

CHESHIRE EAST COUNCIL

REPORT TO: LICENSING ACT SUB-COMMITTEE

Date of Meeting:	Tuesday 18th March 2014 at 1.30pm
Report of:	Mrs N Cadman, Licensing Officer
Subject/Title:	Application to Vary a Premises Licence at The Shakespeare, 35 Beam Street, Nantwich, CW5 5NA

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 Punch Taverns Plc in respect of:

The Shakespeare
35 Beam Street
Nantwich
Cheshire
CW5 5NA

- 2.2 The premises currently benefits from a Premises Licence issued on 24th October 2013 which is set out at appendix 2.
- 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 North & West

5.0 Local Ward Members

5.1 Cllr Penny Butterill
Cllr Arthur Moran

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 *Planning and need for Licensed Premises*

4.1 When exercising its licensing functions the Licensing Authority will not be influenced by questions of need. The issue of whether or not there is a need for a particular premises is a commercial matter, which is not relevant to the Licensing Authority's considerations.

Commercial Demand

22.2 The commercial demand for additional premises licenses (as distinct from cumulative impact) will not be a matter for the Licensing Authority, such matters being a specific consideration for the Planning Authority.

6.2.2 The majority of representations relate to the Prevent of Public Nuisance Objective. The Licensing Authority sets out a paragraph 9 of its Statement of Licensing Policy how it will deal with representations under this objective.

6.2.3 The Statement of Licensing Policy also deals with issues of Anti-social behaviour at paragraph 6 and the Prevention of Crime and Disorder at paragraph 7.

6.3 Members should provide reason(s) for any decision taken and should set out they 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 3rd February 2014, is for the grant of a variation to a Premises Licence under section 34 of the Licensing Act 2003. The application was initially received on 17th January 2014, but was made invalid due to an error relating to the public notices.

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
- § Performance of Dance
- § Anything Similar to Music and Dance

§ Late Night Refreshment

The proposed variation is also for the plan of the premises to allow for structural alterations to the layout of the premises and to remove obsolete references to the provision of facilities for making music, facilities for dance and facilities for entertainment similar to music and dancing.

10.3 The hours applied for are as follows:

Sale and supply of alcohol (for consumption both on and off the premises)

Sunday to Thursday 11.00hrs to 01.30hrs

Friday and Saturday 11.00hrs to 02.30hrs

Live and Recorded Music, Performance of Dance and anything of a similar description to Music and Dance (to take place indoors only)

Sunday to Thursday 11.00hrs to 01.30hrs

Friday and Saturday 11.00hrs to 02.30hrs

Late Night Refreshment (to take place indoors only)

Sunday to Thursday 23.00hrs to 01.30hrs

Friday and Saturday 23.00hrs to 02.30hrs

Hours Premises are Open to the Public

Sunday to Thursday 08.00hrs to 02.00hrs

Friday and Saturday 08.00hrs to 03.00hrs

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

10.5 Relevant Representations

Responsible Authorities:

10.6.1 The Police in their response state: The Police wish to make no representations.

10.6.2 The Environmental Health Officer in her response states that she is happy for the conditions of the existing Premises Licence to remain.

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

Other Persons:

10.6.4 The Council has received 7 written objections from local residents. Copies of these representations are attached as Appendices 3 - 9 of this report. The Council has also received a written representation from Nantwich Town Council, a copy of this is attached as Appendix 10 of this report.

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 – Premises Licence application

Appendix 2 - Existing Premises Licence Summary, conditions and plan.

Appendix 3 – 9 Written objections from local residents

Appendix 10 – Written representation from Nantwich Town Council

Appendix 11 - Map of area