

CHESHIRE EAST COUNCIL

LICENSING ACT SUB-COMMITTEE

Date of meeting: 28th October 2011
Report of: CAROLE KERR, LICENSING ADMINISTRATION OFFICER
Title: APPLICATION FOR PREMISES LICENCE.
AROMA CAFE BAR, UNIT 1, CHATTERTON HOUSE,
7 HOSPITAL STREET, NANTWICH, CW5 5RH.

1.0 Report Summary

- 1.1 The report provides details of an application for a Premises licence submitted by Aroma Cafe Bar Ltd to supply alcohol and recorded music at Unit 1, Chatterton House, 7 Hospital Street, Nantwich.
Representations to the application have been received from two interested parties.

2.0 Recommendations

- 2.1 The Licensing Act Sub-Committee is requested to:
- 2.1.1. consider the representations received; and
- 2.1.2. determine the application for the grant of the Premises licence

3.0 Reasons for Recommendations

- 3.1. The Licensing Sub-Committee has the power to determine this application. The Sub-Committee is asked to make the decision within 2.1 above taking into consideration the promotion of the licensing objectives and must also have regard to the Councils Statement of Licensing policy and Guidance published under section 182 of the Licensing act 2003.

4.0 Wards affected

- 4.1. Nantwich South and Stapeley

5.0 Local Ward Members

- 5.1. Councillor Peter Grove And Councillor Andrew Martin.

6.0 Policy Implications

- 6.1 The Council has adopted a Statement of Licensing Policy under the 2003 Act relating to its functions as a Licensing Authority under the Act.

7.0. Financial Implications for transition Costs (Authorised by the Borough Treasurer)

7.1. None.

8.0. Financial Implications 2011/2012 and beyond (Authorised by the Borough Treasurer)

8.1 None.

9.0. Legal Implications (Authorised by the Borough Solicitor)

- 9.1. In accordance with the provisions of section 35 of the licensing Act 2003, in determining the application, the Licensing Authority must, having regard to the representations, take such steps(if any) as it considers necessary for the promotion of the licensing objectives. Section 18 provides that the authority may:
- (a) grant the licence subject to conditions
 - (b) exclude from the scope of the licence any of the licensable activities to which application relates.
 - (c) refuse to specify a person on the licence as the Premises Supervisor.
 - (d) reject the application.

10.0 Risk Management

- 10.1 The Licensing Sub-Committee will hear representations made on behalf of both the applicant and the objectors and will make a decision on the basis of the evidence presented to it. The act provides a right of appeal to the Magistrates Court against the decision of the Local Authority.

11:0 Background and Options

- 11.1 The premises which are the subject of the application, are on the ground floor of Chatterton House which comprises a mix of apartments and commercial businesses. The building was formerly a public house. Along with Aroma Cafe is a further Coffee shop,a delicatessan serving hot food,hot and cold drinks and alcohol. There is one further retail unit.
- 11.2 The application is for a licence for the sale of alcohol for consumption on the premises from **11:00am to 22:30 (Mon – Sun)** and to provide recorded music from **08:00 to 23:00 (Sun)**.

The opening hours of the premises are from **08:00am to 23:00 (Mon –Sat)** and **10:00am to 23:00 (Sun)**

The person specified as the Designated Premises Supervisor on the application is Lorraine Blackledge.

- 11.3 Aroma Cafe Bar has operated at the premises since June 2007. It is located in a mixed commercial,retail and residential area.

11.4 To the side of Chatterton House in Church Lane is a small public car park.. Location plan attached at **Appendix A**.

**11.5 Relevant Representation
Responsible Authorities**

11.5.1 The Police do not object to the application but have stated that the following conditions be attached to the licence;

- The proof of age scheme Challenge 25 will be operated for all sales of alcohol.
- Alcohol may only be served to customers seated at a table by means of waiter/waitress service.
- A tamper proof CCTV system is to be maintained at the premises to the satisfaction of the Police Licensing Officer and it must record at all times the premises are open to the public. Unedited images must be securely retained for at least 14 days and copies made freely available upon request to a constable or an employee of the Police Authority, Local Authority or Security Industry Authority.

11.5.2 Environmental Health do not object to the application but have stated that the following conditions be attached to the licence;

- No nuisance shall be caused by noise coming from the premises.
- Refuse such as bottles shall be disposed of from the premises at a time(ie between 08:00 to 20:00) when it is not likely to cause a disturbance to residents in the vicinity of the premises.
- There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly.

11.5.3 No observations have been received from Trading Standards, Planning or the fire Service.

11.6 Public Objections.

Written representations have been received from two interested parties.

One writer states that he feels that the location and amenities of the site do not lend themselves to further expansion of business activity . Problems already arise where parking provision for residents and waste storage facilities for the retail units are located. The same writer states that to sell alcohol at the premises outside of the current hours of operation for the cafe bar will impact on the quiet enjoyment of residents in their properties.

Letters are appended to the report at **Appendix B**.

11.7 In making its decision, the Sub –Committee must have regard to comments received from interested parties, Environmental Health and the Police.

12.0 Overview of year one and Term one issues.

12.1 Not applicable.

13.0 Access to Information.

There are no background papers associated with this report.

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Appendix A- Location Plan

Appendix B- Objections from interested parties.