

CHESHIRE EAST COUNCIL

LICENSING ACT SUB-COMMITTEE

Date of Meeting:	Thursday 3 November 2011 at 09.30am
Report of:	Mrs N Cadman, Licensing Officer
Subject/Title:	Application for a Premises Licence Café Waterside, Clarence Mill, Clarence Road, Bollington, Macclesfield, Cheshire.

1.0 Report Summary

- 1.1 The report provides details of an application for a Premises Licence together with information as to representations received in relation to the application.

2.0 Recommendations

The Licensing Act Sub-Committee is requested to determine the application for a Premises Licence by Ms Julie Ann Taylor in respect of Café Waterside, Clarence Mill, Clarence Road, Bollington, Macclesfield, SK10 5JZ.

3.0 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.

4.0 Wards Affected

- 4.1 Bollington

5.0 Local Ward Members

Councillor Peter Hayes
Councillor Bill Livesley

6.0 Policy Implications

- 6.1 The Licensing Authority has adopted a Statement of Licensing Policy in accordance with section 5 of the Licensing Act 2003 and Guidance issued under section 182 of the Act.

7.0 Financial Implications 2011/12 (Authorised by the Director of Finance and Business Services)

- 7.1 Not applicable.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 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 necessary for the promotion of the licensing objectives. Section 18(4) 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 the application relates; (c) to refuse to specify a person in the licence as the premises supervisor; or (d) to reject the application.

9.0 Risk Management

- 9.1 Section 181 and Schedule 5 of the Licensing Act 2003 make provision for appeal to the Magistrates' Court of any decision made by the Licensing Authority.

10.0 Background and Options

- 10.1 The application is for Premises Licence under section 17 of the Licensing Act 2003.
- 10.2 The operating schedule indicates that the relevant licensable activities applied for are:
Live Music
Recorded Music
Sale and supply of alcohol
Provision of facilities for making music
- 10.3 The hours applied for are as follows:

Live Music (to take place both indoors and outdoors)

Monday to Sunday 10.15 to 22.00

Outdoor live music shall be acoustic only ceasing at 18.00hrs

On 12 occasions per calendar year, extend hours to 23.00.

Christmas Eve extend hours to 23.00, New Years Eve extend hours to 01.00.

Recorded Music

(to take place both indoors and outdoors)

Monday to Sunday 10.15 to 22.00

On 12 occasions per calendar year, extend hours to 23.00.

Christmas Eve extend hours to 23.00, New Years Eve extend hours to 01.00.

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

Monday to Sunday 10.15 to 22.00

On 12 occasions per calendar year, extend hours to 23.00.

Christmas Eve extend hours to 23.00, New Years Eve extend hours to 01.00.

Provision of facilities for making music (to take place both indoors and outdoors)

Monday to Sunday 10.15 to 22.00

On 12 occasions per calendar year, extend hours to 23.00.

Christmas Eve extend hours to 23.00, New Years Eve extend hours to 01.00.

Other times the premises are proposed to be open:

Monday to Sunday 10.15 to 22.30

On 12 occasions per calendar year, extend hours to 23.00.

Christmas Eve extend hours to 23.00, New Years Eve extend hours to 01.00.

10.4 Designated Premises Supervisor: Ms Julie Ann Taylor

10.5 The operating schedule includes the following steps to promote the licensing objectives:

(a) Prevention of crime and disorder

There shall be no irresponsible drinks promotions.

Sale of alcohol shall be by waiter/waitress service only.

The Licence Holder shall work closely with the local Police to uphold the licensing objectives.

Disorderly conduct shall not be tolerated at the premises.

(b) Public safety

Customers shall be encouraged to eat food with their drink.

Staff shall be trained to support care for customers and neighbours.

(c) Prevention of public nuisance

Challenge 25 shall be operating at the premises.

There shall be no dancing facilities.

There shall be a log of rejected customers.

Over consumption of alcohol shall not be encouraged.

(d) Protection of children from harm

The Licence Holder shall maintain a family friendly atmosphere at the premises.

(e) General – all four licensing objectives

The premises shall primarily be a cafe tea room.

The following conditions have been recommended by the Environmental Health Officer and have been agreed with the applicant to form part of Premises Licence:

The use of any outdoor areas by members of the public for the purpose of eating or drinking shall terminate at 21.30 hours.

The playing of live music outdoors shall be restricted to acoustic instruments only (i.e. no amplified instruments / amplified voice) and should terminate at 18.00 hours on any day.

The playing of recorded music indoors shall be background music only.

The playing of live music indoors shall be restricted to acoustic instruments only (i.e. no amplified instruments / amplified voice).

Regular monitoring shall be made by the management to ensure that noise from the premises is controlled - for the purpose of ensuring that nuisance is not caused to the residents of the nearest properties.

10.6 Relevant Representations:

Responsible Authorities

10.6.1 The Police state in their response: Application received 14th September 2011, Julie Ann Taylor for a Premises Licence at Cafe Waterside, Clarence Mill, Bollington, SK10 5JZ. Café Waterside overlooks the canal at the front of Clarence Mill. The café is already serving late breakfast on weekdays and lunches and light snacks, teas, coffees every day except Monday. The application is intended to add regulated entertainment and the sale and supply of alcohol. The proposed Designated Premises Supervisor is Julie Ann Taylor. I visited the premises on Thursday 29th September 2011, and observed the Blue Notice was correctly displayed. I took pictures which I can produce if required. This application meets the four licensing objectives to the satisfaction of the Police and providing these are met there are no Police representations.

10.6.2 The Environmental Health Department state in their response: I would refer to the above application for a Premises Licence. Under the Licensing Objective of the 'prevention of public nuisance', I would wish to make the following comments and recommendations. As residential properties are situated within Clarence Mill, I would wish to ensure that noise nuisance / loss of residential amenity is not caused to the occupiers of the nearest dwellings and would therefore recommend that the following conditions are attached to an approval of this application.

1. The use of any outdoor areas by members of the public for the purpose of eating or drinking shall terminate at 21.30 hours.
2. The playing of live music outdoors shall be restricted to acoustic instruments only (i.e. no amplified instruments / amplified voice) and should terminate at 18.00 hours on any day.
3. The playing of recorded music indoors shall be background music only.
4. The playing of live music indoors shall be restricted to acoustic instruments only (i.e. no amplified instruments / amplified voice).
5. Regular monitoring shall be made by the management to ensure that noise from the premises is controlled - for the purpose of ensuring that nuisance is not caused to the residents of the nearest properties.

10.6.3 The Cheshire Fire Service state in their response: No objections to the following: Café Waterside, Clarence Mill, Bollington.

10.6.4 Local Planning Authority – No representation made in respect of this application.

10.6.5 Local Safeguarding Children Board – As Police response.

10.6.5 Health and Safety Officer – No response received.

10.6.6 Trading Standards – No response received.

Interested Parties

10.7 The Licensing Authority has received support from Bollington Town Council in light of the applicant's agreement with the Environmental Health Officer's recommended conditions. The Licensing Authority has received representations from neighbour objectors. All objectors were made aware of the applicant's agreement to adopt the Environmental Health Officer's recommended conditions. In light of the agreement with the Environmental Health Officer's recommended conditions, one of the neighbour objectors has withdrawn their objection. Details of the representations are appended to this report.

12.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Mrs N Cadman
Designation: Licensing Officer
Tel No: 01270 685957
Email: nikki.cadman@cheshireeast.gov.uk

APPENDICES

Appendix 1 – Representation from Bollington Town Council

Appendix 2 – Representation from neighbour objector subsequently withdrawn

Appendix 3 – Petition from neighbour objectors

Appendices 4 – 5 Representations from neighbour objectors

Appendix 6 - Plan of area.