

OPEN

By virtue of paragraph(s) X of Part 1 Schedule 1 of the Local Government Act 1972.

Licensing Act Sub-Committee

22 December 2023

Application for the grant of a Premises Licence

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**Smallwood Village Hall, School Lane,
Smallwood, Sandbach, Cheshire East, CW11
2UR**

Report of: Peter Skates, Acting Executive Director – Place

Ward(s) Affected: Brereton Rural – Councillor John Wray

Purpose of Report

- 1 To allow Members of the Sub-Committee to determine a contested application for a new premises licence made under the Licensing Act 2003 for the following premises:

**Smallwood Village Hall, School Lane, Smallwood, Sandbach, Cheshire
East, CW11 2UR**

Executive Summary

- 2 The report provides details of an application for a Premises Licence, under section 17 of the Licensing Act 2003, sets out the relevant representations made, and outlines the evidence presented by the parties in relation to the application.

RECOMMENDATIONS

The Licensing Act Sub-Committee is requested to consider the application and any relevant representations and determine what steps, if any, it considers are appropriate to promote the Licensing Objectives.

Background

- 3 On 1st November 2023 an application was received by the Licensing Department for the variation of a/new Premises Licence in respect of a premises known as Smallwood Village Hall, School Lane, Smallwood, Sandbach, CW11 2RU.

The application was sent for consultation the same day (1st November 2023). The last date for representations to be made was 29th November 2023. A copy of the full application and plan is attached to this report at Appendix 1.

- 4 A map of the area in which the premises is located is attached to this report at Appendix 4.
- 5 The operating schedule applied for indicates that the relevant licensable activities applied for are:
 - Supply of alcohol (for consumption on the premises)
 - Provision of Late Night Refreshments (Indoors)
 - Provision of Recorded Music (Indoors & Outdoors)
 - Provision of Live Music (Indoors & Outdoors)
 - Provision of Plays (Indoors)
 - Provision of Films (Indoors)
 - Provision of Performances of Dance (Indoors)

The hours applied for are as follows:

- Supply of alcohol (for consumption on the premises)
Monday to Sunday 09:00 to 23:30hrs
- Provision of Late Night Refreshments (Indoors)
Monday to Sunday 09:00 to 00:00hrs
- Provision of Recorded Music (Indoors & Outdoors)
Monday to Sunday 09:00 to 23:30hrs
- Provision of Live Music (Indoors & Outdoors)
Monday to Sunday 09:00 to 23:30hrs
- Provision of Plays (Indoors)
Monday to Sunday 09:00 to 23:30hrs
- Provision of Films (Indoors)
Monday to Sunday 09:00 to 23:30hrs
- Provision of Performances of Dance (Indoors)
Monday to Sunday 09:00 to 23:30hrs

- 6 Licensing records show that in this calendar year (2023) there have been twelve Temporary Event Notices received in respect of these premises. There have been no complaints recorded in relation to these events.

Consultation and Engagement

7 Licensing records show that the Public Notice that is required to be displayed at or near the proposed premises in accordance with the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005, has been inspected by a Licensing Officer on 10th November 2023 and confirmed to be present, and met the requirements under the regulations. The Public Notice has also been duly advertised in The Chronicle, as required.

8 Responsible Authorities:

The Licensing Authority has not received any other representations from any of the responsible authorities, save for the following.

- Environmental Health have agreed conditions to be attached to the Premises Licence with the Applicant. A copy of such conditions is attached to this report at **Appendix 3**.
- Cheshire Fire & Rescue Service confirmed that they had no issues regarding this application.

9 Other Persons:

10 The Council received four representations against the application, from members of the public. A copy of the objections is attached to this report at **Appendix 2**.

Reasons for Recommendations

11 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.

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

- The prevention of crime and disorder
- Public Safety
- The prevention of public nuisance
- The protection of children from harm

Other Options Considered

13 No other options have been considered because the process for determining contested applications is set by legislation.

Implications and Comments

Monitoring Officer/Legal

- 14 The Sub Committee must determine this application in accordance with section 18 of the Licensing Act 2003. To do so otherwise would render its determination unlawful and invalid.
- 15 In accordance with the provisions of section 18 (3)(b) of the Licensing Act 2003 the Licensing Authority Sub Committee must, having regard to the representations, made in this application take such steps (if any) as it considers appropriate for the promotion of the licensing objectives.
- 16 Section 18 (4) provides that the authority may:
- a) Grant the licence subject to conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the authority considers appropriate for the promotion of the licensing objectives and any mandatory conditions that must be included on the licence in accordance with the Licensing Act 2003.
 - b) Exclude from the scope of the licence any of the Licensable Activities to which the application relates.
 - c) Refuse to specify a person in the licence as the Premises Supervisor.
 - d) Reject the application.
- 17 Members are reminded that should any conditions be added, they should be practical, enforceable and appropriate to promote the Licensing Objectives.
- 18 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 reoffending.
- 19 Members must give reasons for their determination and notice of it must be communicated to the parties to this application. If Members depart from the Statutory Guidance or the Council's Statement of Licensing Policy then their decision notice must set out the reasons for doing so.
- 20 Finally, Members are also reminded that in determining the application, consideration also needs to be given to:
- The rules of natural justice
 - The provisions of the Human Rights Act 1998

Section 151 Officer/Finance

- 21 There are no financial implications.

Policy

- 22 The Licensing Authority has adopted a Statement of Licensing Policy in accordance with section 5 of the Licensing Act 2003.
- 23 The Licensing Authority must also have due regard to the guidance issued under section 182 of the Licensing Act 2003.
- 24 Members should provide reason(s) for any decision taken and should set out the reasoning where they determine to depart in any way from the Policy or Guidance.

Equality, Diversity and Inclusion

- 25 There are no equality implications.

Human Resources

- 26 There are no human resources implications.

Risk Management

- 27 The Licensing Sub-Committee will hear representations made on behalf of both the applicant and the 'relevant person' who has submitted their representation and will make a decision on the basis of the evidence presented to it. The Licensing Act 2003 makes provision for appeal to the Magistrates' Court of any decision made by the Licensing Authority.

Rural Communities

- 28 There are no implications for rural communities.

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)

- 29 There are no implications for children and young people.

Public Health

- 30 There are no direct implications for public health.

Climate Change

- 31 There are no implications for climate change.

Access to Information	
Contact Officer:	Martin Kilduff, Licensing Enforcement Officer Licensing@Cheshireeast.gov.uk 0300 123 5015
Appendices:	Appendix 1 – Application & Plan Appendix 2 – Representation from members of the public (4x) Appendix 3 – Conditions agreed with Environmental Health Appendix 4 – Map of area
Background Papers:	Revised Guidance issued under section 182 of the Licensing Act 2003 (publishing.service.gov.uk) Council's Statement of Licensing Policy published under section 5 of the Licensing Act 2003 Licensing Act 2003 The Licensing Act 2003 (Hearings) Regulations 2005