

Licensing Act Sub-Committee

Agenda

Date:	Tuesday, 1st October, 2019
Time:	1.30 pm
Venue:	Committee Suite 2/3 - Westfields, Middlewich Road, Sandbach, CW11 1HZ

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

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

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

1. **Appointment of Chairman**

To appoint a Chairman for the meeting.

2. **Declarations of Interest**

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

3. **Application for a Premises Licence - Laturka Bistro Limited, Unit 3, Castle Street, Macclesfield SK11 6AF (Pages 7 - 56)**

To consider an application for a Premises Licence by Laturka Bistro Limited in respect of Unit 3, Castle Street, Macclesfield.

THERE ARE NO PART 2 ITEMS

For requests for further information

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

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CHESHIRE EAST COUNCIL

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

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

Officers at Hearings

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

PROCEDURE

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

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

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

		conditions.
19	Committee	<u>Will retire</u> to consider the application. The Committee may request the Legal Advisor to advise on legal issues.
20	Committee	<p>Will return to <u>give its decision</u>, with reasons, which will be announced by the Chairman and subsequently confirmed in writing to the applicant and to all the parties that made representations.</p> <p>In cases where a decision cannot be given at the end of the hearing, parties will be advised of the decision within five working days.</p>

Notes

1. The hearing shall normally be held in public. There may be occasions on which the Committee find it necessary to exclude members of the press and public; any such decision will be taken on the basis that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing taking place in public.
2. The Chairman may require any person behaving in a disruptive manner to leave the hearing and may (a) refuse to permit that person to return, or (b) permit him/her to return only on such conditions as the authority may specify, but any such person may submit in writing any information which they would have been entitled to provide orally if they had not been required to leave.
3. Prior to the hearing each party shall have given notification and served documentation (eg statements of witnesses or reports of experts) as required. Late representations and evidence will only be considered with the agreement of all parties.
4. Anyone entitled to be heard may be represented by any person, whether or not that person is legally qualified.
5. Hearsay will be permitted but the Sub-Committee will be reminded to give it appropriate weight.
6. Due note shall be taken of the provisions of the Hearings Regulations 2005.
7. The Chair may, in the interests of expediency or convenience of the parties, vary the procedure from time to time, provided notice is given to the parties and the rules of natural justice are observed.

Summary of Procedure

1. Chairman appointed (if this has not been done previously).
2. Chairman to call for declarations of interest and request that all parties introduce themselves.
3. Chairman summarises the procedure for the hearing
4. The Licensing Officer summarises the application
5. Applicant to present his/her case.
6. Applicant to be questioned by all parties (to clarify points only) following which, he/she can clarify any other matters which he/she feels may have been misunderstood when the application was presented.
7. Applicant to be questioned by the Committee.
8. Responsible Authorities to make their representations following which they can be questioned by all parties by way of clarification.
9. Other Persons will be invited to present the bases of their objections, following which they can be questioned by all parties by way of clarification.
10. The applicant will be invited to sum up his/her case
11. Committee/Sub-Committee withdraws to make its decision
12. Committee/Sub-Committee returns to announce its decision to all present.



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Licensing Act Sub Committee

Date of Meeting: 01 October 2019

Report Title: Application for a new Premises Licence at Laturka Bistro Ltd,
Unit 3, Castle Street, Macclesfield, SK11 6AF

Senior Officer: Frank Jordan - Executive Director Places

1. Report Summary

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

2. Recommendations

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

Unit 3, Castle Street, Macclesfield, Cheshire, SK11 6AF

- 2.2. Acting in the capacity of Licensing Authority, Members must seek to promote the Licensing Objectives. And where Members consider that matters have engaged one or more of the Objectives, they may exercise their discretion. The Licensing Objectives are:
- a) The prevention of crime and disorder
 - b) Public Safety
 - c) The prevention of public nuisance
 - d) The protection of children from harm
- 2.3. Members of the Licensing Sub-Committee are reminded that they may not exercise discretion in any case, merely because it considers it desirable to do so. Careful consideration should be given to the application and the evidence presented by the parties in relation to the review.

2.4. 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 Recommendations

3.1. The Licensing Act Sub-Committee has the power to determine this application in accordance with the provisions of the Licensing Act 2003 and the Council's Constitution, and provide 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 9th August 2019. The application is for a new Premises Licence under section 17 of the Licensing Act 2003.

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

To permit the provision of Live Music Indoors
Sunday to Thursday 20.00 – 00.00
Friday and Saturday 20.00 – 01.00

To permit the provision of Recorded Music Indoors
Sunday to Wednesday 08.30 – 00.00
Thursday 08.30 – 00.30
Friday and Saturday 08.30 – 01.30

To permit the provision of Performances of Dance
Sunday to Thursday 19.00 – 00.00
Friday and Saturday 19.00 – 01.30

To permit the provision of Late Night Refreshment
Sunday to Wednesday 23.00 – 00.00
Thursday 23.00 – 00.30
Friday and Saturday 23.00 – 01.30

To permit the Sale and Supply of Alcohol on and off the premises
Monday to Sunday 11.00 – 23.00

- 5.3. Members should take into consideration the Licensing Act 2003 Schedule 1 (7A) whereby the provision of recorded music in an alcohol licensed premises for an audience of less than 500 people between the hours of 08.00 and 23.00 is not to be regarded as the provision of regulated entertainment for the purposes of Section 16.6 of the Guidance issued under Section 182 (Issued in April 2018) of the Licensing Act 2003. Additionally, any conditions attached to a licence that relate to deregulated entertainment would be suspended between the hours of 08:00 and 23:00, provided that appropriate but relevant conditions are put in place as Members deem fitting.
- 5.4. A copy of the application form is attached as Appendix 1.
- 5.5. Responsible Authorities:
- 5.5.1. The Council's Environmental Protection team have not submitted a representation
- 5.5.2. Cheshire Police have proposed conditions to be included in the application which have been agreed by the applicant. A copy of the conditions is attached at Appendix 2
- 5.6 Other Persons:
- 5.6.1 The Council has received three representations from the public, which are set out at Appendix 3

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 exercise its various functions, doing all that it can to prevent Crime and disorder, and Anti-social Behaviour, behaviour adversely affecting the environment as well the misuse of drugs, alcohol and re-offending in the Local Environment.

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

6.7. 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.

6.8. Rural Communities Implications

6.8.1. There are no direct implications for rural communities.

6.9. Implications for Children & Young People/Cared for Children

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

6.10. Public Health Implications

6.10.1 There are no direct implications for public health.

6.11. Climate Change Implications

6.11.1. There are no direct implications for Climate Change

7. Ward Members Affected

7.1. Macclesfield Central – Councillor Liz Braithwaite

7.2. Macclesfield Central – Councillor Ashley Farrall

8. Consultation & Engagement

8.1. Consultation in respect of submitting an application to review 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

Appendix 2 – Conditions from Cheshire Police

Appendix 3 – Representations submitted from other persons

Appendix 4 – Map of the Premises

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- a) an individual or **individuals** * ☐ please complete section (A)
- b) a person other than an **individual** *
- i as a **limited company/limited liability partnership** ☒ please complete section (B)
- ii as a **partnership** (other than limited liability) ☐ please complete section (B)
- iii as an **unincorporated association** or ☐ please complete section (B)
- iv other (for example a **statutory corporation**) ☐ please complete section (B)
- c) a **recognised club** ☐ please complete section (B)
- d) a **charity** ☐ please complete section (B)

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

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

I am making the application pursuant to a

statutory function or ☐

a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name	LATURKA BISTRO LTD.
Address	85-87 BANK STREET. RAWTENSTALL BB4 7QN
Registered number (where applicable)	12015406
Description of applicant (for example, partnership, company, unincorporated association etc.)	Limited Company.
Telephone number (if any)	
E-mail address (optional)	

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
01	10	2019

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

DD	MM	YYYY

N/A

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

Premises consist of ground, first and second floor.
 Ground floor, bar, disabled wc, customer toilets, reception.
 Second floor, prep kitchen, customer toilets, restaurant.
 First floor, main kitchen, bar, restaurant.
 Seating capacity 210 people.

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

--

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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



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



In all cases complete boxes K, L and M

A

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

N/A

B

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

N/A

C

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

N/A

D

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

N/A

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	20:00	00:00	Please give further details here (please read guidance note 4) <i>We will have singer with backing music. (Amplified).</i>		
Tue	20:00	00:00			
Wed	20:00	00:00	State any seasonal variations for the performance of live music (please read guidance note 5) <i>New Years eve and Christmas Eve 18:00 – 2:30 am.</i>		
Thur	20:00	00:00			
Fri	20:00	1:00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	20:00	1:00			
Sun	20:00	00:00			

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	08:30	00:00	Please give further details here (please read guidance note 4) We will be playing recorded music as a background music and Friday Saturday night will be D.J.		
Tue	08:30	00:00			
Wed	08:30	00:00	State any seasonal variations for the playing of recorded music (please read guidance note 5) New years eve and Christmas Eve. 9:00am – 3am. Christmas day 11am – 21:00		
Thur	08:30	00:30			
Fri	08:30	1:30	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	08:30	1:30			
Sun	08:30	00:00			

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	19:00	00:00	Please give further details here (please read guidance note 4) We will have professional Belly Dancer on mainly weekends performing about 20 minutes and guests join her. Nights may vary.		
Tue	19:00	00:00			
Wed	19:00	00:00	State any seasonal variations for the performance of dance (please read guidance note 5) New Years eve and Christmas eve 19:00 – 3:00 am		
Thur	19:00	00:00			
Fri	19:00	1:30	Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	19:00	1:30			
Sun	19:00	00:00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

N/A

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	23:00	00:00	Please give further details here (please read guidance note 4) We will provide bar snacks after the kitchen close till closing time. We will check IDs if anyone looks younger than 25 years of age. We will call for taxis and keep customers in bar until taxis arrives.		
Tue	23:00	00:00			
Wed	23:00	00:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 5) New Years eve and Christmas eve until 2:30 am. Christmas Day 11:30 am till 9pm		
Thur	23:00	00:30			
Fri	23:00	1:30	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Sat	23:00	1:30			
Sun	23:00	00:00			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5) New years eve and Christmas Eve until 2:30 am Christmas Day 11 am – 21:00		
Mon	11:00	23:00			
Tue	11:00	23:00			
Wed	11:00	23:00			
Thur	11:00	23:00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	11:00	23:00			
Sat	11:00	23:00			
Sun	11:00	23:00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	MR. IBRAHIM DEMIR.	
Date of birth		
Address		
Postcode		
Personal licence number (if known)	175405	
Issuing licensing authority (if known)	MANCHESTER CITY COUNCIL	



K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	08:30	00:30	New Years eve 08:30 - 3:30am Christmas eve 08:30 - 3:30am Christmas Day 11am - 21:30
Tue	08:30	00:30	
Wed	08:30	00:30	
Thur	08:30	01:00	
Fri	08:30	02:00	
Sat	08:30	02:00	
Sun	08:30	00:30	

Continued from previous page...

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

TO PROMOTE ALL FOUR LICENSING OBJECTIVES WE WILL KEEP:

Strong management controls and effective training of all staff so that they are aware of the premises licence and the requirements to meet the four licensing objectives with particular attention to:

- a/ no selling of alcohol to underage people
- b/ no drunk and disorderly behavior on the premises area
- c/ vigilance in preventing the use and sale of illegal drugs at the retail area
- d/ no violent and anti-social behaviour
- e/ no any harm to children

- Operating Schedule providing the hours of operation and licensable activities during those hours.
- Designated premises supervisor confirmed it is obligated to be in day-to-day control of the premises, to provide good training for staff on the Licensing Act (Training Record), to make or authorize each sale
- Clear "Challenge 25" information to prevent the supply of alcohol to under-age drinkers.
- CCTV system installed with recording option available

As a licensed premises we know that it is necessary to carry out our functions or operate their businesses with a purpose of promoting these objectives. We promise to support these objectives through their operating schedules and other measures (including staff training and qualifications, policies, and strategic partnerships with other agencies).

b) The prevention of crime and disorder

CCTV System installed to monitor entrances, exits, and other parts of the premises in order to address the prevention of crime objective.

A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.

Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed.

Not selling of alcohol to drunk or intoxicated customers.

Custom will not be sought by means of **personal solicitation** outside or in the vicinity of the premises.

Prevention and vigilance in illegal drug **use at the retail unit** area.

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

c) Public safety

Internal and external lighting fixed to promote the public safety objective.

Well trained staff adherence to environmental health requirements.

Training and implementation of underage ID checks.

A log book or recording system shall be kept upon **the** premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.

All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition. Health and safety policy and risk assessment (including fire) will be available for inspection at any time.

d) The prevention of public nuisance

Noise reduction measures to address the public nuisance objective.

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

Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to

Continued from previous page...

prevent nuisance and disturbance to nearby residents.

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

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

Customers will not be admitted to premises above opening hours.

The movement of bins and rubbish outside the premises will be kept to a minimum after 10.00pm. This will help to reduce the levels of noise produced by the premises.

Any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents.

Adequate waste receptacles will be locked in a secure area.

e) The protection of children from harm

"Challenge 25" sign which is a retailing strategy that encourages anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to buy alcohol.

Well trained staff about requirement for persons' identification, age establishment etc.

All the details provided in Training Record Book available the retail unit.

Log Book will be kept upon the premises all the time.

Nothing belong existing Health & Safety requirements.

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

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

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

Check previous 2 pages

e) The protection of children from harm

Checklist:

Please tick to indicate agreement


- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). ☒

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.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

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

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	06-08-2019
Capacity	Director -

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

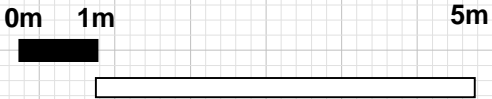
Signature	
Date	
Capacity	


Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

P	
T	
I	

CHURCHILL WAY

CASTLE STREET





Do not scale from this drawing.
All dimensions to be checked on site.

Drawing type: PLANNING









Client: LATURKA BISTRO LTD








Project: GROSSVENOR CENTRE
MACCLESFIELD

Title: PROPOSED GROUND FLOOR
LAYOUT

SCALE: 1:100@ A3 DATE: 20/07/2019

KSC DESIGN
32 GREENWOOD PLACE
M30 REX
07480212200
zkes@hotmail.co.uk

- LEGEND
-  Call point
 -  EXT SIGN
 -  Exit route
 -  Fire alarm sounders
 -  Fire extinguisher
 -  SMOKE DETECTOR
 -  HEAT DETECTOR
 -  Fire alarm panel

- LEGEND
-  Pendant lights
 -  Spot lights
 -  Sockets & usb
 -  Emergency light
 -  Air conditioning
 -  Stairs
 -  First aid

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CHURCHILL WAY

CASTLE STREET



Do not scale from this drawing.
All dimensions to be checked on site.

Drawing type: PLANNING

Client: LATURKA BISTRO LTD

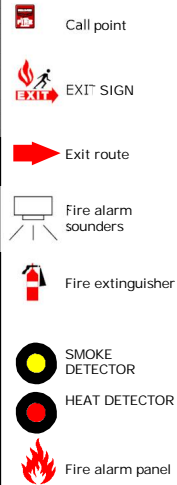
Project: GROSSVENOR CENTRE
MACCLESFIELD

Title: PROPOSED FIRST FLOOR LAYOUT

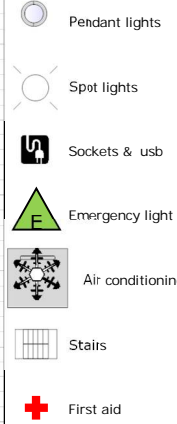
SCALE: 1:100@ A3 DATE: 20/07/2019

KSC DESIGN
32 GREENWOOD PLACE
M30 9DX
07480212200
zkes@hotmail.co.uk

LEGEND



LEGEND



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Page 37
CHESHIRE EAST COUNCIL

Representation Form.

Responsible Authority.

POLICE

Your Name	
Job Title	Police Licensing Officer
Postal and email address	Sandbach Police Station, Middlewich Road, Sandbach, CW11 1HU
Contact telephone number	

Name of the premises you are making a representation about.	Laturka Bar and Grill
Address of the premises you are making a representation about.	Unit 3 Castle Street Macclesfield SK11 6AF

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	Yes	See Below
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.	See Below:
--	------------

COMMENTS:

The application makes reference to CCTV being installed at the premises with recording if required, for clarity the condition is to read as follows:

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'. This system shall be in operation at all times when licensable activities are taking place.

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.

Designated supervisors will need to demonstrate that their CCTV system complies with their Operational requirements. Management at the premises will need to be able to demonstrate the following:-

- Recordings are fit for their intended purpose,
- Good quality images are presented to the officer in a format that can be replayed on a standard computer
- The supervisor has an understanding of the equipment/training,
- Management records are kept,
- Maintenance agreements and records are maintained,
- Data Protection principles and signage are in place.

Because of the late hours requested by the premises particularly around the Christmas/New Year it is recommended that the management carry out weekly risk assessments on whether door staff should be employed at the premises. Therefore the following condition is to apply:

Condition:

When the premises are open beyond 01:00 or when there is any specific local event, or around the festive season, the Premises Licence Holder or Designated Premises Supervisor shall conduct an assessment of the need for door supervisors, taking into account any advice offered by the Police. Where the assessment shows that door supervision is required, supervisors shall be engaged at such times and ratios as are assessed to be necessary.

When such Door supervision is employed:-

Condition:

A written record shall be kept on the premises by the Designated Premises Supervisor of every person employed on the premises as a door supervisor in a register kept for that purpose. That record shall contain the following details:-

- The door supervisor's name, date of birth and home address;
- His/her Security Industry Authority licence number;
- The time and date he/she starts and finishes duty;
- The time of any breaks taken whilst on duty;
- Each entry shall be signed by the door supervisor.
- Record of all incidents taking place in the venue

That register shall be available for inspection on demand by an Authorised Officer of the Council, the Security Industry Authority or a Police Constable.

Prevention of Children from Harm

The application makes reference to there being an age verification policy in use Challenge 25, so for clarity the following condition is to apply:

Condition:

A "Challenge 25" policy shall be operated at the premises at all times.

The only forms of ID that shall be accepted (at the discretion of the Management) as proof of age are a valid passport, a valid photographic driving licence, a PASS approved proof of age card, HM Services Warrant Card or other reliable photo ID (that has been approved for acceptance by the Police or an Officer of the Local Authority)

Publicity materials notifying customers of the operation of the "Challenge 25" scheme shall be displayed at the premises.

The Designated Premises Supervisor or Premises Licence Holder shall operate and maintain an up-to-date Register of Refusals of Sale of Alcohol, indicating the date, time and reason for refusal which shall be made available for inspection by Local Authority Officers and the Police. The DPS or other responsible person shall check and sign the register once a week.

Alternatively an electronic point of sale refusals log shall be kept.

A documented training programme shall be introduced for all staff in a position to sell, serve or deliver alcohol. A written record for each member of staff shall be kept of the content of such training and shall be made available for inspection at the request of Local Authority Officers and Police.

The DPS or Premises Licence Holder shall conduct six monthly training reviews with all members of staff authorised to sell, serve or deliver alcohol in order to reinforce the training and to promote best practice. A written record for each member of staff shall be kept of the content of such reviews and shall be made available for inspection at the request of Local Authority Officers and Police.

A list of persons authorised to sell alcohol shall be kept on site and made available for inspection at the request of Local Authority Officers and Police.

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

Signed:



Date: 05/09/19

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From: [REDACTED]
Sent: 07-Sep-2019 22:06
To: LICENSING (Cheshire East)
Subject: Laturka Bar and Grill, Unit 3, Castle Street Macclesfield SK116AF

Dear Licensing Team,

Please find attached a representation re **Laturka Bar and Grill, Unit 3 Castle Street Macclesfield. SK116AF**

I am submitting it on behalf of a group of residents in my ward, the reasons are stated in the document. I will also be submitting a separate representation.

Best regards, [REDACTED]

To: Cheshire East Licensing

From: [REDACTED]

7th September 2019

Sent via email

The above name residents have asked me to make a representation (objection) on their behalf on the **APPLICATION FOR A PREMISES LICENCE: LICENSING ACT 2003** made by LaTurka Bar and Grill, Unit 3, Castle Street, Macclesfield, SK11 6AF.

The reason that they have asked me to do this is that they all submitted representations on the application and all received the following response from 'The Licensing Team':

"Unfortunately, your email cannot be considered in relation to this application as your email of representation is based on speculation and the points you raise are not considered valid objections to the application.

To be received as a valid representation you must set out how you consider the application will undermine the licensing objectives, which are Prevention of Crime and Disorder, Public Safety, Public Nuisance and Protection of Children from Harm.

Guidance notes in relation to making representation to an application can be found by clicking on this link:

http://www.cheshireeast.gov.uk/business/licensing/alcohol_and_entertainment/making_representations.aspx

When they clicked on the above link an 'Error 404 page does not exist' was displayed so they had no means of following the guidance notes. I believe that the correct link is https://www.cheshireeast.gov.uk/pdf/guidance_on_making_a_representation_v3.pdf

It is unacceptable for the residents to have been given misleading information particularly a couple of days before the closing date of midnight 7th September 2019, which is why they have approached me.

I have taken their individual comments, collated them and attempted to put them under the appropriate licensing objectives.

Please note that the comments are not speculative and are based on living at the above addresses for many years.

The prevention of crime and disorder

Concerns are that the premises are well away from the main bar/club areas in Macclesfield, and that any disorder would not be dealt with in a timely manner as police presence at

weekend is concentrated around the lower end of Mill Street. There are no other licensed premises in this area.

Public safety

The hours of business of the above premises, open till 3.00 in the mornings, will prevent residents from approaching anyone who was making a noise as in their experience people out in the early hours are intoxicated and aggressive and they would not feel safe doing so.

The prevention of public nuisance

Some of the following issues already occur but not late at night/early hours of the morning as per the proposed opening hours, and will be made worse by customers/staff leaving the premises

- noise disturbance from additional cars and taxis (there is no public transport late at night)
- noise disturbance from people walking across Churchill Way car park
- People walk across Churchill Way car park on their way out of town, there are occasionally loud arguments and disorderly behaviour causing disturbance to residents
- The applicant has not indicated what time refuse collection and deliveries will be made. There was an issue with Veolia operating locally in the early hours (3 a.m., 4 a.m.) that was dealt with Environmental Health about 3 years ago.
- The proposed opening times are inappropriate due to the close proximity of residential properties in Water Street, Great King Street and neighbouring areas. Due to the size of Unit 3 it is reasonable to assume that a great many more people will be out in the early hours making noise and adversely impacting residential amenity
- The proximity of Churchill Way car park to the premises and subsequent increase in very late night vehicle movements. It is currently very quiet in the evening.
- This will have a real impact on my quality of life as a resident of Water Street (reasons above)
- Notices asking customers to be quiet when leaving licensed premises after consuming alcohol people are not effective, as evidenced by occasional disturbances outside the houses, and it is reasonable to assume that this will get worse and happen in the early hours. The impact of sleep loss on residents who have to get up for work, take children to school, and on the children themselves, is unacceptable. The properties on Water Street are directly on the pavement and next to the car park and most likely to be adversely affected.
- Other nightclubs are located in lower Mill Street and Pickford Street, not as a standalone close to houses, keeping the parties on one area, not spread out all over Macclesfield would help meet the prevention of public nuisance objective.
- Concerns are that the premises are well away from the main bar/club areas in Macclesfield, and that any disorder would not be dealt with in a timely manner as police presence at weekend is concentrated around the lower end of Mill Street. There are no other licensed premises in this area.

The protection of children from harm

It is not clear whether this means children on the premises or those living nearby. There are young school age children living on Water Street and surrounding streets, and any threat to their wellbeing by loss of sleep due to additional noise, be it from vehicles, people or music, is not acceptable. The proposed opening hours for the premises make it reasonable to assume that night-time/early hours of the morning disturbances will occur, intentionally or unintentionally. There is a risk of exposure to seeing and hearing aggressive behaviour, such as is prevalent around the other nightclubs in Macclesfield in the early hours.

Please be advised that I will be submitting a separate representation also.

With best regards,

[REDACTED]

From: LICENSING (Cheshire East)

Sent: 09-Sep-2019 08:03

To: KNIGHT, Jennifer

Subject: [OFFICIAL] FW: [REDACTED] representation Laturka Bar and Grill

From: [REDACTED]

Sent: 07-Sep-2019 23:40

To: LICENSING (Cheshire East)

Subject: [REDACTED] representation Laturka Bar and Grill

Please find attached a representation re. Laturka Bar And Grill, Unit 3, Castle Street, Macclesfield, SK11 6AF

Best regards, [REDACTED]

To: Cheshire East Council Licensing

From: [REDACTED]

7th September 2019

Sent via email

I wish to make a representation (objection) on the **APPLICATION FOR A PREMISES LICENCE: LICENSING ACT 2003** made by LaTurka Bar and Grill, Unit 3, Castle Street, Macclesfield, SK11 6AF.

My objections mainly relate to the proposed opening hours.

In addition to the Licensing objectives I wish to point out that guidance in

<http://www.gov.uk/government/publications/section-182-of-the-licensing-act-2003-amended-guidance>

does not appear to have been followed i.e.

Considering cases where licensing and planning applications are made simultaneously

9.41 Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

As one of the Ward councillors I received an email on 7th August 2019 with notification of a pre-planning application PRE/1624/19 for the above premises. I responded 8th August stating that I wished to be involved in any discussions. As of today (7th Sept) I have not received any further communication.

The premises have approved usage classes of B1(a), A1, A2, A3 and/or A4 but the license application appears to be for a nightclub, given the proposed very late hours of operation and performance of live music, recorded music, dancing and DJ which is outside the approved usage.

Therefore, in my opinion, the License Application should not be considered in isolation, particularly given the impact on existing residential amenity and the fact that approval has been given for residential units in Craven House which is within a stone's throw of the premises.

I have referenced sections of the Home Office document 'Amended Guidance issued under section 182 of the Licensing Act 2003' and commented where I believe there are issues with the application.

Prevention of crime and disorder

2.3 Conditions should be targeted on deterrence and preventing crime and disorder.

For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

It is not clear on the plans that this has been done, and this should be a condition regardless of opening hours.

2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

As the premises are outside the main area of pubs and clubs (none in the immediate vicinity) I am concerned about police reaction time as police presence is concentrated in the lower end of Mill Street

Public safety

2.9 A number of matters should be considered in relation to public safety. These may include:

- Fire safety;
- Ensuring appropriate access for emergency services such as ambulances;
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.13-2.15, and Chapter 10; and
- Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).

As per para 2.4

Public nuisance

2.18 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

Please see the representation that I made on behalf of Water Street residents and include in this section. All issues stated are disproportionate and unreasonable due to the impact of noise on residential amenity. Also given that this is a large club it is not clear how noxious smells from cooking would be mitigated.

2.19 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

This application certainly impacts existing local residents due to the highly likely reduction in living amenity, plus any future residents of Craven House.

2.21 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may

not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

There is no evidence of a preventative approach, given that nothing has been progressed with the pre-planning application.

2.22 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late-evening or early-morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave.

The Licensing Team dismissed concerns from local residents around anticipated noise as 'speculative' which would appear to be at odds with this guidance, I refer again to the representation made by myself on behalf of residents and urge that they are considered.

2.24 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night.

I understand that the applicant intends to do this, however given the long hours applied for I doubt the effectiveness. The area is so quiet at night that vehicle noise alone would be an issue

Steps to promote the licensing objectives

8.33 In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives

and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.

As stated, as ward councillor I am not aware of any enquiries from the applicant, and pre-panning discussions have not taken place, showing a lack of promotion of licensing objectives.

8.34 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;*
- any risk posed to the local area by the applicants' proposed licensable activities; and*
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.*

The submitted map fails to show the proximity of residential properties and does not fully address the potential impact with regard to the public nuisance objective.

8.35 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

The proposals seem to be generic and the very long hours applied for show no regard for public nuisance impact on local residents.

8.36 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider how this impact

upon their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant

to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application

The submitted map fails to show the proximity of residential properties and does not fully address the potential impact with regard to the public nuisance objective.

Finally, the Protection of Children from Harm objective:

It is not clear whether this means children on the premises or those living nearby. There are young school age children living on Water Street and surrounding streets, and any threat to their wellbeing by loss of sleep due to additional noise, be it from vehicles, people or music, is not acceptable. The proposed opening hours for the premises make it reasonable to assume that night-time/early hours of the morning disturbances will occur, intentionally or unintentionally. There is a risk of exposure to seeing and hearing aggressive behaviour, such as is prevalent around the other nightclubs in Macclesfield in the early hours.

From: [REDACTED]
Sent: 07-Sep-2019 17:03
To: LICENSING (Cheshire East)
Subject: Licensing Application - Laturka Bistro Ltd

To The Licensing Section,

Attached are my concerns regarding the licensing application for the Laturka Bistro which I would appreciate that you take into consideration when you are reviewing this application.

Kind regards

[REDACTED]

[REDACTED]

The Licensing Section
Cheshire East Council
Municipal Buildings
Earle Street.
Crewe.
CW1 2BJ
email:licensing@cheshireeast.gov.uk

Representation with regard to the licensing application for the premises to be known as:-
Laturka Bar and Grill
@Unit 3, Castle Street.
Macclesfield. Cheshire.
SK11 6AF

Specifically with regard to:-

- The Prevention of Crime and Disorder

As this application is for a licence to supply alcohol for consumption on and off the premises at times from 11.00am up until 23.00pm and on occasion until 02.30am it is considered that whilst the consumption on the premises could be monitored any consumption immediately outside the premises would not be. It appears from this licence application that it is the intention of the applicants to provide music, dancing and refreshments after the sale of alcohol has finished for the night. Is this dancing as entertainment or as an associated facility for the patrons? Would such refreshments include alcohol?

- Public Safety

It is considered that no tables and chairs should be allowed to be placed on the footpath on Castle Street to the external frontage of the property. This would be an obstruction of the public highway.

- The Prevention of Public Nuisance

As it is the intention of the applicant to provide music inside the premises it should be considered unacceptable to hear such music outside the premises as late at night any such noise would travel and possibly cause a nuisance to existing residential properties that are within sight and sound/earshot.

- The Protection of Children from Harm

As young children live in some of the existing residential properties that are near to Castle Street it should be a consideration that they would not be disturbed in the evenings when they would be asleep.

Local Resident [REDACTED]

[REDACTED]

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