

# CHESHIRE EAST COUNCIL

## REPORT TO: LICENSING ACT SUB-COMMITTEE

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<b>Date of Meeting:</b>	<b>Wednesday 6<sup>th</sup> May at 09.30am</b>
<b>Report of:</b>	Mrs N Cadman, Licensing Officer
<b>Subject/Title:</b>	<b>Application to Vary a Premises Licence at The Vine Inn, 42 Hospital Street, Nantwich, Cheshire, CW5 5RP</b>

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### 1.0 Report Summary

- 1.1 The report provides details of an application to vary a 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 to vary a Premises Licence by Hydes' Brewery Limited, The Beer Studio, 30 Kansas Avenue, Salford, M50 2GL in respect of:

The Vine Inn  
42 Hospital Street  
Nantwich  
Cheshire  
CW5 5RP

- 2.2 The premises currently benefits from a Premises Licence, which is set out at appendix 1.
- 2.3 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
- 2.4 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 current and proposed operating schedules.
- 2.5 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.

- 2.6 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 Nantwich South & Stapeley

### **5.0 Local Ward Members**

- 5.1 Cllr Peter Groves  
Cllr Andrew Martin

### **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 received relate to the Prevention of Public Nuisance and the Prevention of Crime and Disorder Objectives. The Licensing Authority sets out a paragraph 7 and 9 of its Statement of Licensing Policy how it will deal with representations under these objectives.
- 6.2.2 The Statement of Licensing Policy also deals with issues of Anti-social behaviour at paragraph 6.
- 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, received on the 23<sup>rd</sup> March 2015, is for the grant of a variation to a Premises Licence under section 34 of the Licensing Act 2003.

10.2 The operating schedule indicates that the relevant licensable activities applied for extension of hours are:

- § Sale and supply of alcohol
- § Live Music
- § Recorded Music

The application is also to extend opening times at the premises, to amend the plan of the premises by removing fixed seating and extending the bar server and to remove conditions 1,2,4,5 and 7 of Annex 2 of the existing Premises Licence and replace with amended conditions as per the application.

10.3 The hours applied for are as follows:

### **Sale and supply of alcohol**

Monday to Sunday 10.00 to 01.00

Non-standard timing: from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

**Live and Recorded Music (to take place indoors only)**

Monday to Sunday 10.00 to 01.00

Non-standard timing: from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

**Hours Premises are Open to the Public**

Monday to Sunday 08.00 to 01.00

Non-standard timing: from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

(for clarification, page 2 of the application form states opening hours to 01.00, page 8 states opening hours to 01.30. The public notice advertised stated opening hours to 01.00, so for the purposes of this application the opening hours are to 01.00.)

10.4 A copy of the application form is attached as Appendix 2.

10.5 Relevant Representations

Responsible Authorities:

10.6.1 The Police in their response state: Please note agreement that the following two conditions should be attached to the premises licence at the Vine Inn, 42 Hospital Street, Nantwich, CW5 5RP in order to promote the licensing objectives as a consequence of the recent application to vary the premises licence at the venue:

1. A CCTV system will be installed at the premises to the satisfaction of the Police Licensing Officer. It must record at all times the premises are open to the public. Unedited images must be securely retained for at least 28 days and copies made freely available upon request to a constable or an employee of the Police Authority or Local Authority.
2. The Premises Licence Holder will ensure that a comprehensive risk assessment is conducted, at intervals of not more than 31 days, into the need for door supervisors to be on duty at the premises. This risk assessment will be recorded in writing, produced to a constable and authorised officers of the local authority on request, and a copy retained at the premises for a period of at least 6 months from the date of the assessment.

These conditions have been agreed by the applicant.

10.6.2 The Environmental Health Officer wishes to approve the application with conditions which have been agreed with the applicant. The following conditions should be applied: Prevention of Public Nuisance - 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:

All external windows and doors shall be closed whilst regulated entertainment is taking place, except for normal access and egress.

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.

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

Other Persons:

10.6.4 The Council has received written objections from 3 neighbouring residents. A copy of these representations is attached as Appendix 3 of this report.

The 3 neighbouring residents were made aware of the conditions recommended by the Police and the Environmental Health Officer, which were agreed by the applicant. The 3 neighbouring residents advised the Licensing Authority that they did not feel the addition of the agreed conditions would address their concerns and wished their objections to stand.

## **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**

Appendix 1 – Existing Premises Licence Summary and conditions

Appendix 2 - Premises Licence Variation application

Appendix 3 - Written objections from neighbouring residents

Appendix 4 - Map of area