

CHESHIRE EAST COUNCIL

REPORT TO: LICENSING ACT SUB-COMMITTEE

Date of Meeting:	Friday 24th October 2014
Report of:	Mrs N Cadman, Licensing Officer
Subject/Title:	Application for a Premises Licence at Rumba, 18 Lawton Street, Congleton, CW12 1RP

1.0 Report Summary

- 1.1 The report provides details of an application for premises licence and the proposed operating schedule together with details of relevant representations received in relation to the application.

2.0 Recommendations

- 2.1 The Licensing Act Sub-Committee is requested to determine the application for a Premises Licence by Deviate Bar Ltd, 6 Little Street, Congleton, CW12 1AR in respect of:

Rumba
18 Lawton Street
Congleton
Cheshire
CW12 1RP

- 2.2 Acting in the capacity of Licensing Authority, Members must seek to promote the Licensing Objectives, and where Members consider matters have engaged one or more of the objectives, they may exercise their discretion. The licensing objectives are:

- (a) The prevention of crime and disorder
- (b) Public safety
- (c) The prevention of public nuisance
- (d) The protection of children from harm

- 2.3 Members of the Licensing Sub-Committee are reminded that they may not exercise discretion in any case, merely because it considers it desirable to do so. Careful consideration should be given to application and relevant representations in light of the proposed operating schedules.

- 2.4 The Sub-Committee in respect of this application must have regard to the Guidance issued under Section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy.

- 2.5 Finally, Members are also reminded that in determining the application in accordance with the Licensing Act 2003, Members must also have regard to:

- § The rules of natural justice
- § The provisions of the Human Rights Act 1998

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 and the Council's Constitution.

4.0 Wards Affected

- 4.1 Congleton West

5.0 Local Ward Members

- 5.1 Cllr Gordon Baxendale
Cllr Roland Domleo
Cllr 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 Licensing Act 2003.
- 6.2 Whilst having regard to the general principles within the Statement, Members may wish to consider the following:
- 6.2.1 The representations relate to the Prevention Crime and Disorder and the Prevention of Public Nuisance Objectives. The Licensing Authority sets out at paragraphs 7 and 9 of its Statement of Licensing Policy how it will deal with representations under these objectives.
- 6.3 Members should provide reason(s) for any decision taken and should set out their reasoning where they determine to depart in any way from the Policy or Guidance.

7.0 Financial Implications

- 7.1 Not applicable.

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 appropriate for the promotion of the licensing objectives. Section 18(4) provides that the authority may:

- (a) Grant the licence subject to the relevant mandatory conditions and conditions consistent with the operating schedule

- (b) Modify the application to such extent as the Authority considers appropriate for the promotion of the Licensing Objectives
- (c) Exclude from the scope of the licence any of the Licensable Activities to which the application relates
- (d) Refuse to specify a person in the licence as the Premises Supervisor
- (e) Reject the application.

8.2 Members are reminded that should any conditions be added, they should be practical, enforceable and appropriate to promote the Licensing Objectives.

8.3 Members are also reminded of the statutory obligation placed on the Local Authority under section 17 of the Crime and Disorder Act 1998 to through all of its various functions, and Licensing is one of those functions to do all that it can to prevent Crime and disorder, Anti-social Behaviour, behaviour adversely affecting the environment and re-offending.

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 was received on the 4th September 2014. The application is for the grant of a 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

10.3 The hours originally applied for are as follows:

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

Monday and Tuesday 12.00 to Midnight
Wednesday 12.00 to 01.00
Thursday 12.00 to 02.00
Friday Saturday and Sunday 12.00 to 03.00

Live Music (to take place indoors only)

Thursday and Friday 17.00 to Midnight
Saturday and Sunday 12.00 to Midnight

Recorded Music (to take place both indoors and outdoors)

Sunday to Wednesday 12.00 to Midnight
Thursday 12.00 to 02.00

Friday and Saturday 12.00 to 03.00

Hours Premises are Open to the Public

Monday to Wednesday 12.00 to midnight

Thursday 12.00 to 01.00

Friday, Saturday and Sunday 10.00 to 03.00

Following the applicant's agreement with conditions recommended by the Police to promote the Licensing Objectives, the terminal hour for the sale of alcohol on Sundays and the terminal hour the premises shall be open to the public on Sundays, is now midnight.

10.4 A copy of the application form is attached as Appendix 1.

10.5 Relevant Representations

Responsible Authorities:

10.5.1 The Police in their response state: On Friday 12th September 2014 I met with Chris Carson at 18 Lawton Street, Congleton and agreed some changes to the application and also to add some conditions in order to promote the licensing objectives. The changes were:

- To amend the terminal hour for the sale of alcohol on Sunday night in Section 15 and the hours premises are open to the public in Section 17 from 03:00 to 00:00.
- To amend the non-standard timing in Section 15 and Section 17 to read '03:00 on a Sunday night when it precedes a Bank holiday Monday'.
- In sections 10, 11, 15 and 17 the existing non-standard timings should be deleted and replaced with 'Licensable activities to be provided until the premises close to the public at 03:00 on Christmas Eve and New Year's Eve'.

The conditions to be added to the premises licence are:

- The premises will operate a maximum capacity of 90 people in order to promote the Crime and Disorder licensing objective.
- A CCTV system consisting of not less than 8 cameras will be fitted and maintained at the premises and will continuously record whenever the premises are open to the public.
- Unedited images will be securely stored for a period of not less than 14 days and copies made freely available upon request to a constable or employee of the police.
- Every Friday, Saturday, Christmas Eve, New Year's Eve and on each Sunday which precedes a Bank Holiday Monday there will be two door supervisors on duty at the premises from 9pm and they will remain until the premises are closed and the public have cleared.

10.5.2 The Environmental Health Officer wishes to approve this application with conditions which have been agreed with the applicant as follows: In order to protect the interest of local residents and ensure that the licensing objective of public nuisance prevention is upheld: all necessary steps shall be taken to ensure that any noise from the premises shall not be at a level which could

cause a noise nuisance at the boundary of the nearest residential premises, therefore:

1. Double glazing shall be installed at the Lawton Street façade.
2. A double door lobby system shall be installed at the Lawton Street façade.
3. Noise emanating from the premises as a result of regulated entertainment shall not be clearly audible at the boundary of any adjacent residential premises.
4. Whilst regulated entertainment takes place a double door system shall be in place to allow customers to access the outdoor drinking area and these doors should not be propped open.
5. All external windows and doors shall be closed whilst regulated entertainment is taking place, except for normal access and egress.
6. The use of beer gardens and outside drinking areas shall not be used for regulated entertainment.
7. There shall be no temporary or permanent speakers for the use of amplified music, speech or dance, permitted within the outside area or beer garden.
8. Thirty minutes before the end of the time permitted for the provision of regulated entertainment the, music levels shall be gradually reduced to a lower volume and tempo.
9. Customers shall be permitted to stay inside the premises whilst waiting for taxis.
10. There shall be no disposal of bottles outside the premises between the hours of 21.00 and 09.00.
11. The Licence Holder/Designated Premises Supervisor or responsible person nominated by him in charge of the Premises shall ensure that any noise emanating from the Premises is not audible at the boundary of noise sensitive properties.
12. For that purpose, regular noise assessments shall be undertaken by a competent person (either the Licensee or Manager) and steps shall be taken to reduce the level of noise where it is likely to cause a disturbance to local residents.
13. The noise 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 in order to reduce the level of noise where it is likely to cause a disturbance to local residents.

14. The Licence Holder/Designated Premises Supervisor or responsible person nominated by him in charge of the Premises shall ensure that the Premises are vacated quietly within thirty minutes of the terminal hour of the Licence, and that proper supervision of all persons leaving the Premises is provided.
15. Conspicuous notices shall be positioned at all exits from the Premises requesting patrons to make minimum noise / consideration to neighbours on leaving the premises.

INFORMATIVE

Planning Permission

There are sometimes circumstances where planning conditions have been set which may impact on your activities. If the Planning Permission and the Premises Licence differ; for example where the Planning Authority have set a terminal hour which is earlier than those conditioned by the Premises Licence; you must abide by the earlier time otherwise you leave yourself open to enforcement action.

Planning Permission 14/2746C for this address, condition 4 stipulates:

4. The hours of operation of the business/activity/use hereby approved shall be limited to 11.00 to 00.00 hours on Monday to Thursday, 12.00 to 01.00 hours on Friday and Saturday and 12.00 to 00.00 hours on Sundays or Public Holidays.

Reason: In the interests of neighbouring occupiers amenity having regard to the location of the site in accordance with policy GR6 of the Congleton Borough Local Plan 2005.

There were no responses from any of the other Responsible Authorities.

Other Persons:

- 10.5.4 A representation has been received from an interested person. A copy of this representation is attached as Appendix 2 of this report. This person has been made aware of the alterations made to the application as recommended by the Police and the Environmental Health Office which have been agreed by the applicant.

11.0 Access to Information

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

Name: Mrs N Cadman

Designation: Senior Licensing Technician

Tel No: 01270 685957

Email: nikki.cadman@cheshireeast.gov.uk

APPENDICES

Appendix 1 – Premises Licence application form

Appendix 2 - Representation from interested person.

Appendix 3 – Map of area