

## Licensing Act Sub-Committee

24 May 2024

**Application for a Premises Licence –  
BOLLINGTON BREWING CO. LTD  
BROOK MILL, PARKER STREET,  
MACCLESFIELD, SK11 7BQ**

**Report of: Peter Skates, Acting Executive Director – Place  
Ward(s) Affected: Macclesfield East**

### 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:

**BOLLINGTON BREWING CO. LTD,**

**BROOK MILL, PARKER STREET, MACCLESFIELD, SK11 7BQ**

### 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 2<sup>nd</sup> April 2024 an application was received by the Licensing Department for a new Premises Licence in respect of a premises known as Brook Mill, Parker Street, Macclesfield, SK11 7BQ.

The application was sent for consultation the same day (2<sup>nd</sup> April 2024). The last date for representations to be made was 29<sup>th</sup> April 2024. 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 indicates that the relevant licensable activities that will be carried out if this application is successful are; the supply of alcohol.
- 6 The hours applied for are as follows:

Supply of alcohol (for consumption on & off the premises)

Monday to Sunday – 09:00hrs to 23:00hrs

### **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 12th April 2024 and confirmed to be present, and met the requirements under the regulations. The Public Notice has also been duly advertised in the Macclesfield Express, as required.

- 8 Responsible Authorities:

The Licensing Authority has received representations from Cheshire Police and Environmental Protection, which includes proposed conditions agreed with the applicant. A copy of the representations are attached to this report at **Appendix 2**.

- 9 Other Persons:

The Council received three representations against the application, from members of the public. A copy of the representations are attached to this report at **Appendix 3**.

### **Reasons for Recommendations**

- 10 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.
- 11 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**

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

### **Implications and Comments**

#### ***Monitoring Officer/Legal***

- 13 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.
- 14 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.
- 15 Section 18 (4) provides that the authority may:
- I. 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
  - II. Exclude from the scope of the licence any of the Licensable Activities to which the application relates
  - III. Refuse to specify a person in the licence as the Premises Supervisor
  - IV. Reject the application
- 16 Members are reminded that should any conditions be added or amended, they should be practical, enforceable and appropriate to promote the Licensing Objectives.
- 17 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 the application and the evidence presented by the parties in relation to the application.
- 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.

<b>Access to Information</b>	
Contact Officer:	Martin Kilduff, Licensing Enforcement Officer <a href="mailto:Licensing@Cheshireeast.gov.uk">Licensing@Cheshireeast.gov.uk</a> 0300 123 5015
Appendices:	Appendix 1 – Application & Plan Appendix 2 – Representations from Responsible Authorities Appendix 3 – Representations from Other Persons Appendix 4 – Map of General Area
Background Papers:	<a href="#">Revised Guidance issued under section 182 of the Licensing Act 2003 (publishing.service.gov.uk)</a> <a href="#">Council's Statement of Licensing Policy published under section 5 of the Licensing Act 2003</a> <a href="#">Licensing Act 2003</a> <a href="#">The Licensing Act 2003 (Hearings) Regulations 2005</a>