

# CHESHIRE EAST COUNCIL

## REPORT TO: LICENSING ACT SUB-COMMITTEE

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<b>Date of Meeting:</b>	<b>Thursday 27<sup>th</sup> August 2015 at 09.30am</b>
<b>Report of:</b>	Mrs N Cadman, Licensing Officer
<b>Subject/Title:</b>	<b>Application to Vary a Premises Licence at Wychwood Park Hotel, Weston, Crewe, CW2 5GP</b>

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### 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 De Vere Venues Group Ltd, The Inspire, Hornbeam Park, Harrogate, HG2 8PA in respect of:

Wychwood Park Hotel  
Weston  
Crewe  
Cheshire  
CW2 5GP

- 2.2 The premises currently benefits from a Premises Licence which is set out at Appendix 1 of this report.
- 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 Wybunbury

### **5.0 Local Ward Members**

5.1 Cllr Janet Clowes

### **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 representations received relate 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.

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 7<sup>th</sup> July 2015, is for the grant of a variation to a Premises Licence under section 34 of the Licensing Act 2003.

10.2 The application is to increase the hours for existing licensable activities as follows:

**Live and Recorded Music, Performance of Dance and Anything of a Similar Description to Live and Recorded Music and Dance** (to take place both indoors and outdoors)

Monday to Sunday 11.00 to 02.00

**Late Night Refreshment** (to take place both indoors and outdoors)

Monday to Sunday 23.00 to 02.00

**Sale and Supply of Alcohol**

Monday to Sunday 11.00 to 02.00

The application also seeks to remove the existing condition: Events involving amplified music (i.e. live and recorded music) will be limited to no more than six per calendar year.

10.3 On 29<sup>th</sup> July 2015, the applicants amended the application as follows: Sunday to Wednesday all licensable activities from 11am until midnight, (no change to the existing Licence Thursday to Saturday from 11 am until 2 am for all licensable activities).

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

#### 10.5 Relevant Representations

##### Responsible Authorities:

The Police in their response state: the conditions offered on the operating schedule are acceptable to the Police and providing these are met there are no Police representations.

The Environmental Health Officer wishes to approve this application with conditions as follows: In order to protect the interest of local residents and ensure that the licensing objective of public nuisance prevention is upheld: all necessary steps shall be taken to ensure that any noise from the premises shall not be at a level which could cause a noise nuisance at the boundary of the nearest residential premises, therefore:

- Noise emanating from the premises as a result of regulated entertainment shall not be clearly audible at the boundary of any adjacent residential premises.
- Use of a marquee for events involving amplified music (i.e. live and recorded) will be limited to no more than six per calendar year.

No objections were received from any of the other Responsible Authorities.

##### Other Persons:

10.6 The Council has received written objections from 4 neighbouring residents. Copies of these representations are attached as Appendices 3 to 6 of this report.

The Council has received representation from Weston & Basford Parish Council and Hough & Chorlton Parish Council. A copy of these are attached as Appendix 7 of this report.

Since receiving the written objections to the variation, the applicant has made an amendment to the hours applied for as follows: Sunday to Wednesday all licensable activities from 11am until midnight, and has agreed to the Environmental Health Officer's recommended conditions. All persons who made representations were made aware of these amendments to the application. At the time of writing this report, following amendment of the application, Weston & Basford Parish Council have withdrawn their objection. Licensing have received a response from one of the 4 neighbouring residents who submitted objections to the application, stating that they wished their objection to stand.

#### **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 and Annex 2 conditions
- Appendix 2 - Premises Licence Variation application
- Appendices 3 - 6 Written objections from neighbouring residents
- Appendix 7 - Representation from Parish Councils
- Appendix 8 - Map of area