

Licensing Act Sub-Committee

Agenda

Date: Thursday, 22nd November, 2018
Time: 10.00 am
Venue: Council Chamber - 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 to Vary a Premises Licence - Victor's, 46 London Road, Alderley Edge SK9 7DZ** (Pages 7 - 48)

To consider an application to vary a Premises Licence by Victor's Restaurant Ltd in respect of Victor's, 46 London Road, Alderley Edge SK9 7DZ.

4. **Application to Vary a Premises Licence - The Botanist, 41a King Street, Knutsford WA16 6DW** (Pages 49 - 94)

To consider an application to vary a Premises Licence by New World Trading Company (UK) Limited in respect of The Botanist, 41a King Street, Knutsford WA16 6DW.

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.



Working for a brighter future together

Licensing Act Sub Committee

Date of Meeting: 22 November 2018

Report Title: Application for a Variation to a Premises Licence at Victor's 46 London Road, Alderley Edge, SK9 7DZ

Senior Officer: Frank Jordan - Executive Director Places

1. 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. Recommendation/s

- 2.1. The Licensing Act Sub-Committee is requested to determine the application for a application for a variation to a Premises Licence by Victors Restaurant Ltd, in respect of:

Victor's, 46 London Road, Alderley Edge, SK9 7DZ

- 2.2. Acting in the capacity of Licensing Authority, Members must seek to promote the Licensing Objectives. And where Members consider that matters have engages 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 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, consideration also needs to be given to:
 - a. The rules of natural justice
 - b. 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. The key reasons why the recommendation/s has been made. Link your reasons into appropriate council policies and corporate objectives.

4. Other Options Considered

- 4.1. Not applicable

5. Background

- 5.1. The application was received by the Licensing Authority and sent out for consultation on the 28th September 2018. The application is for a variation to a Premises Licence under section 34 of the Licensing Act 2003.
- 5.2. The applicant seeks to vary their licence to include the following:

Provision of Recorded Music – Indoors

Monday to Wednesday 09.00 – 00.00

Thursday 09.00 – 01.00

Friday 09.00 – 02.00

Saturday 10.00 – 02.00

Sunday 10.00 – 00.00

The provision of late night refreshment

Sunday to Wednesday 23.00 – 00.00

Thursday 23.00 – 01.00

Friday and Saturday 23.00 – 02.00

The sale and supply of alcohol for consumption on and off the premises

Monday to Thursday 09.00 – 00.00

Friday 09.00 – 02.00

Saturday 10.00 – 02.00

Sunday 10.00 – 00.00

Additionally, the application seeks to:

To add non-standard timings on Christmas Eve, Boxing Day and the Sunday before a bank holiday, and to dis-apply the effect of the day of British Summer Time.

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

An additional hour on the day British Standard Time commences to dis-apply its effect.

An additional hour on the night of Christmas Eve

An additional hour on the night of Boxing Day

An additional 2 hours on a Sunday before a bank holiday.

To remove all existing licensing conditions and replace with new conditions, policies and an operating schedule.

5.3. A copy of the application form, together with the replacement conditions and policies are attached at Appendix 1.

5.4. Responsible Authorities:

5.4.1. Cheshire Police have not submitted a representation to the application.

5.4.2. The Council's Environmental Protection Team have not submitted a representation to the application.

5.4.3. There have been no responses from any other Responsible Authority.

5.5 Other Persons:

5.5.1 The Council has received 3 objections to the application, which are set out at appendix 2.

6. Implications of the Recommendations

6.1. Legal Implications

6.1.1. 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:

- I. Grant the licence subject to the relevant mandatory conditions and conditions consistent with the operating schedule
- II. Modify the application to such extent as the Authority considers appropriate for the promotion of the Licensing Objectives
- III. Exclude from the scope of the licence any of the Licensable Activities to which the application relates
- IV. Reject the application

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

6.1.3 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.

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 applicant and the 'relevant person' who has submitted their representation and will make a decision on the basis of the evidence presented to it. The Licensing Act 2003 makes 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. Alderley Edge – Councillor Craig Browne

8. Consultation & Engagement

8.1. Consultation in respect of submitting a variation to a Premises Licence Application 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

Appendix 1 – Application Form

Appendix 2 – Representations

Appendix 3 – Premises Licence

Appendix 4 – Map of Premises



Cheshire East
Application to vary a premises licence
Licensing Act 2003

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

* required information

Section 1 of 18

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

System reference

Not Currently In Use

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

Your reference

RBK.FJT.VIC52/3

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

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

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

Applicant Details

* First name

Victors Restaurant Ltd

* Family name

N/A

* E-mail

Main telephone number

[REDACTED]

Include country code.

Other telephone number

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

Is the applicant:

☒ Applying as a business or organisation, including as a sole trader
☐ Applying as an individual

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

Applicant Business

Is the applicant's business registered in the UK with Companies House?

☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

09006575

Business name

Victors Restaurants Limited

If the applicant's business is registered, use its registered name.

VAT number

GB

N/A

Put "none" if the applicant is not registered for VAT.

Legal status

Private Limited Company

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

☒ An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

☐ A private individual acting as an agent

Agent Business

Is your business registered in the UK with Companies House? ☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

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

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18**APPLICATION DETAILS**

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

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

* Premises Licence Number

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

☒ Address ☐ OS map reference ☐ Description
Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number



*Continued from previous page...*Non-domestic rateable
value of premises (£)**Section 3 of 18****VARIATION**Do you want the proposed
variation to have effect as
soon as possible?☒

Yes

☐

No

Do you want the proposed variation to have effect in relation to the
introduction of the late night levy?☐

Yes

☒

No

You do not have to pay a fee if the only
purpose of the variation for which you are
applying is to avoid becoming liable to the
late night levy.If your proposed variation
would mean that 5,000 or
more people are expected to
attend the premises at any
one time, state the number
expected to attend**Describe Briefly The Nature Of The Proposed Variation**

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

The premises are a restaurant and bar. This application is to:

1. Vary the trading hours on Fridays and Saturdays so that the premises remains open for an additional hour.
2. To add non-standard timings on Christmas Eve, Boxing Day and the Sunday before a bank holiday, and to dis-apply the effect of the day of British Summer Time.
3. To remove and replace the existing licence conditions with policies and an operating schedule

Section 4 of 18**PROVISION OF PLAYS**[See guidance on regulated entertainment](#)Will the schedule to provide plays be subject to change if this application to
vary is successful?☐

Yes

☒

No

Section 5 of 18**PROVISION OF FILMS**[See guidance on regulated entertainment](#)Will the schedule to provide films be subject to change if this application to
vary is successful?☐

Yes

☒

No

Section 6 of 18**PROVISION OF INDOOR SPORTING EVENTS**

Continued from previous page...[See guidance on regulated entertainment](#)

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

☐ Yes ☒ No

Section 7 of 18**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

[See guidance on regulated entertainment](#)

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

☐ Yes ☒ No

Section 8 of 18**PROVISION OF LIVE MUSIC**

[See guidance on regulated entertainment](#)

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

☐ Yes ☒ No

Section 9 of 18**PROVISION OF RECORDED MUSIC**

[See guidance on regulated entertainment](#)

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

☒ Yes ☐ No

Standard Days And Timings**MONDAY**

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

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

- ☒ Indoors
 ☐ Outdoors
 ☐ Both

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

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

The music will be played in compliance with the existing licensing conditions.

State any seasonal variations for playing recorded music.

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

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

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

- From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
- An additional hour on the day British Standard Time commences to dis-apply its effect.
- An additional hour on the night of Christmas Eve.
- An additional hour on the night of Boxing Day.
- An additional 2 hours on a Sunday before a bank holiday.

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PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

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

- ☐ Yes
 ☒ No

Continued from previous page...

Section 11 of 18**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**[See guidance on regulated entertainment](#)

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

☐ Yes☒ No**Section 12 of 18****PROVISION OF LATE NIGHT REFRESHMENT**

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

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

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

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

Continued from previous page...

SUNDAY

Start End Start End

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

☒ Indoors ☐ Outdoors ☐ Both

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

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

State any seasonal variations.

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

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

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

- From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
- An additional hour on the day British Standard Time commences to dis-apply its effect.
- An additional hour on the night of Christmas Eve
- An additional hour on the night of Boxing Day
- An additional 2 hours on a Sunday before a bank holiday.

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SUPPLY OF ALCOHOL

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

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start End Start End

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

Continued from previous page...

TUESDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the sale of alcohol be for consumption?

- ☐ On the premises
 ☐ Off the premises
 ☒ Both

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

State any seasonal variations.

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

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

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

- From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
- An additional hour on the day British Standard Time commences to dis-apply its effect.

Continued from previous page...

- An additional hour on the night of Christmas Eve
- An additional hour on the night of Boxing Day
- An additional 2 hours on a Sunday before a bank holiday.

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ADULT ENTERTAINMENT

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

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

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

State any seasonal variations.

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

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

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

- From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
- An additional hour on the day British Standard Time commences to dis-apply its effect.
- An additional hour on the night of Christmas Eve
- An additional hour on the night of Boxing Day
- An additional 2 hours on a Sunday before a bank holiday.

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

The removal of the existing conditions in Annex 2 of the licence, and replacement of the same with the conditions contained in the attached operating schedule and policies

☐ I have enclosed the premises licence

☐ I have enclosed the relevant part of the premises licence

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

The premises licence is with the local authority following a previous application.

Section 16 of 18

LICENSING OBJECTIVES

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

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

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

Please see attached operating schedule and policies

Continued from previous page...

b) The prevention of crime and disorder

Please see attached operating schedule and policies

c) Public safety

Please see attached operating schedule and policies

d) The prevention of public nuisance

Please see attached operating schedule and policies

e) The protection of children from harm

Please see attached operating schedule and policies

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 18 of 18**PAYMENT DETAILS**

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

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

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

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

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

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

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

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

100.00

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.



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

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

Continued from previous page...

* Full name

* Capacity

* Date

18	/	09	/	2018
dd		mm		yyyy

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

1. Save this form to your computer by clicking file/save as...

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

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

IT IS AN OFFENCE, 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.

OFFICE USE ONLYApplicant reference number Fee paid Payment provider reference ELMS Payment Reference Payment status Payment authorisation code Payment authorisation date Date and time submitted Approval deadline Error message

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SMOKING & AL FRESCO DINING POLICY

1. Any outside area used by customers wishing to dine, drink or smoke shall be clearly delineated and covered by the CCTV system which will be installed at the premises.
2. The outside area shall be monitored by staff or door staff at all times it is in use
3. The area will be cleaned regularly
4. Suitable receptacles shall be provided for smokers to dispose of cigarette butts.
5. Signs will be displayed in the area requesting customers keep noise to a minimum.
6. Patrons who disregard signage and verbal instructions regarding noise will be asked to move inside and/or leave the premises.
7. Open containers of alcohol shall not be permitted to be taken beyond the boundary of the outside area

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OPERATING SCHEDULE

Staff shall be trained in the requirements of the Licensing Act 2003 with regard to the Licensing Objectives.

A) The Prevention of Crime and Disorder

1. A CCTV system shall be maintained and operated at the premises with cameras positioned both internally and externally.
2. Recorded CCTV images will be maintained and stored for a period of twenty-eight days and shall be produced to the Police or Licensing Authority upon request.
3. CCTV will be in operation at any time a person is in the premises. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard PC or DVD player.
4. Any person left in charge of the premises must be trained in the use of any such CCTV equipment, and be able to produce CCTV images to an officer from a responsible authority upon request.
5. SIA registered door staff shall be employed at the premises, in accordance with a risk assessment, to be carried out by the DPS. When employed, door staff will wear high visibility armbands.
6. When employed, a register of those door staff employed shall be maintained at the premises and shall include:
 - (i) the number of door staff on duty;
 - (ii) the identity of each member of door staff;
 - (iii) the times the door staff are on duty.
7. Open containers of alcohol shall not be removed from the premises, save for consumption in any delineated external area.
8. Staff will be trained in the laws relating to under age sales, and that training shall be documented and repeated at 6 monthly intervals.
9. A refusals book will be maintained at the premises, and made available to an officer of a responsible authority upon request.

B) Public Safety

1. A first aid box will be available at the premises at all times.
2. Regular safety checks shall be carried out by staff.
3. Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.
4. The premises shall maintain an Incident Log and public liability insurance.

C) The Prevention of Public Nuisance

1. Noise from amplified music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises.

2. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
3. The exterior of the building shall be cleared of litter at regular intervals.
4. Notices will be positioned at the exits to the building requesting customers to leave in a quiet manner.
5. Doors and windows at the premises are to remain closed after 11pm, save for access and egress.
6. A Dispersal and Smoking Policy will be implemented and adhered to (see attached).
7. The emptying of bins into skips, and refuse collections will not take place between 11pm and 7am.

D) The Protection of Children From Harm

1. A "Challenge 21" Policy shall be implemented in full and appropriate identification sought from any person who appears to be under the age of 21. The only acceptable forms of ID are photographic driving licences, passports, HM forces warrant cards, EU/EEA national ID card or similar document or a form of identification with the "PASS" hologram.
2. Staff training will include the Challenge 21 Policy and its operation. In particular, staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18. The training must be given to a new member of staff before they commence employment and all staff must receive refresher training every 6 months.
3. Notices advising what forms of ID are acceptable must be displayed.
4. Notices must be displayed in prominent positions indicating that the Challenge 21 policy is in force.

DISPERSAL POLICY

The purpose of this Dispersal Policy is to ensure, so far as it is possible, that minimum disturbance or nuisance is caused to our neighbours and to ensure that the operation of the premises makes the minimum impact upon the neighbourhood in relation to potential nuisance and anti-social behaviour. This will be achieved by exercising pro-active measures towards and at the end of the evening.

By ensuring that this Dispersal Policy document is brought to the attention of Management and Staff we will seek to encourage the efficient, controlled and safe dispersal of our patrons during our closing period.

1. At the end of the evening management and staff will assist with the orderly and gradual dispersal of patrons.
2. Staff Members (including door personnel when employed) will advise patrons to leave the premises quickly and quietly out of respect for our neighbours.
3. Notices will be displayed requesting our customers to leave quietly and in an orderly manner out of consideration to neighbours and their attention will be drawn to these notices by members of staff.
4. We will ensure the removal of all bottles and drinking receptacles from any patron before exiting the premises (this does not apply in the case of consumption in any delineated external drinking area.)
5. We will actively discourage our customers from assembling outside the premises at the end of the evening.

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From: [REDACTED]
Sent: 26-Oct-2018 14:13
To: LICENSING (Cheshire East)
Subject: AGAINST APPLICATION FOR A VARIATION - Victors (formerly The Alchemist) 46 London Road, Alderley Edge, SK9 7DZ

Dear Sir or Madam,

I am writing in regards to the notice of application for Victors, 46 London Road, Alderley Edge. As their neighbour I would like to make it clear that I am wholly against the change of licensing.

As a restaurant in a village why do they need a licence for alcohol and amplified music until 2am?

The application requests:

"To add various and non-standard and festive timings." This sounds like they will be able to operate how they want when they want without constraint.

This is very worrying to me.

"To remove all those conditions contained in annex 2 and replace with a new opening schedule"

This is very worrying to me.

Because of these changes in operation times it means there will be more inebriated people around my home shouting and making more noise while leaving and queuing for taxis outside my front door, just like before but even later! Plus, loud music will be coming through the walls until even later than before.

My home [REDACTED], that wall backs onto the two bedrooms, kitchen and living room. With the previous tenants (Alchemist) there were many callouts from the environmental health department to check sound levels in my home and to the restaurant and it was found that those sound levels were indeed way too high.

These sound problems went on for 11 months with the previous restaurant and I can not go through this again as it was extremely stressful and detrimental to my standard of living.

If I haven't made it clear, I am against the change of licensing for 46 London Road.

Kind regards,

[REDACTED]

[REDACTED]

Alderley Edge

From: [REDACTED]
Sent: 26-Oct-2018 14:53
To: LICENSING (Cheshire East)
Subject: 46 London Rd Alderley Edge

Dear Sir/Madam,

My name is [REDACTED] and my wife [REDACTED] and I own the property [REDACTED] the new restaurant Victors (formerly The Alchemist) at 46 London Road Alderley Edge. The first and second floors consist of two residential flats that have been let since 1996. From that time the village has boomed with more and more restaurants.

The disturbing thing about the latest circumstances is the fact that Victors is actually applying for special dispensation to be open later than any other restaurant or bar in the area until two o'clock in the morning, serving drinks and to be able to play amplified music for celebratory purposes. I find the disregard of consideration of neighbouring residents appalling.

The previous business there, when it was trading as The Alchemist was already under investigation by Cheshire East Council for noise pollution.

If Victors gets the permission it wants, I would ask; "what chance of our re-letting the flats would we have?"

Yours sincerely

[REDACTED]

From: [REDACTED]
Sent: 29-Oct-2018 23:53
To: KNIGHT, Jennifer
Cc: LICENSING (Cheshire East)
Subject: RE: [OFFICIAL] FW: Victors Restaurant, 46 London Road, Alderley Edge, Cheshire, SK

Hi Jennifer,

Thank you for sending me details of the full application.

I would like to register my objection to the playing of recorded music until 01.00 on Friday mornings and 02.00 on Saturday & Sunday mornings, as well as the proposed extension in opening times to 01.30 on Friday mornings and 02.30 on Saturday & Sunday mornings. I feel that these are inappropriate for a residential area and would have an unacceptable impact on the amenity of the adjacent apartments both at 48 London Road, as well as those above the Library and on nearby Massey Street.

I also have concerns about the proposed provisions for refuse storage and collection. Currently bins are just dumped on the footpath on Brown Street, leaving it inaccessible to people with wheelchairs/pushchairs etc (please see attached).

Many thanks,



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Premises Licence Summary

Premises Licence Number:

PR/0609

Premises Details

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

Victor's
46 London Road
Alderley Edge

Post Town: Alderley Edge

Post Code: SK9 7DZ

Telephone Number: 01625 584163

Where the Licence is time limited, the dates:

Not applicable

Licensable activities authorised by the Licence:

Recorded Music
Supply of Alcohol
Late Night Refreshment

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

Recorded Music (to take place indoors)

Monday to Wednesday 09.00 to 00.00
Thursday and Friday 09.00 to 01.00
Saturday 10.00 to 01.00
Sunday 10.00 to midnight

Supply of Alcohol

Monday to Wednesday 09.00 to 00.00
Thursday and Friday 09.00 to 01.00
Saturday 10.00 to 01.00
Sunday 10.00 to midnight

Late Night Refreshment (to take place indoors)

Sunday to Wednesday 23.00 to 00.00
Thursday to Saturday 23.00 to 01.00

The opening hours of the Premises:

Monday to Wednesday 09.00 to 00.30
Thursday and Friday 09.00 to 01.30
Saturday 10.00 to 01.30
Sunday 10.00 to 00.30

Non standard timings: An additional hour on the day British Summertime commences to disapply its effect

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

Sale of alcohol for consumption either on or off the premises.

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

Victors Restaurants Ltd
1st Floor Rational House
64 Bridge Street
Manchester
M3 3BN

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

09006575.

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

Miles Roberts.

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

Children will not be permitted entrance unless accompanied by an adult.

Licence Issued: 14th September 2018



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. The premises will be alarmed.
2. Persons suspected of being drunk will not be served.

Public Safety

3. The restaurant will comply with the general law as to the safety of persons entering upon the premises.
4. Fire assessments will be regularly carried out by the Fire Officer and his recommendations will be implemented.

Prevention of Public Nuisance

5. Staff will be trained to monitor the premises so as to identify and quickly deal with any situations which may give rise to a public nuisance.

Protection of Children from Harm

6. Children will not be permitted entrance unless accompanied by an adult.
7. The restaurant will adopt and maintain the proof of age scheme; identification and proof of age will be required from anyone suspected of being under age.

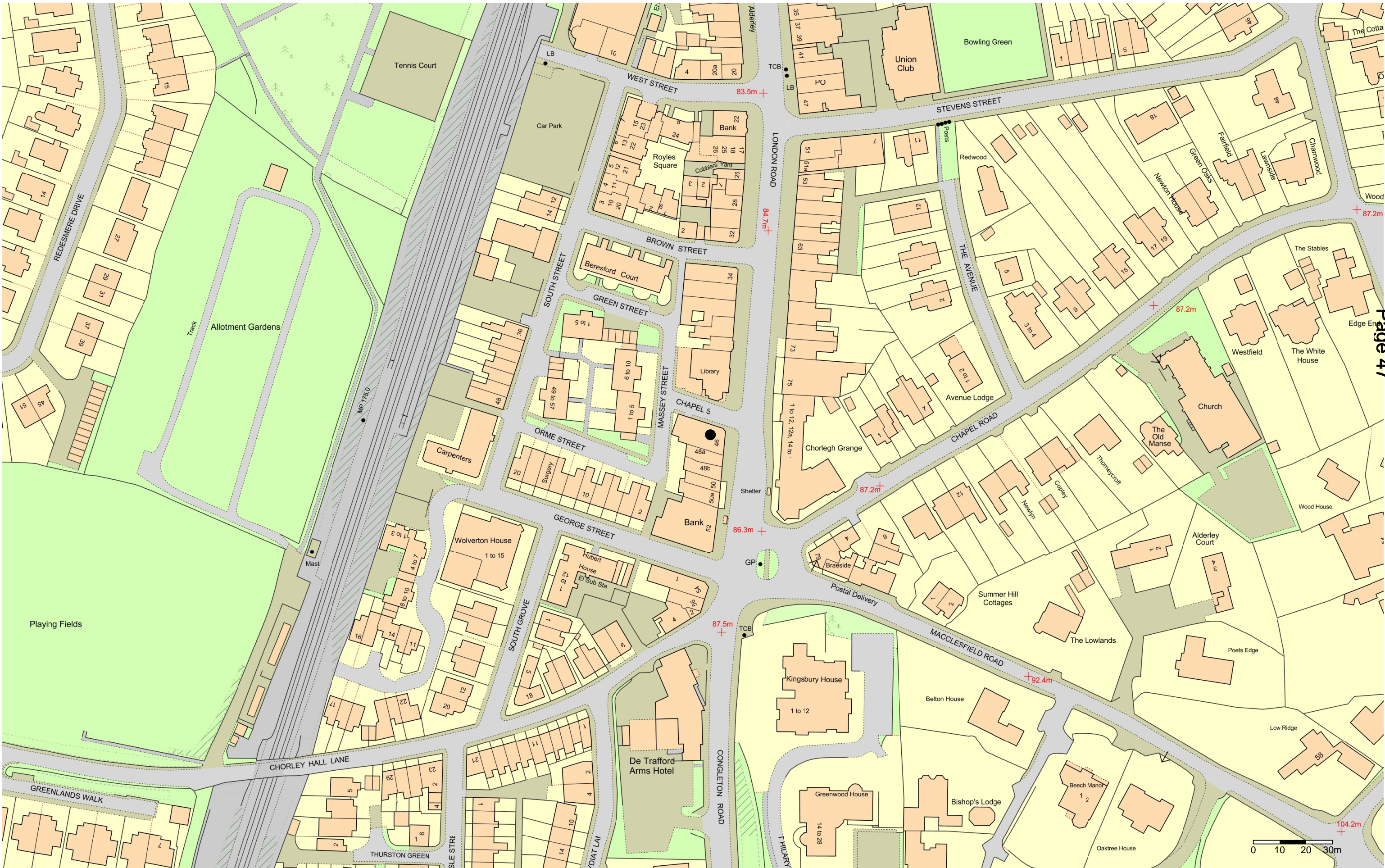
General – All Licensing Objectives

8. Staff will be trained to supervise and monitor the premises so as to identify and quickly deal with any situations which may give rise to a breach of any of the licensing objectives.

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

None.

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31/10/201



Victor's
46 London Road, Alderley Edge, SK9 7DZ

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Working for a brighter future together

Licensing Act Sub Committee

Date of Meeting: 22 November 2018

Report Title: Application for a Variation to a Premises Licence at The Botanist, 41a King Street, Knutsford, WA16 6DW

Senior Officer: Frank Jordan - Executive Director Places

1. 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. Recommendation/s

- 2.1. The Licensing Act Sub-Committee is requested to determine the application for a application for a variation to a Premises Licence by New World Trading Company (UK) Limited, in respect of:

The Botanist, 41a King Street, Knutsford, WA16 6DW

- 2.2. Acting in the capacity of Licensing Authority, Members must seek to promote the Licensing Objectives. And where Members consider that matters have engages 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 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, consideration also needs to be given to:
 - a. The rules of natural justice
 - b. 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. the key reasons why the recommendation/s has been made. Link your reasons into appropriate council policies and corporate objectives.

4. Other Options Considered

- 4.1. Not applicable

5. Background

- 5.1. The application was received by the Licensing Authority and sent out for consultation on the 5th October 2018. The application is for a variation to a Premises Licence under section 34 of the Licensing Act 2003.
- 5.2. The applicant seeks to vary their licence to include the following:

Provision of Live Music – Indoors

Thursday 21:00 – 00:00

Friday and Saturday 21.00 – 01.00

Provision of Recorded Music – Indoors

Monday to Wednesday 10.00 – 23.00

Thursday to Saturday 10.00 – 01.00

Sunday 10.00 – 22.30

Late Night Refreshment – Indoors

Monday to Thursday 23.00 – 00.30

Friday to Saturday 23.00 – 01.30

Sunday 23.00 – 00.30

The Sale and Supply of Alcohol on and off the premises

Monday to Wednesday 10.00 – 23.00

Thursday 10.00 – 00.30
Friday and Saturday 10.00 – 01.00
Sunday 10.00 – 22.30

Hours the Premises are open to the public

Monday to Wednesday 10.00 – 00.00
Thursday 10.00 – 01.00
Friday to Saturday 10.00 – 01.30
Sunday 10.00 – 23.30

There are no other changes proposed on the application.

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

5.4. Responsible Authorities:

5.4.1. Cheshire Police have proposed conditions to promote the licensable objectives which have been agreed with the applicant. A copy of the conditions is set out at Appendix 3.

5.4.2. The Council's Environmental Protection Team has proposed conditions which if added to the licence would promote the licensable objectives. The applicant has not agreed to the conditions. A copy of the conditions is set out at Appendix 4.

5.5 Other Persons:

5.5.1 The Council has received eight objections to the application, which are set out at appendix 2.

6. Implications of the Recommendations

6.1. Legal Implications

6.1.1. 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:

- I. Grant the licence subject to the relevant mandatory conditions and conditions consistent with the operating schedule
- II. Modify the application to such extent as the Authority considers appropriate for the promotion of the Licensing Objectives

- III. Exclude from the scope of the licence any of the Licensable Activities to which the application relates
- IV. Reject the application

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

6.1.3 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.

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 applicant and the 'relevant person' who has submitted their representation and will make a decision on the basis of the evidence presented to it. The Licensing Act 2003 makes 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. Knutsford – Councillor Stewart Gardiner

7.2. Knutsford – Councillor Tony Dean

7.3. Knutsford – Councillor Hayley Wells-Bradshaw

8. Consultation & Engagement

8.1. Consultation in respect of submitting a variation to a Premises Licence Application 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

Appendix 1 – Application form and existing premises licence

Appendix 2 – Representations from other persons

Appendix 3 – Agreed Conditions from Cheshire Police

Appendix 4 – Proposed Conditions from Environmental Health

Appendix 5 – Map of Premises

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Cheshire East
Application to vary a premises licence
Licensing Act 2003

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

* required information

Section 1 of 18

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

System reference

Not Currently In Use

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

Your reference

NEW218/16

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

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

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

Applicant Details

* First name

New World Trading Company (UK) Limited

* Family name

n/a

* E-mail

Main telephone number

[REDACTED]

Include country code.

Other telephone number

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

Is the applicant:

☒ Applying as a business or organisation, including as a sole trader
☐ Applying as an individual

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

Applicant Business

Is the applicant's business registered in the UK with Companies House?

☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

07685158

Business name

New World Trading Company (UK) Limited

If the applicant's business is registered, use its registered name.

VAT number

GB

n/a

Put "none" if the applicant is not registered for VAT.

Legal status

Private Limited Company

Continued from previous page...

Applicant's position in the business

n/a

Home country

United Kingdom

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

2

Street

Malt Street

District

City or town

Knutsford

County or administrative area

Postcode

WA16 6ES

Country

United Kingdom

Agent Details

* First name

Kuit Steinart Levy LLP

* Family name

n/a

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

- ☒ An agent that is a business or organisation, including a sole trader
- ☐ A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House?

☒ Yes☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

OC334768

Business name

Kuit Steinart Levy LLP

If your business is registered, use its registered name.

VAT number

GB

n/a

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

Legal status

Limited Liability Partnership

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

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18**APPLICATION DETAILS**

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

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

* Premises Licence Number

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

☒ Address ☐ OS map reference ☐ Description
Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

*Continued from previous page...*Non-domestic rateable
value of premises (£)

31,000

Section 3 of 18**VARIATION**Do you want the proposed
variation to have effect as
soon as possible?☒

Yes

☐

No

Do you want the proposed variation to have effect in relation to the
introduction of the late night levy?☐

Yes

☒

No

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

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

Describe Briefly The Nature Of The Proposed Variation

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

The purpose of this application is to:

1. Extend hours for the sale of alcohol to 01:00 Friday and Saturday;
2. Extend hours for live music to 01:00 Friday and add live music between the hours of 21:00 and 01:00 Saturday;
2. Extend hours for late night refreshment to 01:30 Friday and Saturday;
3. Extend hours for opening to 01:30 Friday and Saturday.

There are to be no other changes to the licence.

Section 4 of 18**PROVISION OF PLAYS**[See guidance on regulated entertainment](#)Will the schedule to provide plays be subject to change if this application to
vary is successful?☐

Yes

☒

No

Section 5 of 18**PROVISION OF FILMS**[See guidance on regulated entertainment](#)Will the schedule to provide films be subject to change if this application to
vary is successful?

Continued from previous page...

☐ Yes☒ No**Section 6 of 18****PROVISION OF INDOOR SPORTING EVENTS**[See guidance on regulated entertainment](#)

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

☐ Yes☒ No**Section 7 of 18****PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**[See guidance on regulated entertainment](#)

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

☐ Yes☒ No**Section 8 of 18****PROVISION OF LIVE MUSIC**[See guidance on regulated entertainment](#)

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

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

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

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

Continued from previous page...

SATURDAY

Start End Start End

SUNDAY

Start End Start End

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

☒ Indoors
 ☐ Outdoors
 ☐ Both

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

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

State any seasonal variations for the performance of live music

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

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

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

Section 9 of 18**PROVISION OF RECORDED MUSIC**[See guidance on regulated entertainment](#)

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

☒ Yes
 ☐ No
Standard Days And Timings

MONDAY

Start End Start End

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

Continued from previous page...

TUESDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="22:30"/>
Start	<input type="text"/>	End	<input type="text"/>

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

- ☒ Indoors
 ☐ Outdoors
 ☐ Both

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

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

State any seasonal variations for playing recorded music.

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

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

Continued from previous page...

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

From the end of permitted hours on New Year's Eve to the start of permitted hours for New Year's Day.

Section 10 of 18**PROVISION OF PERFORMANCES OF DANCE**

[See guidance on regulated entertainment](#)

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

☐ Yes ☒ No

Section 11 of 18**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

[See guidance on regulated entertainment](#)

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

☐ Yes ☒ No

Section 12 of 18**PROVISION OF LATE NIGHT REFRESHMENT**

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

☒ Yes ☐ No

Standard Days And Timings**MONDAY**

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

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

Continued from previous page...

THURSDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="00:30"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="01:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="01:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="00:30"/>
Start	<input type="text"/>	End	<input type="text"/>

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

☒ Indoors
 ☐ Outdoors
 ☐ Both

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

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

State any seasonal variations.

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

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

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

From the end of permitted hours on New Year's Eve to 05:00 on New Year's Day.

*Continued from previous page...***SUPPLY OF ALCOHOL**

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

☒ Yes ☐ No

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

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

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

Will the sale of alcohol be for consumption?

☐ On the premises ☐ Off the premises ☒ Both

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

State any seasonal variations.

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

Continued from previous page...

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

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

From the end of permitted hours on New Year's Eve to the start of permitted hours for New Year's Day.

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ADULT ENTERTAINMENT

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

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

n/a

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

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

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

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

From the end of permitted hours on New Year's Eve to the start of permitted hours for New Year's Day.

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

☒ I have enclosed the premises licence

☐ I have enclosed the relevant part of the premises licence

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

Continued from previous page...

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

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

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

Please see conditions attached to existing premises licence.

b) The prevention of crime and disorder

Please see conditions attached to existing premises licence.

c) Public safety

Please see conditions attached to existing premises licence.

d) The prevention of public nuisance

Please see conditions attached to existing premises licence.

e) The protection of children from harm

Please see conditions attached to existing premises licence.

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 18 of 18**PAYMENT DETAILS**

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

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

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

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

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

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

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

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

190.00

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

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

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

Continued from previous page...

* Full name

* Capacity

* Date / /
 dd mm yyyy

Add another signatory

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

1. Save this form to your computer by clicking file/save as...
 2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/cheshire-east/change-1> to upload this file and continue with your application.
- Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, 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.

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed ☐

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



Premises Licence Summary

Premises Licence Number:

PR/0126

Premises Details

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

The Botanist
41a King Street

Post Town: Knutsford

Post Code: WA16 6DW

Telephone Number: 01565 750459

Where the Licence is time limited, the dates:

Not applicable

Licensable activities authorised by the Licence:

Live Music
Recorded Music
Sale and supply of alcohol
Provision of facilities for dancing
Late night refreshment

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

Live Music (to take place indoors)

Thursday 21.00 to 24.00

Friday 21.00 to 24.00

New Years Eve to 01.00

Recorded Music (to take place indoors)

Monday to Wednesday 10.00 to 23.00

Thursday to Saturday 10.00 to 01.00

Sunday 09.00 to 22.30

From the end of permitted hours on New Years Eve to the commencement of permitted hours on New Years Day.

Sale and supply of alcohol

Monday to Wednesday 10.00 to 23.00
Thursday to Saturday 10.00 to 00.30
Sunday 10.00 to 22.30

From the end of permitted hours on New Years Eve to the commencement of permitted hours on New Years Day.

Provision of facilities for dancing (to take place indoors)

Thursday 21.00 to 23.00
Friday 21.00 to 23.00

New Years Eve to 00.30

Late night refreshment

Monday to Saturday 23.00 to 00.30
Sunday 23.00 to 24.00

From the end of permitted hours on New Year's Eve to 05.00 on New Year's Day.

The opening hours of the Premises:

Monday to Wednesday 10.00 to 24.00
Thursday to Saturday 10.00 to 01.00
Sunday 10.00 to 23.30

From the end of permitted hours on New Year's Eve to the commencement of permitted hours on New Year's Day

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

For consumption either on or off the premises.

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

New World Trading Company (UK) Ltd
2 Malt Street
Knutsford
Cheshire
WA16 6ES

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

07685158

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

Thomas Gibbs

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

There shall be no admission to the premises for persons under the age of 18 years unless accompanied by an adult for the purpose of taking a table meal in the restaurant area.

No person under the age of 18 years will be allowed in the bar area.

No person under 18 will be allowed on the premises after 9pm

Licence Issued: 22nd December 2017

Signed by Mrs Vanessa Selfe
On Behalf of Cheshire East Borough Council

Annex 2 - Conditions consistent with the Operating Schedule

Prevention of Crime and Disorder

1. The Licence Holder/Designated Premises Supervisor shall build relationships with local Police and Community Officers. Strong relationships continue with the Local Police and Community Officers. We are part of both the Pub Watch scheme and Arcangel.
2. The pub watch radio scheme shall be utilised.
3. Staff at the premises shall be trained, well selected and well informed. Staff are all trained, 3 of whom have Personal licences.
4. Qualified, trained and experienced door staff shall be employed if necessary.
5. A clear message shall be projected that drugs, violence and crime are not acceptable at any level.
6. Excessive or irresponsible drinking shall be discouraged, soft drinks and free tap water is available and we have a list of taxi numbers which we are happy to provide to customers or call taxis on their behalf.

Public Safety

7. Alcohol will not be served to anyone who appears to be drunk or to anyone on behalf of anyone who is drunk. The bar staff are trained and are aware of this. They have all had to sign on to the arcangel guidelines and policies. Violence is not tolerated at any level and if this occurs the managers are aware of how to deal with this promptly and efficiently so as to cause minimum risk of danger to the public.
8. Drink driving materials and taxi numbers shall be on display at the premises.
9. Staff shall be informed, trained and aware of activities in the premises which may be harmful to members of the public.

Prevention of Public Nuisance

10. The management of the premises shall create and enforce that a clear understanding of anti social behaviour will not be tolerated. We send out a clear message that we will not tolerate abusive or anti social behaviours to ourselves or to our customers at any time.
11. No disposal of refuse including bottles outside the premises or deliveries made to the premises between 2100 and 0700.

Protection of Children from Harm

12. No person under the age of 18 years will be allowed in the bar area.
13. No alcohol will be served to anyone under 18 years.
14. If any doubt of age exists, service will be refused.

15. No person under 18 will be allowed on the premises after 9pm.

16. No person under 18 will be employed in the bar or restaurant. Staff serving alcohol shall be over 18 years of age and familiar with the procedures required and shall ask for ID if a customer looks under the age of 21.

17. We have a challenge 25 policy in place. If in doubt service is refused.

General – All Licensing Objectives

18. There shall be no admission to the premises for persons under the age of 18 years unless accompanied by an adult for the purpose of taking a table meal in the restaurant area.

19. Non-alcoholic beverages shall be available, including drinking water free of charge.

20. Where there is provided in the Premises an entertainment for children, or an entertainment at which the majority of the persons attending are children, then, if the number of children attending the entertainment exceeds one hundred, it shall be the duty of the person providing the entertainment to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate, and to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and to take all other reasonable precautions for the safety of the children

21. Where the occupier of the Premises permits, for hire or reward, the Premises to be used for the Purpose of an entertainment, he shall take all reasonable steps to secure the observance of the provisions of condition 19 above.

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

1. All recorded music will be background music.

2. The door behind the downstairs back doors shall be closed when the back door is open.

3. All doors, windows, skylights and emergency doors will be kept closed whilst any type of music is being played after 22.00 except for access and egress to the premises.

4. On occasions of national or international significance or charitable events an extension will be permitted of an additional hour on up to twelve occasions only per year with a minimum of seven days' notice to the Police and Licensing Authority and with an absolute veto for the Police and the Environmental Health Department in respect of any of these occasions.

5. If a band is playing on any night they will ask customers to leave quietly.

6. Additional patrols will take place by members of staff, internally and externally to limit noise pollution when entertainment is being offered within the premises.

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From: [REDACTED]
Sent: 25-Oct-2018 18:07
To: LICENSING (Cheshire East)
Subject: Botanist Application To Extend Alcohol Licence and Operating Times

Dear CEC,

I write in relation to the application of The Botanist, King Street, Knutsford. I understand that Knutsford Town Council has voted to decline this application.

As a resident close to The Botanist I wish to support the vote of my council and OBJECT to this application.

I list my reasons below:-

There is already ample provision for alcohol and music beyond midnight within the town.

Noise from external activity (people drinking and smoking outside) at the Botanist already extends beyond 1am on Friday and Saturday (and beyond 12am Thursday) and any granting of an extension to licensing hours would mean noise, rowdiness and drunkenness being extended well beyond [1.30am](#) which is unacceptable.

The Botanist has installed a number of televisions in the facility and are showing football matches. This indicates a need to attract a different clientele. This, I believe, reflects a downturn, or quietening, of business due to a wider (and sufficient) range of drinking and live music options within the town. Any extension of licensing hours is being applied for solely to address a downturn in business at the expense of a peaceful environment for local residents.

The area around the Botanist is more residential than, for example, Jack Rabbits, Kuckoo and Lost & Found where similar late drinking is currently licensed, and therefore there will be proportionally higher noise disruption felt if their licence is extended, than at those other bars.

I hope you will be able to support Knutsford Town Council and local residents by declining this application.

Best regards

[REDACTED]

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

From: [REDACTED]
Sent: 19-Oct-2018 11:37
To: LICENSING (Cheshire East)
Subject: botanist licensing hours

Hi,

I understand that the Botanist in Knutsford has requested to extend its licensing hours for opening until 0130.

I live nearby in [REDACTED] and people drinking outside the Botanist is already a regular source of noise disturbance - I often find it necessary to use earplugs to sleep on Friday and Saturday nights. As such I would strongly prefer if the opening hours are not extended further.

Please let me know if you have any queries.

Kind Regards,

[REDACTED]

From: [REDACTED]
Sent: 19-Oct-2018 17:28
To: LICENSING (Cheshire East); LICENSING (Cheshire East)
Subject: Knutsford Town Council's comment on licensing application

Good Afternoon,

Please see below the response from Knutsford Town Council on an application to vary a premises licence:-

<p>The Botanist 41 A King Street</p>	<p>APPLICATION FOR VARIATION OF A PREMISES LICENCE: LICENSING ACT 2003</p> <p>New World Trading Company (UK) Limited has applied to Cheshire East Council for a variation of the premises licence for The Botanist, 41 A King Street, Knutsford, WA16 6DW as follows;</p> <ul style="list-style-type: none"> • To extend the hours for the sale of alcohol to 01:00 Friday and Saturday. • To extend the hours for live music to 01:00 Friday, and add live music until 01:00 Saturday. • To extend the hours for opening and late night refreshment to 01:30 Friday and Saturday. <p>Representations shall be made in writing to the below address on or before the following date: 2 November 2018.</p> <p>The Licensing Section</p>	<p>The Council OBJECTS to the application for variation of a premises licence by the Botanist in the interests of preventing public nuisance:-</p> <ul style="list-style-type: none"> • The existing hours are satisfactory and are already adversely affecting nearby residents. It is requested that the Licensing Department consult the with environmental health officer about compliance with the existing licence and conditions before any licence is extended. • Live music will have a significant adverse impact in terms of audible noise and bass beats. • Smokers frequently exit the restaurant to the street allowing more noise to escape from the building. <p>Should the licence be granted it is requested that a condition be applied to</p>
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	Municipal Buildings Earle Street Crewe CW1 2BJ	restrict the emptying of bottles/refuse outside of the property. The location of the refuse area causes increased disturbance to residents whose bedroom windows are opposite to the rear of the building and just a short distance away.
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Please can you advise on the outcome of this application?

Many thanks,



From: [REDACTED]
Sent: 28-Oct-2018 15:34
To: LICENSING (Cheshire East)
Subject: Licensing Application Extension for The Botanist



October 28th 2018

Cheshire East Council

The Licensing Section
Municipal Buildings
Earle Street
Crewe
CW1 2BJ

e mail:- licensing@cheshireeast.gov.uk

Subject:-

Licensing Applications: 15/10/2018

The Botanist
41A King Street
**APPLICATION FOR VARIATION OF A PREMISES LICENCE:
LICENSING ACT 2003**

Objection to an extension of opening hours, extension to licensing hours and extension to Live Music hours.

Dear Sirs,

I understand that New World Trading Company (UK) Limited has made an application for an extension of hours on behalf of the Botanist Wine Bar.

The application is to:

1. Extend the hours for the sale of alcohol to 01:00 hours Friday and Saturday
2. Extend the hours for live music to 01:00 hours for Friday and Saturday.
3. To extend the hours for opening and late night refreshment to 01:30 hours for Friday and Saturday.

My Objections are as follow:-

1. I object to loud music being played late at night and into the next morning (01:30 hours), based on experience with the previous business (The Wine

Bar). This is likely to cause a public nuisance affecting the wellbeing of close neighbours in Tatton Lodge.

2. I object to the extension of opening hours to 01:30 hours as the resultant noise late at night and into the early morning will cause an unwelcome disturbance in what is largely a residential area.
3. Extending the sale of alcohol to 01:00 hours can only add to the noise, therefore I object to this proposed extension.

Based on experience of public nuisance caused by a previous operator at this address, (The Wine Bar) playing loud music at the same address, I believe these proposed extensions will cause a Public Nuisance with an adverse impact on the quality of life of Tatton Lodge residents. It would do nothing for our well being and be a source of aggravation. I hope that due consideration will be given to the neighbours of The Botanist and that this application of extension of hours will be refused.

Regards

A black rectangular box used to redact the signature of the sender.

From: [REDACTED]
Sent: 20-Oct-2018 11:00
To: LICENSING (Cheshire East)
Subject: Re extension of licensing hours at the Botanist restaurant, King street Knutsford

Dear Licensing Committee

Re extension of licensing hours at the Botanist restaurant, King street Knutsford.

As a resident who lives close by to this establishment, I would like to object to this application on the grounds of the noise and disturbance this will cause with the customers leaving late at night, and the general noise from this restaurant operation.

Regards



From: [REDACTED]
Sent: 19-Oct-2018 12:58
To: LICENSING (Cheshire East)
Subject: The Botanist, 41A King Street, Knutsford, Cheshire, WA16 6DW

Ref:

New World Trading Company (UK) Limited has applied to Cheshire East Council for a variation of the premises licence for The Botanist, 41 A King Street, Knutsford, WA16 6DW as follows;

- To extend the hours for the sale of alcohol to 01:00 Friday and Saturday.
- To extend the hours for live music to 01:00 Friday, and add live music until 01:00 Saturday.
- To extend the hours for opening and late night refreshment to 01:30 Friday and Saturday.

I would like to record my objection to the application detailed above.

The premise [REDACTED] property, which is in a residential area, and is no more than [REDACTED]

This operation has been a public nuisance since the new owners took over the property. I have registered my complaint regarding noise due to emptying bottles late at night with the Environmental Officer at CEC.

I would hope that you will take into account the vote at the Knutsford Town Council meeting on Monday 15 October 2018.

I would consider it an appalling miscarriage of justice if an application to extend their licence were granted when they do not abide by the rules of their existing licence.

[REDACTED]

From: [REDACTED]
Sent: 22-Oct-2018 09:28
To: LICENSING (Cheshire East)
Subject: The Botanist - Licensing Application

To whom it may concern,

I wish to register my objection to the above application by The Botanist to extend their hours and play music to late on Friday and Saturday nights. At that time of night the music and then the noise of leaving customers both in and around The Botanist and in King St car park both of which are immediately [REDACTED] in, what I believe is, a designated residential area will be intrusive and intolerable.

[REDACTED] residents have experienced problems previously with The Botanist so I would respectfully urge you not to allow them to subject us to more.

Yours faithfully

[REDACTED]

Lepreco

28. 10. 18 1 OCT 2018

Cheshire East Council

Dear Sir Madam

Whoever it may concern.

I write today regarding the application by the Botanist Kingst Knutsford, this building is directly [REDACTED] to where we live.

I object strongly to the proposed extension to the license in which they intend music and intake of more alcohol and beverages, this would greatly effect our lives, mainly noise extra cars and footfall.

I feel the Botanist which appears very successful, which is a positive for the town, and I'm sure would continue to do so, on the same path within the hours they do now, which again I feel is sufficient.

2

There are other establishments that cater for the after midnight party goers within walking distance of the Botanist

Please do not forget that Knutsford is a residential town with respectable dwellers, families as well as young and senior citizens, I would trust that the license officials would like to keep Knutsford as somewhere decent to live work and prosper, this surely must be the aim.

Yours faithfully



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CHESHIRE EAST COUNCIL

Representation Form.

Responsible Authority.

POLICE

Your Name	Ian Seville
Job Title	Police Licensing Officer
Postal and email address	
Contact telephone number	

Name of the premises you are making a representation about.	BOTANIST - Application to Vary
Address of the premises you are making a representation about.	41a, King Street, Knutsford, WA16 6 DW

Which of the four licensing Objectives does your representation relate to? Please state yes or no.	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
The Prevention of harm to children		
To prevent Public Nuisance		
To prevent crime and disorder	Yes	See below
Public Safety		

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.	
--	--

COMMENTS:

In view of the move into later hours the provision of CCTV has been discussed and the following Condition agreed:-

Condition:

A CCTV system shall be used and shall be designed and installed in accordance with the Cheshire Constabulary's CCTV guidance document called 'CCTV in Licensed Premises – An Operational Requirement'. (Provided) This system shall be in operation at all times when licensable activities are taking place.

Further, to prove such a system is fit for purpose, complies with other legislation and can be operated satisfactorily,

Condition:

Designated Supervisors and Premises Licence Holders shall need to ensure the following:-

- 1) recordings are fit for their intended purpose,**
- 2) good quality images are presented to the officer in a format that can be replayed on a standard computer,**
- 3) the supervisor has an understanding of the equipment/training,**
- 4) management records are kept,**
- 5) maintenance agreements and records are maintained,**
- 6) Data Protection principles and signage are in place.**

All other steps offered are welcome and acceptable to the Police and will assist in promoting all four objectives of the Act.

Signed: Ian Seville

Date: 1st November 2018.

N.B If you do make a representation you will be expected to attend the Licensing Sub Committee and any subsequent appeal proceeding.

The Licensing Team, Cheshire East Council, 2nd Floor, Municipal Buildings, Earle Street, Crewe, CW1 2BJ

This form must be returned within the Statutory Period. Generally 28 days from the day the notice was displayed on the premises or the date specified in the Public Notice in the newspaper.

LICENSING ACT 2003

Environmental Health Consultation Response



EP Ref: ELL/059713

Date Received: 5 October 2018

Name of Applicant: The Botanist

Address to which application relates: 41a King Street, Knutsford, Cheshire, WA16 6DW

Conversion: ☐ Variation: ☒ New: ☐

<input type="checkbox"/>	Approve
<input checked="" type="checkbox"/>	Approve with Conditions
<input type="checkbox"/>	Object to Section(s)

LICENSING OBJECTIVE: PREVENTION OF PUBLIC NUISANCE

In order to protect the interest of local residents and ensure that the licensing objective for the prevention of public nuisance is upheld; in addition to condition 10 and 11 of 'Prevention of Public Nuisance' at Annex 2 – Conditions consistent with the Operating Schedule, the following is required to be attached to the varied Premises Licence.

1. Noise emanating from the premises as a result of entertainment shall not be clearly audible at the boundary of any residential premises.
2. All external windows and doors shall be closed whilst entertainment is taking place, except for normal access and egress.
3. There shall be no temporary or permanent speakers for the use of amplified music, speech or dance, permitted in outside areas.
4. Door staff and or notices located at the exit(s) requesting that customers leaving the premises do so quietly and with consideration to neighbours.
5. Regular noise assessments shall be undertaken by a competent person (either the Licensee or Manager) and steps shall be taken to reduce the level of noise where it is likely to cause a disturbance to local residents.

The noise assessments shall be undertaken during opening hours of the premises and when entertainment or music is occurring.

A written record shall be made of those assessments in a log book, kept for that purpose and shall include; the time and date of the checks, the person making them and the results including any remedial action in order to reduce the level of noise where it is likely to cause a disturbance to local residents.

INFORMATIVES

PLANNING PERMISSION

- It is your responsibility to obtain other consent/planning permission/approvals which may be required in addition to the necessary Premises Licence.
- There are sometimes circumstances where planning conditions have been set which may impact on your activities. If the Planning Permission and the Premises Licence differ; for example where the Planning Authority have set a terminal hour which is earlier than those conditioned by the Premises Licence; you must abide by the earlier time otherwise you leave yourself open to enforcement action.

FOOD BUSINESS OPERATIONS

- Anyone starting a new food business must register with the Council **at least 28 days before** you start any food operations. You can register your food business online via GOV.UK. If you have premises in more than one local authority area, you must register with each authority separately.

Signed: **Stephanie Bierwas | Enforcement Officer | Environmental Protection**

Dated: 09/10/18

Direct Dial:
Email:





31/10/201



The Botanist
41a King Street, Knutsford

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