

CHESHIRE EAST COUNCIL

REPORT TO: LICENSING ACT SUB-COMMITTEE

Date of Meeting:	Tuesday 21st August 2012 at 10.00am
Report of:	Mrs N Cadman, Licensing Officer
Subject/Title:	Application for a Premises Licence The Black Swan, Trap Street, Lower Withington, Macclesfield, SK11 9EQ.

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 Sprout Pub Company Ltd, in respect of The Black Swan, Trap Street, Lower Withington, Macclesfield, SK11 9EQ.

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 Gawsworth

5.0 Local Ward Members

- 5.1 Cllr Lesley Smetham

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 appropriate 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:
Plays
Films
Indoor Sporting Events
Boxing or Wrestling Entertainments
Live Music
Recorded Music
Performance of Dance
Anything of a similar description to Live and Recorded Music and Dance
Provision of facilities for Making Music
Provision of facilities for Dancing
Provision of facilities for entertainment of a similar description to Making Music and Dancing
Late Night Refreshment
Sale and Supply of Alcohol
- 10.3 The hours applied for are as follows:

Plays (to take place both indoors and outdoors)

Monday to Sunday 09.00 to 01.00

An additional hour on the day that British Summertime commences

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

Films (to take place both indoors and outdoors)

Monday to Sunday 09.00 to 01.00

An additional hour on the day that British Summertime commences

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

Indoor Sporting Events

Monday to Sunday 09.00 to 01.00

An additional hour on the day that British Summertime commences

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

Boxing or Wrestling Entertainments (to take place both indoors and outdoors)

Monday to Sunday 09.00 to 01.00

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

Live Music (to take place both indoors and outdoors)

Monday to Sunday 09.00 to 01.00

An additional hour on the day that British Summertime commences

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

Recorded Music (to take place both indoors and outdoors)

Monday to Sunday 09.00 to 01.00

An additional hour on the day that British Summertime commences

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

Performance of Dance (to take place both indoors and outdoors)

Monday to Sunday 09.00 to 01.00

An additional hour on the day that British Summertime commences

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

Anything of a similar description to Live and Recorded Music and Dance (to take place both indoors and outdoors)

Monday to Sunday 09.00 to 01.00

An additional hour on the day that British Summertime commences

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

Provision of facilities for Making Music (to take place both indoors and outdoors)

Monday to Sunday 09.00 to 01.00

An additional hour on the day that British Summertime commences

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

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

Monday to Sunday 09.00 to 01.00

An additional hour on the day that British Summertime commences

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

Provision of facilities for entertainment of a similar description to Making Music and Dancing (to take place both indoors and outdoors)

Monday to Sunday 09.00 to 01.00

An additional hour on the day that British Summertime commences

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

Late Night Refreshment (to take place both indoors and outdoors)

Monday to Sunday 23.00 to 01.30

An additional hour on the day that British Summertime commences

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

Sale and Supply of Alcohol (for consumption both on and off the premises)

Monday to Sunday 09.00 to 01.00

An additional hour on the day that British Summertime commences

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

Hours the Premises are Open to the Public

Monday to Sunday 08.00 to 01.30

An additional hour on the day that British Summertime commences

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

10.4 Designated Premises Supervisor: Ms Jenny Gibbs

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

(a) General – all four licensing objectives

All staff shall be trained in relation to the licensing objectives so as to prevent crime and disorder and public nuisance and to promote the protection of children from harm and public safety. Said training shall be documented and shall be made available to an authorised officer upon request.

(b) Prevention of crime and disorder

CCTV shall be installed at the premises, said CCTV system shall comply with the following criteria: The system shall display on any recording the correct time and date of recording; The system shall be recording during all hours the premises is open to the public; Recordings shall be held for a minimum of 30 days after the recording is made and shall be made available to the Police for inspection upon request; As a minimum, the CCTV shall capture a head and shoulders image of any person who enters the premises. A staff member who is conversant with the operation of the CCTV system shall be on the premises at all times the licensable activities are taking place. This staff member shall be able to show data or footage with the minimum of delay when requested.

(c) Prevention of public nuisance

Clear, legible and conspicuous notices requesting patrons to avoid causing noise, nuisance or disturbance to local residents shall be displayed at public exits.

Any regulated entertainment which takes place outdoors shall terminate no later than 22.00hrs.

Whenever regulated entertainment takes place outdoors, regular assessments of the noise emanating from the premises shall be conducted, with remedial action being taken whenever the level of noise is considered likely to cause a disturbance to any local residents.

(d) Protection of children from harm

A written Challenge 21 Policy shall be in place. This policy shall be actively promoted and shall state that any person who attempts to purchase alcohol who appears to be under 21 years of age shall be asked to provide identification to prove that they are 18 years of age or over. The following forms of identification shall be acceptable:

- a. Passport
- b. Photo Driving Licence
- c. PASS accredited holographic Proof of Age Card or
- d. Any other form of identification which may be agreed with the local Police Licensing Unit.

All staff shall be suitably trained in relation to the Challenge 21 Policy. All training shall be documented and shall be available to an authorised officer upon request.

There shall be no persons under the age of 18 permitted to remain on the premises after 22.00hrs, unless attending a pre-arranged private function.

10.6 Relevant Representations:

Responsible Authorities

10.6.1 The Police state in their response: Application received 3rd July 2012 from The Sprout Pub Company Limited for a Premises Licence, Black Swan, Trap Street, Lower Withington, Macclesfield, SK11 9EQ. The application is for regulated entertainment, the sale and supply of alcohol and late night refreshments. If granted it will replace the existing licence which does not include regulated entertainment. The proposed Designated Premises Supervisor is Jenny Gibbs. This application meets the four licensing objectives to the satisfaction of the Police. There are no Police objections.

10.6.2 The Environmental Health Department state in their response: Location: Black Swan, Trap Road, Lower Withington, Macclesfield, Cheshire, SK11 9EQ. Proposal: Premises Licence 28th day = 26TH JULY 2012. This Service has considered the above application and wishes to make the following recommendations: The premises are in a rural location with noise sensitive premises in close proximity. The applicant is requesting in sections E & F: live and recorded music indoors and outdoors until 1am. This is not appropriate and it is recommended that no live or recorded music is permitted outdoors in order to protect the amenity of noise sensitive receptors. Such performances should be covered by a Temporary Event Notice. In addition the following should be considered: Prevention of noise:

1. Live and recorded music outdoors is not permitted.

2. Entertainment noise from the premises shall not be audible at the boundary of noise sensitive properties.

Recommendation:

It is recommended that assessments of noise from the premises shall be undertaken by a competent person (either the Licensee or Manager) and any necessary remedial action is undertaken to ensure compliance. These assessments

shall be undertaken during opening hours of the premises and when entertainment or music is occurring. A written record shall be made of those assessments in a log book, kept for that purpose and shall include; the time and date of the checks, the person making them and the results including any remedial action.

3. There shall be notices at all exits from the premises in a place where they can be seen and easily read, notices reminding customers to leave quietly and respect residents on their way home.

4. Doors and windows shall remain closed when live amplified music is being played at the premises.

5. There shall be no disposal of bottles outside the premises between the hours of 21.00 and 09.00.

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.

Other Persons

10.6.7 The Licensing Authority has received 10 letters of representation from neighbour objectors and a representation from Lower Withington Parish Council as appended to this report.

11.0 Access to Information

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

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APPENDICES

Appendices 1 – 10 Letters from Neighbour Objectors.
Appendix 11 – Letter from Lower Withington Parish Council.
Appendix 12 – Map of area.
Appendix 13 – Summary of Existing Premises Licence
Appendix 14 – Letter from Applicant's Solicitors