

# **Licensing Act Sub-Committee**

## **Agenda**

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<b>Date:</b>	<b>Thursday, 23rd February, 2023</b>
<b>Time:</b>	<b>10.00 am</b>
<b>Venue:</b>	<b>The Capesthorpe Room - Town Hall, Macclesfield SK10 1EA</b>

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

It should be noted that Part 1 items of Cheshire East Council decision making 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 Chair**

To appoint a Chair 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 variation to a Premises Licence - The Crazy Moose, 18 Lawton Street, Congleton, CW12 1RP (Pages 7 - 34)**

To consider the above application.

**Membership:** Councillors D Edwardes, L Smetham and J Wray

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For requests for further information

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**Tel:** 01270 685705

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## CHESHIRE EAST COUNCIL

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

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

**Officers at Hearings**

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

**PROCEDURE**

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

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

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

<b>18</b>	<b>Applicant</b>	Or his representative will <u>briefly summarise the application</u> and comment on the observations and any suggested conditions.
<b>19</b>	<b>Committee</b>	<u>Will retire</u> to consider the application. The Committee may request the Legal Advisor to advise on legal issues.
<b>20</b>	<b>Committee</b>	<p>Will return to <u>give its decision</u>, with reasons, which will be announced by the Chairman and subsequently confirmed in writing to the applicant and to all the parties that made representations.</p> <p>In cases where a decision cannot be given at the end of the hearing, parties will be advised of the decision within five working days.</p>

### **Notes**

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

## **Summary of Procedure**

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



*Working for a brighter future together*

## **Licensing Act Sub-Committee**

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<b>Date of Meeting:</b>	23 <sup>rd</sup> February 2023
<b>Report Title:</b>	Application for a variation to a Premises Licence – The Crazy Moose
<b>Report of:</b>	Jayne Traverse, Executive Director – Place
<b>Ward(s) Affected:</b>	Congleton West

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### **1. Purpose of Report**

- 1.1. To allow Members of the Sub-Committee to determine a contested application for the variation of a premises licence made under the Licensing Act 2003 for the following premises:

**The Crazy Moose, 18 Lawton Road, Congleton, CW12 1RP**

### **2. Executive Summary**

- 2.1 The report provides details of an application for variation to an existing Premises Licence, under section 34 of the Licensing Act 2003 and outlines the evidence presented by the parties in relation to the application.

### **3. Recommendations**

- 3.1. The Licensing Act Sub-Committee is requested to consider the application and any relevant representations and determine what steps, if any, it considers are appropriate to promote the Licensing Objectives.
- 3.2. Acting in the capacity of the 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:
- The prevention of crime and disorder

- Public Safety
- The prevention of public nuisance
- The protection of children from harm

**3.3.** 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 application.

**3.4.** 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

#### **4. Reasons for Recommendations**

**4.1.** 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.

#### **5. Other Options Considered**

**5.1.** Not applicable

#### **6. Background**

**6.1.** On 4<sup>th</sup> January 2023 an application was received by the Licensing Department for the variation of a Premises Licence in respect of a premises known as The Crazy Moose, at 18 Lawton Street, Congleton, CW12 1RP. The application was sent for consultation the same day (4<sup>th</sup> January 2023). The last date for representations to be made was 31<sup>st</sup> January 2023. A copy of the full application and plan is attached to this report at **Appendix 1**.

**6.2.** Licensing records show that a Premises Licence currently exists in relation to The Crazy Moose at 18 Lawton Street, Congleton CW12 1RP. Premises Licence Number PREM1287 refers, and a copy is attached to this report at **Appendix 2**.

**6.3.** The application seeks to extend the times of licensable activities (as set out in paragraph 6.6 below), and to include internal alterations to the layout in accordance with the plan attached to the application (Appendix 1).



**6.4.** A map of the area in which the premises is located is attached to this report at **Appendix 5**.

**6.5.** The operating schedule indicates that the relevant licensable activities that will be subject to change if this application is successful are:

- Supply of alcohol
- Provision of Live Music
- Provision of Recorded Music
- Provision of Late Night Refreshment

**6.6.** The amended hours applied for are as follows:

- Supply of alcohol (for consumption on & off the premises)  
Sunday to Thursday – 09:00 to 01:00hrs  
Friday to Saturday - 09:00 to 02:00hrs
- Provision of Live Music (Indoors & outdoors)  
Sunday to Thursday – 09:00 to 01:00hrs  
Friday to Saturday - 09:00 to 02:00hrs
- Provision of Recorded Music (Indoors & outdoors)  
Sunday to Thursday – 09:00 to 01:00hrs  
Friday to Saturday - 09:00 to 02:00hrs
- Provision of Late Night Refreshment (Indoors & outdoors)  
Sunday to Thursday – 09:00 to 01:00hrs  
Friday to Saturday - 09:00 to 02:00hrs

## **7. Consultation and Engagement**

**7.1.** Licensing records show that the Public Notice that is required to be displayed at or near the proposed premises in accordance with The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005, has been inspected by a Licensing Officer on 11<sup>th</sup> January 2023 and confirmed to be present, and met the requirements under the regulations. The Public Notice has also been duly advertised in the Congleton Chronicle newspaper, as required.

**7.2.** Responsible Authorities:

**7.2.1.** The Licensing Authority has received representations from Environmental Health, who have engaged with the applicant and agreed proposed conditions. A copy of the agreed conditions is attached to this report at **Appendix 3**.

- 7.2.2. No further representation were received from other Responsible Authorities.

**7.3. Other Persons:**

- 7.3.1. The Council received two representations against the application, from members of the public. A copy of the objections is attached to this report at **Appendix 4**.

**8. Implications**

**8.1. Legal**

- 8.1.1. The Sub Committee must determine this application in accordance with section 35 of the Licensing Act 2003. To do so otherwise would render its determination unlawful and invalid.
- 8.1.2. In accordance with the provisions of section 35 (3)(b) of the Licensing Act 2003 the Licensing Authority Sub Committee must, having regard to the representations, made in this application take such steps (if any) as it considers appropriate for the promotion of the licensing objectives.
- 8.1.3. Section 35 (4) provides that the authority may:
- a) Modify the conditions of the licence
  - b) Reject the whole or part of the application
- 8.1.4. Members are reminded that should any conditions be added, they should be practical, enforceable and appropriate to promote the Licensing Objectives.
- 8.1.5. Members may not extend the period for which the licence has effect.
- 8.1.6. Members may not vary substantially the premises to which the licence relates.
- 8.1.7. Members may vary the premises licence so that it has effect subject to different conditions in respect of different parts of the premises or different licensable activities.
- 8.1.8. Members are reminded that they are to determine the variation application before them and cannot change parts of the licence that are not part of the application.
- 8.1.9. 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 reoffending.

- 8.1.10. Members must give reasons for their determination and notice of it must be communicated to the parties to this application. If Members depart from the Statutory Guidance or the Council's Statement of Licensing Policy then their decision notice must set out the reasons for doing so.

**8.2. Finance**

- 8.2.1. There are no financial implications

**8.3. Policy**

- 8.3.1. The Licensing Authority has adopted a Statement of Licensing Policy in accordance with section 5 of the Licensing Act 2003.
- 8.3.2. The Licensing Authority must also have due regard to the guidance issued under section 182 of the Licensing Act 2003.
- 8.3.3. 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.

**8.4. Equality**

- 8.4.1. There are no equality implications

**8.5. Human Resources**

- 8.5.1. There are no human resources implications

**8.6. Risk Management**

- 8.6.1. 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

**8.7. Rural Communities**

- 8.7.1. There are no implications for rural communities

**8.8. Children and Young People/Cared for Children**

- 8.8.1. There are no implications for children and young people

**8.9. Public Health**

- 8.9.1. There are no direct implications for public health

**8.10. Climate Change**

- 8.10.1. There are no implications for climate change

<b>Access to Information</b>	
Contact Officer:	Martin Kilduff Licensing@Cheshireeast.gov.uk 0300 123 5015
Appendices:	Appendix 1 - Application & plan Appendix 2 - Existing Premises Licence Appendix 3 - Environmental Health proposed conditions Appendix 4 – Objections from Members of Public Appendix 5 – Map of General area
Background Papers:	<a href="#">Statutory Guidance issued under section 182 of the Licesning Act 2003 (December 2022)</a> <a href="#">Council's Statement of Licensing Policy published under section 5 of the Licensing Act 2003</a> <a href="#">Licensing Act 2003</a> <a href="#">The Licensing Act 2003 (Hearings) Regulations 2005</a>



## Premises Licence

**Premises Licence Number:**

**PREM1287**

### Part 1 - Premises Details

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

The Crazy Moose

18 Lawton Street  
Congleton  
Cheshire

Post Town: Congleton

Post Code: CW12 1RP

Telephone Number: 01260 273007

Where the Licence is time limited, the dates:

Not applicable.

Licensable activities authorised by the Licence:

Recorded Music

Anything of similar desc to live music, recorded music and dance

Late Night Refreshment

Sale and supply of alcohol

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

#### **Recorded Music - Indoors**

Sunday to Thursday 09.00 - 00.00

Friday & Saturday 09.00 - 01.00

09.00 to 01.00 Christmas Eve, Boxing Night, New Years Eve and Bank  
Holiday Sundays

#### **Anything of similar desc to live music, recorded music and dance - Indoors**

Sunday to Thursday 09.00 - 00.00

Friday & Saturday 09.00 - 01.00

09.00 to 01.00 Christmas Eve, Boxing Night, New Years Eve and Bank Holiday Sundays

**Late Night Refreshment – Indoors & Outdoors**

Sunday to Thursday 23.00 - 00.00

Friday and Saturday 23.00 - 01.00

23.00 to 01.00 Christmas Eve, Boxing Night, New Years Eve and Bank Holiday Sundays

**Sale and supply of alcohol – Consumption on and off the Premises**

Sunday to Thursday 11.00 - 00.00

Friday & Saturday 11.00 - 01.00

11.00 to 01.00 Christmas Eve, Boxing Night, New Years Eve and Bank Holiday Sundays

The opening hours of the Premises:

Sunday to Thursday 09.00 - 00.00

Friday & Saturday 09.00 - 01.00

09.00 to 01.00 Christmas Eve, Boxing Night, New Years Eve and Bank Holiday Sundays

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

Both On & Off Supplies

**Part 2**

Name, (registered) address, telephone number and email (where relevant) of holder of Premises Licence:

Life&Soul LTD

18 Lawton Street  
Congleton  
Cheshire  
CW12 1RP

Tel No: 01260 273007

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

10649698

Name, address and telephone number of designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol:

Martin Holmes



Personal Licence number and issuing authority of Personal Licence held by designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol:

Personal Licence Number: [REDACTED]

Issuing Authority: Stoke-on-Trent City Council

**Issued on:** 29<sup>th</sup> August 2020

*Stephen Elson*

Signed by Mr Stephen Elson  
On Behalf of Cheshire East Council

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

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

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

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

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

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

**Prohibited conditions: plays**

1. In relation to a premises licence which authorises the performance of plays, no condition may be attached to the licence as to the nature of the plays which may be performed, or the manner of performing plays, under the licence.
2. But subsection (1) does not prevent a licensing authority imposing, in accordance with section 18(2)(a) or (3)(b), 35(3)(b) or 52(3), any condition which it considers necessary on the grounds of public safety.

**Mandatory condition: Door supervision**

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

- a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- b) be entitled to carry out that activity by virtue of Section 4 of the Private Security Industry Act 2001.

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

**MANDATORY CONDITIONS**

**Condition 1**

1. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:
  - a) Games or other activities which require or encourage, or are designed to require or encourage individuals to –
    - i. Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - ii. Drink as much alcohol as possible (whether within a time limit or otherwise);



- b) Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- c) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- d) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- e) Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

### **Condition 2**

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

### **Condition 3**

1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

- a) A holographic mark, or
- b) An ultraviolet feature

### **Condition 4**

The responsible person must ensure that –

- a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
  - i. Beer or cider: ½ pint;
  - ii. Gin, rum, vodka or whisky: 25ml or 35ml; and
  - iii. Still wine in a glass: 125ml;
- b) These measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- c) Where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

Where —

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

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

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

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

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

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

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

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

### **Prevention of Crime and Disorder**

The CCTV unit will cover all areas of the venue from different angles

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,

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to provide a Police officer or an authorised officer of the licensing authority data or footage upon request. All requests for footage are to be provided within a reasonable time scale.

Designated supervisors will need to demonstrate that their CCTV system complies with their Operational requirements. They 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.

There shall be provided at the premises SIA registered door supervisors, to such a number as the management of the premises consider sufficient to control entry to the premises and keeping order in the premises when they are open for licensable activity.

Door supervisors must be employed through an SIA approved Security Company/Provider.

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.

No selling of alcohol to drunk or intoxicated customers.

Comprehensive staff training surrounding the serving of alcohol

### **Public Safety**

A comprehensive health and safety policy will in place, with associated risk assessments. At peak trading times, a SIA accredited door supervisor will be on site.

Trained first aider on site at all times.

Trained fire marshal on site at all times.

Full emergency lighting and signage throughout the venue as well as a fire test log book.

A log book shall be kept upon the premises in which shall be entered particulars (refusals log book) shall be kept available for inspection when required by persons authorized by the Licensing Act 2003.

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.

## **Prevention of Public Nuisance**

Exit signs will be placed to remind customers to leave in a quiet manner and to respect the local neighbours.

(Friday/Saturday/Public holidays/Christmas eve, Boxing night) Door Supervisor will be on site to ensure the public entering and exiting the venue are behaving in a suitable manner

No glass bottle bins will be emptied externally after 9pm or before 9 am.

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

Customers will not be admitted to premises above opening hours.

## **Protection of Children from Harm**

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.

Clearly visible signage is to be displayed at the entrances and at points of sale indicating it is illegal to sell alcohol to people under the age of 18.

Under 18's must be accompanied by an adult at all times.

No under 18's will be allowed in the venue after 20.00

## **General – All Licensing Objectives**

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 and operate our businesses with a purpose of promoting these objectives. We promise to support these objectives through our operating schedules and other measures (including staff training and qualifications, policies, and strategic partnerships with other agencies).

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

Not applicable.

## **Annex 4 - Plans**

See Attached



## Premises Licence Summary

**Premises Licence Number:**

**PREM1287**

### Premises Details

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

The Crazy Moose

18 Lawton Street  
Congleton  
Cheshire

Post Town: Congleton

Post Code: CW12 1RP

Telephone Number: 01260 273007

Where the Licence is time limited, the dates:

Not applicable.

Licensable activities authorised by the Licence:

Recorded Music

Anything of similar desc to live music, recorded music and dance

Late Night Refreshment

Sale and supply of alcohol

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

#### **Recorded Music**

Sunday to Thursday 09.00 - 00.00

Friday & Saturday 09.00 - 01.00

09.00 to 01.00 Christmas Eve, Boxing Night, New Years Eve and Bank  
Holiday Sundays

#### **Anything of similar desc to live music, recorded music and dance**

Sunday to Thursday 09.00 - 00.00

Friday & Saturday 09.00 - 01.00

09.00 to 01.00 Christmas Eve, Boxing Night, New Years Eve and Bank  
Holiday Sundays

#### **Late Night Refreshment**

Sunday to Thursday 23.00 - 00.00

Friday and Saturday 23.00 - 01.00

23.00 to 01.00 Christmas Eve, Boxing Night, New Years Eve and Bank Holiday Sundays

**Sale and supply of alcohol**

Sunday to Thursday 11.00 - 00.00

Friday & Saturday 11.00 - 01.00

11.00 to 01.00 Christmas Eve, Boxing Night, New Years Eve and Bank Holiday Sundays

The opening hours of the Premises:

Sunday to Thursday 09.00 - 00.00

Friday & Saturday 09.00 - 01.00

09.00 to 01.00 Christmas Eve, Boxing Night, New Years Eve and Bank Holiday Sundays

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

On & Off Supplies

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

Life&Soul LTD  
18 Lawton Street  
Congleton  
Cheshire  
CW12 1RP

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

10649698

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

Martin Holmes

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

Restricted - No under 18's after 20.00 and to be accompanied by an adult

**Issued on:** 29<sup>th</sup> August 2020

*Stephen Elson*

Signed by Mr Stephen Elson  
On Behalf of Cheshire East Council



## **Licensing Act 2003 – Premises Licence**

### **Duration of a Premises Licence**

A premises licence has effect until such a time that it is suspended, revoked or surrendered.

### **Duty to notify change of name or address**

The holder of a premises licence must, as soon as is reasonably practicable, notify the relevant licensing authority of any change of name or address.

Where the designated premises supervisor (DPS) under a premises licence is not the holder of the licence, he should notify the licensing authority of a change in name or address as soon as possible. The DPS must also notify the holder of the premises licence.

*Failure without reasonable excuse to comply with the above is an offence, and a person will be liable on summary conviction to a fine not exceeding level 2 on the standard scale (ie£500)*

### **Duty to keep and display licence**

The holder of a premises licence must ensure that the licence or a certified copy of it is kept at the premises in the custody of or under the control of the holder of the licence or a person who works at the premises whom the premises licence holder has nominated in writing. A notice should be prominently displayed at the premises specifying the position of any such nominee.

The premises licence holder has a duty to ensure that a summary of the licence or a certified copy of that summary is prominently displayed at the premises.

*Failure without reasonable excuse to comply with the above is an offence, and a person will be liable on summary conviction to a fine not exceeding level 2 on the standard scale (ie £500)*

### **Duty to produce licence**

A constable or an authorised person may require production of the premises licence for examination. An authorised person must, if requested, produce evidence of his authority to exercise the power.

*Failure without reasonable excuse to comply with the above is an offence, and a person will be liable on summary conviction to a fine not exceeding level 2 on the standard scale (ie £500)*

### **Theft or loss of premises licence**

Where a premises licence or summary is lost, stolen, damaged or destroyed, the holder of the licence may apply to the relevant licensing authority for a copy of the licence or summary. A fee of £10.50 is payable in relation to such an application.

Where an application is made for a replacement licence or summary the licensing authority must issue the holder of the licence with a licence or summary if it is satisfied that –

- (a) the licence or summary has been lost, stolen, damaged or destroyed; and
- (a) where it has been lost or stolen, the holder has reported that loss or theft to the police.

### **Surrender of premises licence**

Where the holder of a premises licence wishes to surrender his/her licence he/she may give the licensing authority a notice to that effect. The notice must be accompanied by the premises licence, or where that is not practicable, by a statement of the reasons for the failure to provide the licence. Where a notice of surrender is given, the premises licence lapses on receipt of the notice by the licensing authority.

### **Death, incapacity, insolvency of licence holder**

A premises licence lapses if the holder of the licence –

- (a) dies,
- (a) becomes mentally incapable (within the meaning of section 13(1) of the Enduring Powers of Attorney Act 1985)
- (b) becomes insolvent,
- (c) is dissolved, or
- (d) if it is a club, ceases to be a recognised club

(subject to provision for re-instatement in certain circumstances).



**Custody of Premises Licence  
Licensing Act 2003 – S.57 (3)(b)**

In accordance with Section 57 (2)(b) of the Licensing Act 2003

I/We ..... being the  
holder(s) of/Director of the company holding

Premises Licence number .....

relating to the premises known as .....

.....

.....

hereby nominate .....

as custodian of the said Premises Licence.

To conform with Section 57 (3)(b) of the Licensing Act 2003 this authorisation is hereby  
displayed.

.....  
Signed

.....  
Position

**S.57 Duty to keep and produce licence**

(2) The holder of the premises licence must secure that the licence or a certified copy of it is kept at the  
premises in the custody or under the control of-

(b) a person who works at the premises and whom the holder of the licence has nominated in writing  
for the purposes of this subsection

(3) The holder of the premises licence must secure that-

(b) a notice specifying the position held at the premises by any person nominated for the purposes of  
subsection (2), are prominently displayed at the premises.

(4) The holder of a premises licence commits an offence if he fails, without reasonable excuse, to comply  
with subsection (2) or (3).

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**LICENSING ACT 2003**  
**Environmental Health Consultation**  
**Response**



*Working for a brighter future together*

EP Ref: ELL/070052

Date Received: 3 January 2023

Name of Applicant: The Crazy Moose

Address to which application relates: 18 Lawton Street, Congleton, Cheshire East, CW12 1RP

Conversion:

☐

Variation:

☒

New:

☐☐

Approve

☒

Approve with Conditions

☐

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 of public nuisance prevention is upheld: all necessary steps shall be taken to ensure that any noise from the premises shall not be at a level which could cause a noise nuisance at the boundary of the nearest residential premises, therefore:

.

- No music to be played in the outside external drinking area after 11:00pm.

**Signed:** Joanna Sherratt | Environmental Protection Officer | Environmental Health

**Dated:** 27/01/2023

Direct Dial:

[REDACTED]

Email:

[REDACTED]

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## Appendix 4

## Relevant Representations

	<b>Received on</b> 26 January 2023 15:54	<b>From</b> XXXXX
	<p>Dear license department</p> <p>I live a few doors away from 18 Lawton street and would like to place an objection to the recently posted to the 'application for a variation for a premises license.'</p> <p>A key issue is the impact of additional noise. The music (&amp; often karaoke) which is played until 1am, is already extremely disruptive, not to mention their intoxicated customers who persistently behave in an anti social manner.</p> <p>An extension to opening hours will add to this problem. Furthermore, the establishment is located in a conservation area, to which there are habitats of owls, bats, badgers &amp; toads in the very near vicinity. The noise from the bar infringes on their environment, additional noise will exacerbate this issue &amp; endanger then further.</p> <p>The anti social behaviour from drunken customers has previously resulted in broken windows to our house. Furthermore, our baby now sleeps in the front bedroom which is stressful &amp; disorientating when we have to constantly move around out of fear of injury, or harm &amp; disrupted sleep from the noise.</p> <p>Drunken people also hang around in the street for up to 2 hours when leaving the bar, this frequently results in them fighting, shouting, vomiting &amp; littering, drug taking all impacting our premises.</p> <p>This location is not the central town &amp; much more residential, this anti social behaviour directly impacts the local neighbourhood.</p> <p>I have recently witnessed what looks like under aged drinking taken place at the crazy moose. If this application is granted this will obviously become more of a problem. The group came out intoxicated, smoking cannabis and very loud scouting and screaming at members of the public just going about there business, they were definitely not 18.</p> <p>At this stage the worry for me and my family's safety and well-being is at breaking point, if you decide on granting this licence we would have no alternative but to consider moving home.</p> <p>Like I mentioned above the current noise levels from the establishment are too high. Is it really acceptable that we can hear the amplified music/karaoke in every room throughout our home even when the venue's doors are closed? Surely this needs attention before any sort of extension is granted!</p> <p>Please could you advise me on what we can do next as I really can't go on like this any more, let alone adding to the current problem. Please could we arrange a meeting or a phone call as I would like to speak to you directly.</p> <p>Look forward from hearing from you</p> <p><b>XXXXX</b></p>	

## Appendix 4

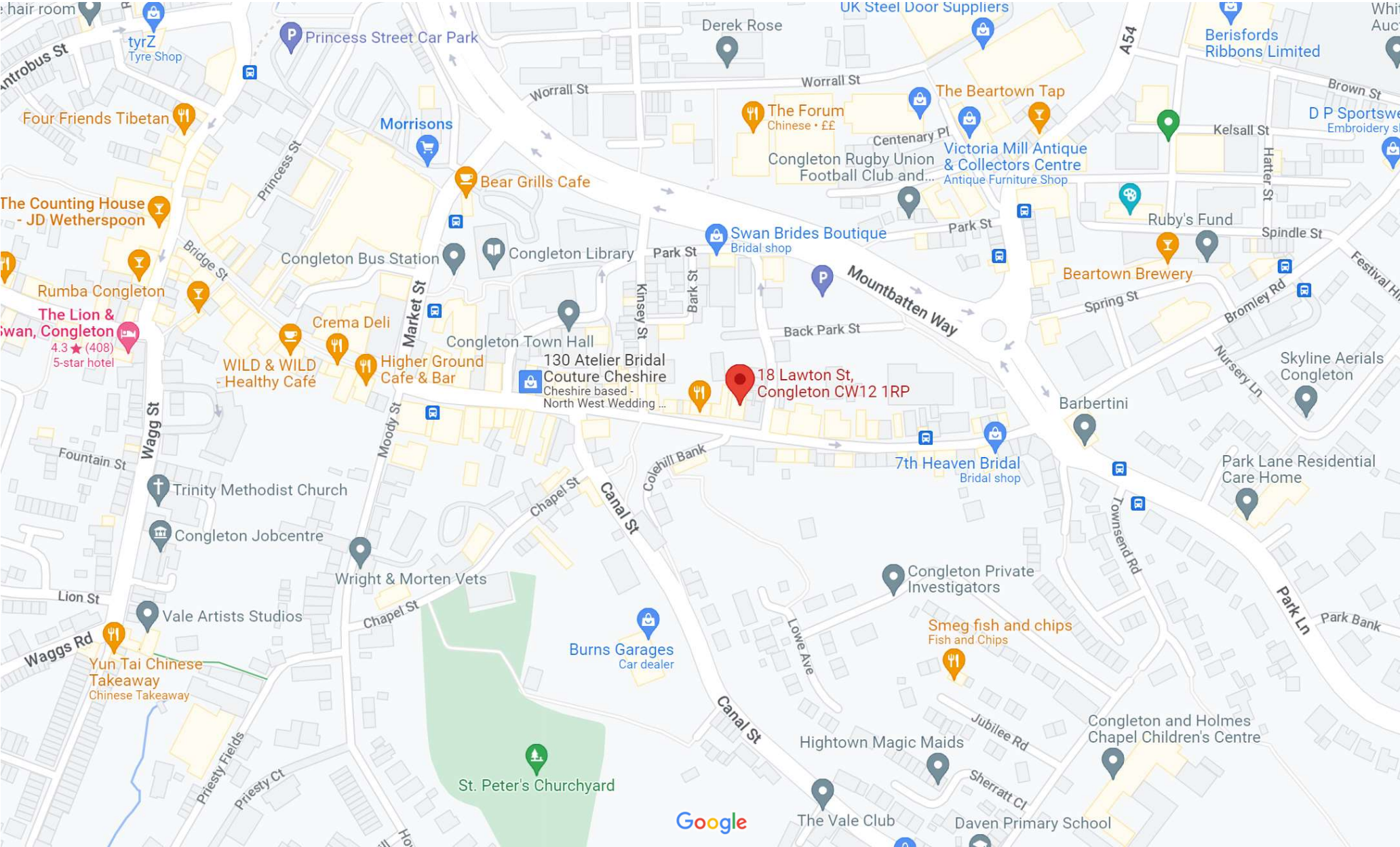

	<b>Received on</b> 14 January 2023 11:21	<b>From</b> XXXXX
	<p>To whom it may concern,</p> <p>I am writing in objection to the posted 'Application for a variation to a premises license licensing act 2003,' at 18 Lawton Street, Congleton, CW12 1RP.</p> <p>I am a local resident of Lawton Street and over the last 18 months, I have encountered a number of issues with both weekly noise from the establishment and anti social behaviour of customers (Previous Cheshire East complaints ref XXXXX), I fear that an extension to opening hours will exacerbate the current issues and result in more problems.</p> <p>My objection is in the interest of preventing crime &amp; disorder, public safety, prevention of public nuisance &amp; protection of children from harm. In the following email, I will summarise a number of reasons why I am placing this objection.</p> <p>'The Crazy Moose' is a theme bar which appeals to a young clientele and responsibly encourages &amp; promotes the consumption of large volumes of alcohol. Additional opening hours will no doubt result in a longer opportunity to obtain alcohol which will result in more anti social behaviour in &amp; around the Conservation Area, therefore impacting the neighbourhood and our life and safety while at our property. We have a young family and a smashed window at our property on a Friday night in 2021 could have potentially harmed us or our child.</p> <p>On a frequent basis over the last 18 months, we have experienced the following caused by customers of the Crazy Moose:</p> <ul style="list-style-type: none"> <li>- Broken windows (as ref above) caused by drunken fighting;</li> <li>- Damage to our front garden plants;</li> <li>- Litter &amp; vomit in our front garden</li> <li>- Shouting, arguing &amp; fighting</li> <li>- Aggressive &amp; intimidating behaviour</li> </ul> <p>Our property, like many others in the conservation area is Grade II listed, damage is not easily or cheaply repaired. Furthermore, there are many more residential properties in the close proximity who are exposed to the same potential damage and harm.</p> <p>On a weekly basis (Fridays &amp; Saturdays) we experience persistent noise from the Crazy Moose, which breaks the current licensing &amp; environmental safety laws. Should additional hours be granted, this will worsen &amp; potentially once again extend beyond the permitted application.</p> <p>In the summer months, the front &amp; rear doors to the Crazy Moose are left open - the noise is so loud throughout our home, that on more than 1 occasion, we have had to leave to stay with family.</p>	

## Appendix 4

	<p>In addition to the above, less than 20 metres away from 'the crazy moose,' are the habitats of badgers, bats, owls &amp; toads - most of which are on the endangered species list. Noise &amp; additional footfall further endangers their habitat.</p> <p>Please do not hesitate to contact me for further information.</p> <p>Regards, <b>XXXXXX</b></p>

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