

OPEN

## **Licensing Act Sub-Committee**

**3 JULY 2025**

### **Application for a variation to a Premises Licence**

**THE KINGFISHER, LONDON ROAD  
SOUTH, POYNTON, SK12 1NJ**

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**Report of: Phil Cresswell, Executive Director – Place**

**Ward(s) Affected: POYNTON WEST & ADLINGTON**

### **Purpose of Report**

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

**THE KINGFISHER, LONDON ROAD SOUTH, POYNTON, SK12 1NJ**

### **Executive Summary**

The report provides details of an application for a Premises Licence, under section 34 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

- 2 On 7<sup>th</sup> May 2025 an application was received by the Licensing Department for the variation of a Premises Licence in respect of a premises known as The Kingfisher, London Road South, Poynton, SK12 1NJ.

The application was sent for consultation the same day (7<sup>th</sup> May 2025). The last date for representations to be made was 4<sup>th</sup> June 2025. A copy of the full application is attached to this report at **Appendix 1**.

- 3 Licensing records show that a Premises Licence currently exists in relation to The Kingfisher, London Road South, Poynton, SK12 1NJ. The Premises Licence Number **PR/0323** refers, and a copy is attached to this report at **Appendix 2**.
- 4 A map of the area in which the premises is located is attached to this report at **Appendix 3**.
- 5 The operating schedule indicates that the relevant licensable activities that will be subject to change if this application is successful are; the supply of alcohol and the provision of late night refreshment. The application also seeks to amend the opening times for the premises.
- 6 The amended hours applied for are as follows:

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

Thursday to Saturday – 09:00hrs to 01:00hrs

Christmas Eve/Boxing Day/Maundy Thursday/Sundays preceding Bank Holiday Mondays - an additional hour

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

### Provisions of late night refreshment (Indoors)

Thursday to Saturday – 23:00hrs to 01:00hrs

Christmas Eve/Boxing Day/Maundy Thursday/Sundays preceding Bank Holiday Mondays - an additional hour

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

## **Consultation and Engagement**

- 7 The Licensing team consider that the advertising requirements under the Licensing Act 2003 have been met, including a Public Notice that has been duly advertised in the Macclesfield Express, as required.

8 Responsible Authorities:

The Council received no representations against the application from any of the Responsible Authorities.

9 Other Persons:

The Council received 12 representations against the application from members of the public, and a copy is attached to this report at **Appendix 4**.

## **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 35 of the Licensing Act 2003. To do so otherwise would render its determination unlawful and invalid.

- 14 In accordance with the provisions of section 35 (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 35 (4) provides that the authority may:
- Modify the conditions of the licence
  - Reject the whole or part of 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 may not extend the period for which the licence has effect.
- 18 Members may not vary substantially the premises to which the licence relates.
- 19 Members may vary the premises licence so that it has effect subject to different conditions in respect of different parts of the premises or different licensable activities.
- 20 Members are reminded that they are to determine the variation application before them and cannot change parts of the licence that are not part of the application.
- 21 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.
- 22 Members are also reminded of the statutory obligation placed on the Local Authority under section 17 of the Crime and Disorder Act 1998 in 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.
- 23 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.
- 24 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**

25 There are no financial implications

### **Policy**

26 The Licensing Authority has adopted a Statement of Licensing Policy in accordance with section 5 of the Licensing Act 2003.

27 The Licensing Authority must also have due regard to the guidance issued under section 182 of the Licensing Act 2003.

28 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**

29 There are no equality implications

### **Human Resources**

30 There are no human resources implications

### **Risk Management**

31 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**

32 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)*

33 There are no implications for children and young people

### **Public Health**

34 There are no direct implications for public health

### **Climate Change**

35 There are no implications for climate change

<b>Access to Information</b>	
Contact Officer:	Martin Kilduff – Licensing Enforcement Officer <a href="mailto:martin.kilduff@cheshireeast.gov.uk">martin.kilduff@cheshireeast.gov.uk</a>
Appendices:	Appendix 1 – Application Appendix 2 – Existing Premises Licence Appendix 3 – Map of General area Appendix 4 – Representations (other persons)
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>