

CHESHIRE EAST COUNCIL

REPORT TO: LICENSING ACT SUB-COMMITTEE

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| Date of Meeting: | Friday 18th July 2014 at 10am |
| Report of: | Mrs N Cadman, Licensing Officer |
| Subject/Title: | Application to Vary a Premises Licence at The Folks, 45 High Street, Sandbach, CW11 1AL |

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 Kellie Rixon, The Folks Hospitality Ltd, Stamongate House, 14 Abbey Road, Sandbach, Cheshire, CW11 3HA in respect of:

The Folks
45 High Street
Sandbach
Cheshire
CW11 3HA

- 2.2 The premises currently benefits from a Premises Licence issued on 9th December 2013 which is set out at appendix 1.

- 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 Sandbach Town

5.0 Local Ward Members

5.1 Cllr Barry 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 The representation received relates to the Prevention 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.

6.2.2 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 their 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 27th May 2014, is for the grant of a variation to a Premises Licence under section 34 of the Licensing Act 2003.

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
- § Late Night Refreshment

10.3 The hours applied for are as follows:

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

Monday to Sunday 10.30hrs to 01.00hrs

Christmas Eve and New Year's Eve until 02.00hrs

Live and Recorded Music (to take place indoors only)

Monday to Sunday 10.30hrs to 01.00hrs

Christmas Eve and New Year's Eve until 02.00hrs

Late Night Refreshment (to take place indoors only)

Monday to Sunday 23.00 to 01.00hrs

Christmas Eve and New Year's Eve until 02.00hrs

Hours Premises are Open to the Public

Monday to Sunday 10.30hrs to 01.00hrs

Christmas Eve and New Year's Eve until 02.00hrs

10.4 A copy of the application form is attached as Appendix 2.

10.5 Relevant Representations

Responsible Authorities:

10.6.1 The Police in their response state: Please note agreement from the applicant to the following condition being attached to the amended premises licence in order to promote the licensing objectives:

The premises licence holder will, if he/she receives written notification from the Police Licensing Officer that they are required to do so, provide a minimum of two door supervisors every Friday and Saturday from 8pm until the premises close to the public.

In the light of the foregoing I have no further representation.

10.6.2 The Environmental Health Officer wishes to approve the application.

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

Other Persons:

10.6.4 The Council has received a written objection from a neighbouring resident. A copy of this representation is attached as Appendix 3 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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APPENDICES

Appendix 1 – Existing Premises Licence Summary and conditions

Appendix 2 - Premises Licence Variation application

Appendix 3 - Written objection from neighbouring resident

Appendix 4 - Map of area