

CHESHIRE EAST COUNCIL

REPORT TO: LICENSING ACT SUB-COMMITTEE

| | |
|-------------------------|---|
| Date of Meeting: | Monday 18th January 2016 at 10.30am |
| Report of: | Martin Kilduff, Licensing Enforcement Officer |
| Subject/Title: | Application to Vary a Premises Licence at Wilmslow Guild, 1 Bourne Street, Wilmslow, Cheshire, SK9 5HD |

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 Wilmslow Guild in respect of:

Wilmslow Guild
1 Bourne Street
Wilmslow
Cheshire
SK9 5HD

- 2.2 The premises currently benefits from a Premises Licence, the summary of 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 Wilmslow West & Chorley

5.0 Local Ward Members

5.1 Cllr Gary Barton
Cllr Ellie Brooks

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. 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 35 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. Subsections 35(3) and 35(4) provide that the authority may:

- (a) Grant the application for the variation
- (b) Reject the whole or part of the application to such extent as the Authority considers appropriate for the promotion of the Licensing Objectives
- (c) Modify the conditions of the licence to such extent as the Authority considers appropriate for the promotion of the Licensing Objectives

8.2 Modification of conditions can be by omission, alteration or the addition of further conditions. 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 24th November 2015, is an application for the variation of a Premises Licence under section 34 of the Licensing Act 2003.

10.2 The variation seeks to add the provision of regulated entertainment (as authorised on the existing Premises Licence) on Sundays from 12noon to 18.00.

The existing Premises Licence authorises Live Music, Recorded Music, Performance of Dance, Performance of Plays and Film Exhibitions (to take place indoors only) Monday to Saturday 10.00 to 22.00.

The Live Music Act 2012 removed the licensing requirement for the provision of facilities for making music and dancing.

In section 11 of the application form it includes the provision of anything of a similar description to live music, recorded music or performances of dance, however this has not formed part of the public notice advertising the application so cannot be included in this application.

The existing Premises Licence Summary and conditions are attached as Appendix 1.

10.3 The hours applied for are as follows:

Live Music, Recorded Music, Performance of Dance, Performance of Plays and Film Exhibitions (to take place indoors only)
Sunday 12.00 to 18.00

Hours Open to the Public

Monday to Saturday 09.00 to 22.00
Sunday 10.00 to 18.00

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

10.5 Relevant Representations

Responsible Authorities:

- 10.6 The Police responded with no objections to the application.
10.7 The Fire Safety Officer responded with no objections to the application.

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

Other Persons:

- 10.8 The Council has received written objections from 43 neighbouring residents.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Martin Kilduff
Designation: Licensing Enforcement Officer
Tel No: 01270 686258
Email: martin.kilduff@cheshireeast.gov.uk

APPENDICES

- Appendix 1 – Existing Premises Licence Summary and conditions
- Appendix 2 - Premises Licence Variation application form
- Appendix 3 - Written objections from neighbouring residents.
- Appendix 4 - Map of area
- Appendix 5 - Invalid / Objections received after deadline



Premises Licence

Premises Licence Number:

PR/0597

Part 1 - Premises Details

Postal address of Premises or, if none, ordnance survey map reference or description:

Wilmslow Guild

1 Bourne Street
Wilmslow
Cheshire

Post Town: Wilmslow

Post Code: SK9 5HD

Telephone Number: 01625 523903

Where the Licence is time limited, the dates:

Not Applicable

Licensable activities authorised by the Licence:

Live Music
Recorded Music
Performance of Dance
Performance of Plays
Film Exhibitions
Provision of facilities for making music
Provision of facilities for dancing

The times the Licence authorises the carrying out of licensable activities:

Live Music (to take place indoors)

Monday to Saturday 10.00 to 22.00

Recorded Music (to take place indoors)

Monday to Saturday 10.00 to 22.00

Performance of Dance (to take place indoors)

Monday to Saturday 10.00 to 22.00

Performance of Plays (to take place indoors)

Monday to Saturday 10.00 to 22.00

Film Exhibitions (to take place indoors)

Monday to Saturday 10.00 to 22.00

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

Monday to Saturday 10.00 to 22.00

Provision of facilities for dancing (to take place indoors)

Monday to Saturday 10.00 to 22.00

The opening hours of the Premises:

Monday to Saturday 10.00 to 22.00

Where the Licence authorises supplies of alcohol, whether these are on and/or off supplies:

Not applicable

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of Premises Licence:

Wilmslow Guild

1 Bourne Street
Wilmslow
Cheshire
SK9 5HD

Tel No: 01625 523903

Registered number of holder, for example company number, charity number (where applicable):

520137

Name, address and telephone number of designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol:

Not Applicable

Personal Licence number and issuing authority of Personal Licence held by designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol:

Personal Licence Number: Not Applicable.

Issuing Authority:

.....
Signed by Mrs N Cadman on behalf of
Cheshire East Borough Council

Annex 1 - Mandatory Conditions

1.The admission of children to the exhibition of any film must be restricted in accordance with section 20 of the Licensing Act 2003. Admission of children must be restricted in accordance with any recommendation made by the British Board of Film Classification.

Annex 2 - Conditions consistent with the Operating Schedule

Prevention of Crime and Disorder

1.Professional and office staff are on site when the premises are occupied by students.

Public Safety

2.There is a Wilmslow Guild fire safety plan.

3.There are fire exits signs, a fire bell and extinguishers located around the building.

Prevention of Public Nuisance

4.The Guild is on good terms with its neighbours and encourages a good working relationship between staff, students and the neighbours.

Protection of Children from Harm

5.Children visiting the premises are accompanied by responsible adults.

Annex 3 - Conditions attached after a hearing by the Licensing Authority

None

Annex 4 - Plans

See attached.

Premises Licence Number:

PR/0597

Premises Details

Postal address of Premises or, if none, ordnance survey map reference or description:

Wilmslow Guild

1 Bourne Street
Wilmslow
Cheshire

Post Town: Wilmslow

Post Code: SK9 5HD

Telephone Number: 01625 523903

Where the Licence is time limited, the dates:

Not applicable

Licensable activities authorised by the Licence:

Live Music
Recorded Music
Performance of Dance
Performance of Plays
Film Exhibitions
Provision of facilities for making music
Provision of facilities for dancing

The time the Licence authorises the carrying out of licensable activities:

Live Music (to take place indoors)

Monday to Saturday 10.00 to 22.00

Recorded Music (to take place indoors)

Monday to Saturday 10.00 to 22.00

Performance of Dance (to take place indoors)

Monday to Saturday 10.00 to 22.00

Performance of Plays (to take place indoors)

Monday to Saturday 10.00 to 22.00

Film Exhibitions (to take place indoors)

Monday to Saturday 10.00 to 22.00

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

Monday to Saturday 10.00 to 22.00

Provision of facilities for dancing (totake place indoors)

Monday to Saturday 10.00 to 22.00

The opening hours of the Premises:

Monday to Saturday 10.00 to 22.00

Where the Licence authorises supplies of alcohol, whether these are on and/or off supplies:

Not applicable.

Name, (registered) address of holder of Premises Licence:

Wilmslow Guild

1 Bourne Street
Wilmslow
Cheshire
SK9 5HD

Registered number of holder, for example company number, charity number (where applicable):

520137

Name of designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol:

Not applicable.

State whether access to the Premises by children is restricted or prohibited:

Children visiting the premises are accompanied by responsible adults.

[Empty rectangular box]

.....

Signed by Mrs N Cadman on behalf of
Cheshire East Borough Council



Licensing Act 2003 – Premises Licence

Duration of a Premises Licence

A premises licence has effect until such a time that it is suspended, revoked or surrendered.

Duty to notify change of name or address

The holder of a premises licence must, as soon as is reasonably practicable, notify the relevant licensing authority of any change of name or address.

Where the designated premises supervisor (DPS) under a premises licence is not the holder of the licence, he should notify the licensing authority of a change in name or address as soon as possible. The DPS must also notify the holder of the premises licence.

Failure without reasonable excuse to comply with the above is an offence, and a person will be liable on summary conviction to a fine not exceeding level 2 on the standard scale (ie£500)

Duty to keep and display licence

The holder of a premises licence must ensure that the licence or a certified copy of it is kept at the premises in the custody of or under the control of the holder of the licence or a person who works at the premises whom the premises licence holder has nominated in writing. A notice should be prominently displayed at the premises specifying the position of any such nominee.

The premises licence holder has a duty to ensure that a summary of the licence or a certified copy of that summary is prominently displayed at the premises.

Failure without reasonable excuse to comply with the above is an offence, and a person will be liable on summary conviction to a fine not exceeding level 2 on the standard scale (ie £500)

Duty to produce licence

A constable or an authorised person may require production of the premises licence for examination. An authorised person must, if requested, produce evidence of his authority to exercise the power.

Failure without reasonable excuse to comply with the above is an offence, and a person will be liable on summary conviction to a fine not exceeding level 2 on the standard scale (ie £500)

Theft or loss of premises licence

Where a premises licence or summary is lost, stolen, damaged or destroyed, the holder of the licence may apply to the relevant licensing authority for a copy of the licence or summary. A fee of £10.50 is payable in relation to such an application.

Where an application is made for a replacement licence or summary the licensing authority must issue the holder of the licence with a licence or summary if it is satisfied that –

- (a) the licence or summary has been lost, stolen, damaged or destroyed; and
- (b) where it has been lost or stolen, the holder has reported that loss or theft to the police.

Surrender of premises licence

Where the holder of a premises licence wishes to surrender his/her licence he/she may give the licensing authority a notice to that effect. The notice must be accompanied by the premises licence, or where that is not practicable, by a statement of the reasons for the failure to provide the licence. Where a notice of surrender is given, the premises licence lapses on receipt of the notice by the licensing authority.

Death, incapacity, insolvency of licence holder

A premises licence lapses if the holder of the licence –

- (a) dies,
 - (b) becomes mentally incapable (within the meaning of section 13(1) of the Enduring Powers of Attorney Act 1985)
 - (c) becomes insolvent,
 - (d) is dissolved, or
 - (e) if it is a club, ceases to be a recognised club
- (subject to provision for re-instatement in certain circumstances).