

# CHESHIRE EAST COUNCIL

## REPORT TO: LICENSING ACT SUB-COMMITTEE

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<b>Date of Meeting:</b>	<b>Thursday 12<sup>th</sup> November 2015 at 09.30am</b>
<b>Report of:</b>	Mrs N Cadman, Licensing Officer
<b>Subject/Title:</b>	<b>Application for a Premises Licence at 17 Regent Street, Knutsford, Cheshire, WA16 6GR</b>

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### 1.0 Report Summary

- 1.1 The report provides details of an application for 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 Premises Licence by Rachel & Kevin Derek Choudhary, in respect of:

17 Regent Street  
Knutsford  
Cheshire  
WA16 6GR

- 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. 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

- 2.3 Members of the Licensing Sub-Committee are reminded that they may not exercise discretion in any case, merely because it considers it desirable to do so. Careful consideration should be given to application and relevant representations in light of the proposed operating schedules.

- 2.4 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.

- 2.5 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 Knutsford

### **5.0 Local Ward Members**

Cllr Tony Dean  
Cllr Stewart Gardiner  
Cllr Hayley Wells-Bradshaw

### **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 relate to the Licensing Objective, Prevention of Public Nuisance . The Licensing Authority sets out at paragraph 9 of its Statement of Licensing Policy how it will deal with representations under this objective.

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 was received on the 17<sup>th</sup> September 2015. The application is for the grant of a Premises Licence under section 17 of the Licensing Act 2003.

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

**Live Music**

**Recorded Music**

**Sale and Supply of Alcohol**

**Late Night Refreshment**

10.3 The hours applied for are as follows:

### **Live Music (to take place indoors)**

On 4 occasions per year, live traditional jazz evenings between 19.00 and 22.00 or Sunday lunches between 12 noon and 15.30.

### **Recorded Music (to take place indoors)**

Monday to Thursday 12 noon to 23.30

Friday and Saturday 12 noon to 12 midnight

Sunday 12 noon to 23.00

Non standard timings: New Years Eve until 01.30

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

Sunday to Thursday 12 noon to 23.00

Friday and Saturday 12 noon to 12 midnight

Non standard timings: New Years Eve until 01.30

### **Late Night Refreshment (to take place indoors)**

Sunday to Thursday 23.00 to 23.30

Friday and Saturday 23.00 to 12 midnight

### **Hours Premises are Open to the Public**

Sunday to Thursday 12 noon to 23.30

Friday and Saturday 12 noon to 00.30

Non standard timings: New Years Eve until 01.30

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

10.5 Relevant Representations

#### Responsible Authorities:

10.5.1 The Environmental Health Officer's representation is at Appendix 2 of this report.

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

#### Other Persons:

10.5.2 Representations received from other persons are at Appendices 3 and 4 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 – Premises Licence application form

Appendix 2 – Representation from Environmental Health

Appendix 3 – 4 Representations from neighbour objectors

Appendix 5 - Map