

CHESHIRE EAST COUNCIL

LICENSING ACT SUB-COMMITTEE

Date of meeting **Friday 2 December 2011 9.30 am**

Report of: **Nikki Cadman, Licensing Officer**

Title: **Application for Premises Licence
30-34 Lawton Street, Congleton. CW12 1RS**

1.0 Report Summary

- 1.1 The purpose of the report is to provide details of an application for a Premises Licence under section 17 of the Licensing Act 2003 ('the 2003 Act'). It outlines the application and representations received from interested parties in relation to the application.

2.0 Recommendations

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

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 2003 Act.

4.0 Wards Affected

- 4.1 Congleton West

5.0 Local Ward Members

Councillor Gordon Baxendale
Councillor Roland Domleo
Councillor David Topping

6.0 Policy Implications

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

7.0 Financial Implications 2011/12 and beyond

7.1 None

8.0 Legal Implications

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 Assessment

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

10.0 Background and Options

10.1 Sedgwick Riley Ltd applied on 30th September 2011 for a Premises Licence (under section 17 of the 2003 Act) in relation to premises described as a 'cultural entertainment venue' at 30-34 Lawton Street, Congleton CW12 1RS, currently a vacant shop. The operating schedule within the application indicates that the following licensable activities are applied for:

Sale and supply of alcohol (for consumption both on and off the premises)
Films (indoors)
Live music (indoors)
Recorded music (indoors)

10.2 The hours applied for are as follows:

Sale and supply of alcohol For consumption off the premises

Sunday to Thursday 07.00 to 00.00
Friday and Saturday 07.00 to 02.00

For consumption on the premises

Sunday to Thursday 11.00 to 00.00
Friday and Saturday 11.00 to 02.00

New Years Eve 09.00 to 03.30

To continue from 11.00 to 02.00 on Valentines Day, St Georges Day, Christmas Eve, Christmas Day, Boxing Day, New Years Eve, Maundy Thursday and the Sunday and Monday of each bank holiday

Regulated entertainment

Live Music

Monday to Sunday inclusive 07.00 to 00.00
Christmas Eve and New Years Eve 07.00 to 02.00

Regulated entertainment

Recorded Music

Sunday to Thursday 07.00 to 00.00
Friday and Saturday 07.00 to 02.00
To continue from 11.00 to 02.00 on Valentines Day, St Georges Day, Christmas Eve, Christmas Day, Boxing Day, New Years Eve, Maundy Thursday and the Sunday and Monday of each bank holiday

Regulated entertainment

Films

Sunday to Thursday 07.00 to 00.00
Friday and Saturday 07.00 to 02.00

Hours Premises Open to the Public

Sunday to Thursday 07.00 to 00.00
Friday and Saturday 07.00 to 02.00
To continue from 11.00 to 02.00 on Valentines Day, St Georges Day, Christmas Eve, Christmas Day, Boxing Day, New Years Eve, Maundy Thursday and the Sunday and Monday of each bank holiday

- 10.3 The proposed Designated Premises Supervisor is: Bronwyn Riley
- 10.4 The operating schedule includes a number of steps to promote the licensing objectives. A copy of this information attached to the report as **Appendix A**.
- 10.5 During the consultation period representations were made by persons living in the vicinity. Copies of the representations are attached at (**Appendix B**). (1-3)
- Also attached is a location plan (**Appendix C**)
- 10.6 The Licensing Authority has been advised that Mr Smethurst, (Cheshire Police Licensing Officer) met with the applicant to discuss the application. The Licensing Authority has received notification from the Police that an agreement was reached with the applicants that the following conditions would be attached to the licence in order to promote the licensing objectives:
- The proof of age scheme Challenge 25 will be operated for all sales of alcohol.

- The premise licence holder will, if he/she receives written notification from the Police Licensing Officer that they are required to do so, provide a minimum of two door supervisors every Friday and Saturday from 8pm until the premises close to the public.
 - The premises licence holder will, if he/she receives written notification from the Police Licensing Officer that they are required to do so, install a tamper proof CCTV system on the premises to the satisfaction of the Police Licensing Officer. That CCTV system will be used to record during all hours that the premises are open for business, its images be recorded and securely retained in an unedited form for a period of not less than 21 days and copies be made freely available on demand to an employee of the Local Authority, Security Industry Authority or a Police Constable.
 - Seating for at least 50 people must be provided at all times.
- 10.7 The Licensing Authority also received representation from the Cheshire Fire and Rescue Service on 4th October 2011. The representation was subsequently withdrawn on 19th October 2011 following agreement between Cheshire East Fire and Rescue Service and the applicant that the following conditions would be attached to the licence.
- Means of escape. The amended plans now show two front doors, both of which are to be turned to open outwards, the rear doors are also to be turned to open outwards. The maximum occupancy is to be 200 persons.
 - A fire alarm is to be provided to BS5839, type M.
 - Emergency lighting is to be provided throughout to BS5266
- 10.8 No other representations have been received from any of the Responsible Authorities.
- 10.9 In determining the application, the Licensing Act Sub-Committee must have regard to representations made by the applicant and any representations received from responsible authorities or interested parties. The Committee is required to take such steps (if any) as it considers necessary for the promotion of the licensing objectives.

11.0 Access to Information

There are no background papers associated with this report.

For further information:

Officer: Mrs Nikki Cadman
Designation: Licensing Officer
Tel No: (01270) 685957
Email: nikki.cadman@cheshireeast.gov.uk