof of age scheme shall be adopted, implemented and advertised within the premise such as "Challenge 21" whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 21 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.

Annex 4 - Plans

Attached to the licence

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