

# CHESHIRE EAST COUNCIL

## REPORT TO: LICENSING ACT SUB-COMMITTEE

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<b>Date of Meeting:</b>	Thursday 21 <sup>st</sup> June 2012 at 10.00am
<b>Report of:</b>	Mrs N Cadman, Licensing Officer
<b>Subject/Title:</b>	<b>Application for a Premises Licence</b> <b>Bubble Room, 45-47 London Road, Alderley Edge,</b> <b>Cheshire, SK9 7JT.</b>

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### **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 The Bubble Room Bar & Restaurant, in respect of Bubble Room, 45-47 London Road, Alderley Edge, Cheshire, SK9 7JT.

### **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 Alderley Edge

### **5.0 Local Ward Members**

Cllr Frank Keegan

### **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 (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  
Performance of Dance  
Sale and Supply of Alcohol  
Anything of a similar description to live music, recorded music and performance of dance.  
Provision of entertainment facilities for making music  
Provision of entertainment facilities for dancing  
Provision of facilities for entertainment of a similar description to making music and dancing.  
Late Night Refreshment
- 10.3 The hours applied for are as follows:

### **Live Music**

Sunday to Wednesday 09:00 to 23:00 hours  
Thursday to Saturday 09:00 - 00:00 hours

The performance of live music will take place indoors.

Non Standard Timings:

To 02:00 hours on Christmas Eve, on Valentines Day and on the Sundays and Mondays of Bank Holiday Weekends.

An additional hour on the day that British Summertime commences.

From the end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.

### **Recorded Music**

Sunday to Wednesday 09:00 to 00:00 hours  
Thursday to Saturday 09:00 to 01:00 hours

The playing of recorded music will take place indoors only.

Non Standard Timings:

To 02:00 hours on Christmas Eve, on Valentines Day and on the Fridays, Saturdays, Sundays and Mondays of Bank Holiday Weekends.

An additional hour on the day that British Summertime commences. From the end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.

**Performance of Dance**

Sunday to Wednesday 09:00 to 00:00 hours

Thursday to Saturday 09:00 to 01:00 hours

The performance of dance will take place indoors only.

Non Standard Timings:

To 02:00 hours on Christmas Eve, on Valentines Day and on the Fridays, Saturdays, Sundays and Mondays of Bank Holiday Weekends.

An additional hour on the day that British Summertime commences.

From the end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.

**Sale and supply of alcohol**

Sunday to Wednesday 09:00 to 00:00 hours

Thursday to Saturday 09:00 to 02:00 hours

The supply of alcohol will be for consumption both on and off the premises.

Non Standard Timings:

To 02:00 hours on Christmas Eve, on Valentines Day and on the Sundays and Mondays of Bank Holiday Weekends.

An additional hour on the day that British Summertime commences.

From the end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.

**Anything of a similar description to live music, recorded music and dance**

Sunday to Wednesday 09:00 to 00:00 hours

Thursday to Saturday 09:00 to 01:00 hours

The entertainment will take place indoors only.

Non Standard Timings:

To 02:00 hours on Christmas Eve, on Valentines Day and on the Fridays, Saturdays, Sundays and Mondays of Bank Holiday Weekends.

An additional hour on the day that British Summertime commences.

From the end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.

**Provision of facilities for making music**

Sunday to Wednesday 09:00 to 00:00 hours

Thursday to Saturday 09:00 to 01:00 hours

The facilities for making music will take place indoors only.

Non Standard Timings:

To 02:00 hours on Christmas Eve, on Valentines Day and on the Fridays, Saturdays, Sundays and Mondays of Bank Holiday Weekends.

An additional hour on the day that British Summertime commences.

From the end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.

**Provision of facilities for dancing**

Sunday to Wednesday 09:00 to 00:00 hours

Thursday to Saturday 09:00 to 01:00 hours

The facilities for dancing will take place indoors only.

Non Standard Timings:

To 02:00 hours on Christmas Eve, on Valentines Day and on the Fridays, Saturdays, Sundays and Mondays of Bank Holiday Weekends.

An additional hour on the day that British Summertime commences.

From the end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.

**Provision of facilities for entertainment similar to music and dance**

Sunday to Wednesday 09:00 to 00:00 hours

Thursday to Saturday 09:00 to 01:00 hours

The provision of facilities for entertainment of a similar description shall take place indoors.

Non Standard Timings:

To 02:00 hours on Christmas Eve, on Valentines Day and on the Fridays, Saturdays, Sundays and Mondays of Bank Holiday Weekends.

An additional hour on the day that British Summertime commences.

From the end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.

**Late Night Refreshment**

Sunday to Wednesday 23:00 to 00:30 hours

Thursday to Saturday 23:00 to 02:30 hours

The provision of late night refreshment will take place indoors only.

Non Standard Timings:

To 02:30 hours on Christmas Eve, on Valentines Day and on the Sundays and Mondays of Bank Holiday Weekends.

An additional hour on the day that British Summertime commences.

From the end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.

10.4 Designated Premises Supervisor: Mr Lee Mason

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

(a) Prevention of crime and disorder

CCTV will be installed at the premises. Said CCTV shall:

- record during all hours that the premises is open to the public;
- include upon any recording the time and date of said recording;
- as a minimum, record and head and shoulders image of each individual who enters the premises through the main entrance, said image to be of evidential quality; and
- retain images for a minimum of 28 days, with said images being produced to an authorised officer upon demand.

The Premises Licence Holder, or a nominated representative, shall be an active member of the local Pub Watch scheme or its equivalent (where such a scheme is in existence) and shall regularly attend the meetings.

Prior to licensable activities taking place a risk assessment will be conducted, an appropriate number of door supervisors will be utilised in accordance with said risk assessment.

(b) Public safety

Frequent collection of glasses and bottles will be undertaken, particularly with regard to the external area, to ensure that there is no accumulation of empty containers around the licensed premises.

(c) Prevention of public nuisance

Whenever any form of regulated entertainment is taking place at the premises, regular assessments shall be made of any noise emanating from the premises. In the event that any noise is likely to cause a disturbance to any local residents, remedial action shall be taken.

Said assessments shall be recorded and made available to an authorised officer upon request.

The volume of amplified sounds used in connection with entertainment shall at all times be under the control of the licensee or the management and the controlling mechanism shall be operated from a part of the premises inaccessible to the public.

There shall be adequate supervision and control over any external areas of the premises to prevent any disturbance to any residents in the vicinity of the premises.

A clear, legible and conspicuous notice requesting patrons to avoid causing noise, nuisance or disturbance to local residents shall be displayed at every exit.

(d) Protection of children from harm

There shall be a "Challenge 25" scheme in operation at the premises, requiring any individual who appears to be under the age of twenty-five to provide identification to prove that they are over the age of eighteen. In the event that the individual is unable to provide said identification, then the sale of alcohol will be refused. The only forms of identification which are acceptable are:

- a UK photo card driving licence;
- a valid passport;
- a PASS-accredited proof of age card; or,
- any other form of identification previously agreed with representatives of the Police Licensing Department.

All staff who are involved with the sale of alcohol will receive training in relation to the "Challenge 25" scheme. Records to evidence said training will be made available to an authorised officer upon request.

Persons under the age of eighteen will not be permitted on the premises unless accompanied by a responsible adult.

(e) General – all four licensing objectives

Members of staff who are involved in the sale of alcohol will be trained in relation to the Licensing Objectives so as to prevent crime and disorder, prevent public nuisance, promote public safety and promote the protection of children from harm. Said training will be documented and will be made available to an authorised officer upon request.

In the absence of the Designated Premises Supervisor, another individual (whose identity should be known to other members of staff) should be nominated to deputise for him or her.

At least one personal licence holder will be present whenever the supply or sale of alcohol is being undertaken, except in the case of emergency.

Hot and cold food will be available at all times that the premises are open to the public and the supply of alcohol is taking place.

Service to patrons who are seated in the external area shall be by way of waiter or waitress.

#### 10.6 Relevant Representations:

##### Responsible Authorities

10.6.1 The Police state in their response: The application is for Regulated Entertainment, the sale and supply of alcohol and late night refreshments. The premises currently operate under a Premises Licence at 47 London Road, Alderley Edge. The new licence will include no 45 London Road, Alderley Edge, hence this application. Operating times Sunday to Wednesday will remain the same, Thursday to Saturday will be extended by one hour to 02.00 for the sale and supply of alcohol and close at 02.30 hours. The proposed Designated Premises Supervisor Lee Mason will remain. The operating schedule 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 wish to make comment on the Premises Licence application for The Bubble Room at Alderley Edge in respect of the licensing objective of the 'Prevention of Public Nuisance'. This Service would wish for noise from the premises to be controlled and I would therefore request that the following points are taken into consideration:- I would express concern regarding the use of the outdoor seating area at the front of the premises by patrons during sensitive hours. Noise from patrons talking, raised voices, laughter etc may be audible at nearby residencies during late evening / early morning hours when the general background noise level drops - in conjunction with being the times when most people may wish to sleep. The application wishes for alcohol to be consumed outdoors (in the front external decking / seating areas) from 9am until 2am on Thursdays, Fridays and Saturdays and until midnight on any other day. I would recommend that a restriction to an earlier termination time should be considered. I would suggest that this is best addressed by the Licensing Service in relation to making comparison with similar licensed premises / similar uses of outdoor seating areas on London Road, Alderley Edge during late evening / early morning hours and that any generic time termination restrictions should be similarly imposed as a condition of the Premises Licence for the Bubble Room.

In addition, the following points are suggested as conditions of a Premises Licence.

1. Live and recorded music are to be restricted to being played indoors only.
2. Management shall be responsible for ensuring that volume levels (including bass volume level) are effectively controlled at all times. The controlling mechanism shall be operated from a part of the premises which is inaccessible to the public.
3. Whenever any form of regulated entertainment is taking place at the premises, regular external assessments must be undertaken by management to ensure that the noise is contained and does not result in noise nuisance being caused at the nearest residential properties. Details of each assessment shall be recorded in a log book with name of person undertaking the monitoring person, date, time, assessment positions, subjective opinion of what can or can't be heard and what action is subsequently taken (if any). The log book should be kept on the premises and be made available for inspection by an officer from the Local Authority at any time.
4. Windows and doors shall be kept closed during regulated entertainment.

Following further correspondence of 1<sup>st</sup> June 2012 from the applicant's Solicitors, with agreed amendments to the original application, the Environmental Health Officer has withdrawn her objection. A copy of this correspondence is appended to this report at Appendix 17

10.6.3 The Cheshire Fire Service – No response.

10.6.4 Local Planning Authority – No response.

10.6.5 Local Safeguarding Children Board – As Police response.

10.6.5 Health and Safety Officer – No response.

10.6.6 Trading Standards – No response.

#### Interested Parties

10.6.7 The Licensing Authority has received 15 letters of representation from neighbour objectors.

The applicant's Solicitors wrote a letter to the Licensing Authority to request a meeting with the neighbour objectors on 15<sup>th</sup> May 2012 at the premises to discuss the application and to listen to the concerns of the residents. A copy of this letter is appended to this report at Appendix 16. The Licensing Authority forwarded the Solicitor's letter to all of the neighbour objectors for consideration.

On 7<sup>th</sup> June 2012, the Licensing Authority received correspondence from the applicant's Solicitor who wished to propose amendments to the operating schedule and plans for the premises in the hope of addressing objectors' concerns. The Licensing Authority forwarded copies of the correspondence to all of the interested parties for consideration. A copy of this correspondence is appended to this report at Appendix 18.

## **11.0 Access to Information**

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

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Designation: Licensing Officer  
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## **APPENDICES**

Appendices 1 – 15 Letters from Neighbour Objectors

Appendix 16 - Letter from Applicant's Solicitors

Appendix 17- Correspondence from Applicant's Solicitors and agreement with the Environmental Health Officer

Appendix 18 - Correspondence from Applicant's Solicitors to address objectors' concerns.

Appendix 19 – Plan of area