

CHESHIRE EAST COUNCIL

REPORT TO: LICENSING SUB-COMMITTEE

Date of Meeting: Tuesday 7th July 2009
Report of: Mrs N Cadman, Licensing Officer
Subject/Title: Application for a Premises Licence -
Toft Cricket Club, Booths Park, Chelford Road, Knutsford,
Cheshire.

1.0 Report Summary

- 1.1 The report provides details of an application for a premises licence together with information as to representations received in relation to the application.

2.0 Recommendations

- 2.1 The Licensing Sub-Committee is requested to determine the application for a Premises Licence by Toft Cricket Club in respect of Toft Cricket Club, Booths Park, Chelford Road, Knutsford.

3.0 Reasons for Recommendations

- 3.1 The Licensing 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 Bucklow Ward

5.0 Local Ward Members

Cllr Andrew Knowles
Cllr W Jamie Macrae
Cllr George M Walton

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 for Transition Costs (Authorised by the Borough Treasurer)

- 7.1 Not applicable.

8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)

8.1 Not applicable.

9.0 Legal Implications (Authorised by the Borough Solicitor)

9.1 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 necessary for the promotion of the licensing objectives. Section 18(4) provides that the authority may (a) grant the licence subject to conditions; (b) exclude from the scope of the licence any of the licensable activities to which the application relates; (c) to refuse to specify a person in the licence as the premises supervisor; or (d) to reject the application.

10.0 Risk Management

10.1 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.

11.0 Background and Options

11.1 The application is for Premises Licence under section 17 of the Licensing Act 2003

11.2 The operating schedule indicates that the relevant licensable activities applied for are:

Live Music

Recorded Music

Performance of Dance

Performance of Plays

Film Exhibitions

Sale and supply of alcohol

Anything of a similar description to live music, recorded music and dance

Provision of facilities for making music

Provision of facilities for dancing

Provision of facilities for entertainment similar to music and dance

Late Night Refreshment

11.3 The hours applied for are as follows:

Live Music (to take place indoors and outdoors)

Monday to Sunday 10.00 to 01.00

Recorded Music (to take place indoors and outdoors)

Monday to Sunday 10.00 to 01.00

Performance of Dance (to take place indoors and outdoors)

Monday to Sunday 10.00 to 01.00

Performance of Plays (to take place indoors)

Monday to Sunday 10.00 to 01.00

Film Exhibitions (to take place indoors)

Monday to Sunday 10.00 to 01.00

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

Monday to Sunday 10.00 to 01.00

Anything of similar description to live music, recorded music and dance (to take place indoors)

Monday to Sunday 10.00 to 01.00

Provision of facilities for making music (to take place indoors)

Monday to Sunday 10.00 to 01.00

Provision of facilities for dancing (to take place indoors)

Monday to Sunday 10.00 to 01.00

Provision of facilities for entertainment similar to music and dance (to take place indoors)

Monday to Sunday 10.00 to 01.00

Late Night Refreshment

(to take place indoors)

Monday to Sunday 23.00 to 01.00

Other times the premises are proposed to be open:

Monday to Sunday 10.00 to 01.30

11.4 Designated Premises Supervisor: Mr Christopher John Furley Spanton

11.5 The operating schedule includes the following steps to promote the licensing objectives:

(a) Prevention of crime and disorder

Any party that hires the club shall be furnished with a list of terms and conditions and rules along with the booking form to ensure compliance.

(a) Public safety

All fire equipment shall be serviced regularly and fire exits shall be kept clear.

(b) Prevention of public nuisance

Notices shall be prominently placed to request orderly movement and keeping noise levels to an acceptable level.

(c) Protection of children from harm

Toft CC, as part of Cheshire Premier League shall be guided by the ECB rule of Child Protection and Welfare.

(d) General – all four licensing objectives

The Watch 21/Challenge 21 scheme shall be in operation at the premises.

11.6 Relevant Representations

Responsible Authorities

- 11.6.1 The Police state in their response: Application received 24th May 2009, for a Premises Licence at Toft Cricket Club. The Club currently operates under a Club Premises Certificate, and are converting to allow them more flexibility. The only change is that the terminal hour has been extended from 23:30 hours to 01:00 hours. The proposed Designated Premises Supervisor will be Christopher John Furley Spanton. They have also asked for outside music / marquee for Special Events, however, on clarification this would seem to be only for a limited number: One being a Summer Ball over two or three days and a further occasion for a one off event if possible, that being the case the Police would have no objections to the application provided they give 14 days notice to the Regulatory Authorities and any outside music / displays terminated at a reasonable hour and in accordance with Environmental Health Conditions. There are no other Police objections.
- 11.6.2 The Environmental Health Officer states in his response: Although I have no concerns regarding the use of the actual club premises indoor for regulated entertainment, I do have concerns that this application seeks an outdoor regulated entertainment use within erected marquees on unspecified occasions with planned live and recorded music between the hours of 10.00 to 01.00 hours. I am mindful that the cricket club have held a Summer Ball event within a marquee spread over 3 days for a number of years and generally held in the last weekend in June. Unfortunately, this event on occasions has resulted in complaints to this Service from local residents whose properties are in close proximity to the cricket club. I have discussed the application with the applicant Mr. Spanton who advises that they would like the annual summer ball (3 day event) to be included in the premises licence with the provision for an additional 1 day event (possible wedding function) to assist fund raising at a later date. On balance, I have no objection to the application subject to the following conditions which have been agreed with Mr. Spanton: There shall be no more than two outdoor events covering no more than three consecutive days for one event and no more than one day for the other event in any calendar year. The planned outdoor events shall be subject to 14 days notification to the Head of the Environmental Health Service prior to the events commencing. No live amplified music shall be played at an outdoor event outside the hours of 12.00 noon to 23.00 hours. No amplified recorded music shall be played outside the hours of 10.00 to 24.00.
- 11.6.3 Cheshire Fire Service state in their response: No observations to make to you regarding this application. I am sending a letter to the applicant reminding them of their duties under the Regulatory Reform (Fire Safety) Order.
- 11.6.4 Local Planning Authority – No response received.
- 11.6.5 Area Child Protection Committee – No response received.
- 11.6.5 Health and Safety Officer – No response received

11.6.6 Trading Standards – No response received.

Interested Parties

The Licensing Authority has received 6 representations from neighbour objectors and details of these are appended to this report.

In response to the representations made by the Environmental Health Officer and the Police, the applicants have written to the Licensing Authority to request negotiation of the conditions recommended. Details of this are appended to this report.

12.0 Overview of Year One and Term One Issues

12.1 Not applicable

13.0 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 to 6 – neighbour objections and associated correspondence.

Appendix 7 – Applicant's response to Environmental Health Officer and Police representation.

Appendix 8 – Plan of area