

CHESHIRE EAST COUNCIL

REPORT TO: LICENSING ACT SUB-COMMITTEE

Date of Meeting:	Wednesday 6th April 2016
Report of:	Mr. Richard Hellon
Subject/Title:	Application for a Premises Licence at Macclesfield Golf Club, Hollins Road, The Hollins, Macclesfield, SK11 7EA

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 Macclesfield Golf Club, in respect of:

Macclesfield Golf Club,
The Hollins,
Hollins Road,
Macclesfield,
SK11 7EA

- 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 Macclesfield

5.0 Local Ward Members

Cllr Chris Andrew
Cllr Ainsley Arnold
Cllr Stephen Carter
Cllr Beverley Dooley
Cllr Sam Gardner
Cllr Alift Harewood
Cllr Janet Jackson
Cllr Laura Jeuda
Cllr Nick Mannion
Cllr Mick Warren

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 relates 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 is for the grant of a Premises Licence under Section 17 of the Licensing Act 2003. This application was received on 10th February 2016.

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

Sale and Supply of Alcohol

Live Music

Recorded Music

The Performance of Dance

10.3 The hours applied for are as follows:

Live Music (to take place indoors)

Monday to Sunday 19:00 to 01:00 hours.

Recorded Music (to take place indoors)

Monday to Sunday 19:00 to 01:00 hours.

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

Monday to Thursday 11:00 to 01:00 hours.

Friday & Saturday 11:00 to 02:00 hours.

Sunday 11:00 to 01:00 hours.

The Performance of Dance (to take place indoors)

Monday to Sunday 19:00 to 01:00 hours.

Hours Premises are Open to the Public

Monday to Thursday 06:00 to 01:30 hours.

Friday & Saturday 06:00 to 02:30 hours.

Sunday 06:00 to 01:30 hours.

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

10.5 Relevant Representations

Responsible Authorities:

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

Other Persons:

10.5.2 Representations received from other persons are at Appendices 2 and 3.

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 & 3 – Representations from neighbour objectors

Appendix 4 – Map

Appendix 5 - Current Club Premises Certificate