

# CHESHIRE EAST COUNCIL

## REPORT TO: LICENSING ACT SUB-COMMITTEE

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<b>Date of Meeting:</b>	<b>Thursday 22<sup>nd</sup> August 2013 at 11.00am</b>
<b>Report of:</b>	<b>Vanessa Selfe – Licensing Administration Officer</b>
<b>Subject/Title:</b>	<b>Application to vary the Premises Licence at Swan With Two Necks, 65 Chestergate, Macclesfield SK11 6DG</b>

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### 1.0 Report Summary

- 1.1 The report provides details of an application for a variation to the 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 variation to the Premises Licence by GRS Pub Investments Limited of 31 Haverscroft Industrial Estate, New Road, Attleborough, Norfolk, NR17 1YE in respect of:

Swan with Two Necks  
65 Chestergate  
Macclesfield  
SK11 6DG

- 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.
- 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, and should provide reason(s) for any decision taken, or where they might consider departing in any way from the Policy or Guidance.

### 2.4 Licensing Objectives / Guidance / Policy Considerations

- 2.4.1 The relevant representations engage the licensing objectives. The Sub-Committee in respect of this application is referred to the Guidance issued under Section 182 of the Licensing Act 2003, specifically those sections relating to the licensing objective, premises licenses and hearings. The licensing objectives are (a) the prevention of crime and disorder; (b) public safety; (c) the prevention of public nuisance; and (d) the protection of children from harm.

## **2.5 Statement of Licensing Policy**

2.5.1 Members should carefully consider the relevant sections of the Council's Statement of Licensing Policy.

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

2.7 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.

## **4.0 Wards Affected**

4.1 Macclesfield Central

## **5.0 Local Ward Members**

5.1 Cllr K Edwards  
Cllr J Jackson

## **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 and Guidance issued under section 182 of the Act.

## **7.0 Financial Implications (Authorised by the Director of Finance and Business Services)**

7.1 Not applicable.

## **8.0 Legal Implications (Authorised by the Borough Solicitor)**

8.1 In accordance with the provisions of section 18 of the Licensing Act 2003 the Licensing Authority must, having regard to the representation, 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.

## **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 4<sup>th</sup> July 2013, is for the variation of the Premises Licence under section 34 of the Licensing Act 2003.

- 10.2 The application states the extension to the relevant licensable activities applied for are as follows:

Sale of Alcohol  
Regulated Entertainment  
Late Night Refreshment

- 10.3 The hours applied for are as follows:

### **Sale of Alcohol:**

Monday to Saturday 10.00 until 02.30  
No change on Sunday

The supply of alcohol will be for consumption both on and off the premises

### **Regulated Entertainment**

Indoor Sporting Events  
Monday to Saturday 10.00 until 02.30  
No change on Sunday

Live Music  
Monday to Saturday 19.00 to 02.30  
No change on Sunday

Recorded Music  
Monday to Saturday 10.00 until 02.30  
No change on Sunday

Anything of a similar description to Live Music and Recorded Music  
Monday to Saturday 12.00 until 02.30  
No change on Sunday

Late Night Refreshment  
Monday to Saturday 23.00 to 02.30

No change on Sunday

Non-standard timings: To remain as existing with the exception of the following: To extend all licensable activities on the day when British Summertime commences and from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

### **Opening Hours of the Premises**

Monday to Saturday 10.00 until 03.00

No change on Sunday

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

10.5 Designated Premises Supervisor: Andrew Anderson Smith

10.6 Relevant Representations

#### Responsible Authorities:

10.6.1 The Police Licensing Officer stated that the application meets the four licensing objectives to the satisfaction of the Police and there are no Police representations.

10.6.2 There is an objection from a Public Protection and Health Officer, raising concerns in respect of public nuisance due to the close proximity of the premises to residential properties and due also to there being historic complaints of noise nuisance relating to the premises. The document is attached to this report as Appendix 4.

10.6.3 There have been no other responses from any of the other Responsible Authorities.

#### Other Persons:

10.6.4 The Council has also received the following representations:

- i. Seven relevant objections, which are attached to this report as Appendix 5.

### **11.0 Access to Information**

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

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## **APPENDICES**

Appendix 1 – Premises Licence application form

Appendix 2 – Current Premises Licence and conditions

Appendix 3 – Plan of the area

Appendix 4 – An objection from Public Protection and Health

Appendix 5 – Other objections.