

CHESHIRE EAST COUNCIL

REPORT TO: LICENSING ACT SUB-COMMITTEE

Date of Meeting: THURSDAY 12TH MAY AT 09.30am

Report of: TRACEY BILLINGTON, LICENSING OFFICER

Subject/Title: APPLICATION FOR A PREMISES LICENCE AT TABLEY TEAROOM, TABLEY HOUSE, TABLEY LANE, CHESTER ROAD, TABLEY, KNUTSFORD. WA16 0HB

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 Tabley Tearoom Limited, in respect of:

Tabley Tearoom
Tabley House
Tabley Lane
Chester Road
Tabley
Knutsford
WA16 0HB

- 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 an 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 High Legh

5.0 Local Ward Members

Olivia Hunter

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 following Licensing Objectives: the prevention of crime and disorder, public safety and the prevention of public nuisance. The Licensing Authority sets out at paragraphs 7- 9 of its Statement of Licensing Policy how it will deal with representations under these objectives.
- 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 exercise all of its various functions, Licensing is one of those functions, and 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 21st March 2016. 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:

Provision of Recorded Music
Supply of Alcohol

10.3 The hours applied for are as follows:

Provision of Recorded Music (to take place indoors)
From Monday to Sunday 11.00 to 22.00 hours

Supply of Alcohol (for consumption on the premises only)
From Monday to Sunday 11.00 to 22.00 hours

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

10.5 The Designated Premise Supervisor for the premises is a Deborah Jane Townsend

10.6 Relevant Representations

Responsible Authorities:

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

Other Persons:

10.6.2 Written objections have been received from 14 people in total.

10.6.3 One objector has raised their objection through a third person who has added the objectors name to an email of objection. There is no evidence to suggest the objector is aware of the comments made on their behalf, therefore this objection has been separated from the other objections so the committee can decide how much weighting can be applied to this particular objection. A copy of this representation (number 6) is attached as Appendix 2 of this report.

10.6.4 Copies of the remaining 13 representations are attached as Appendix 3 of this report, numbered 1-5 and 7- 14.

10.6.5 A document submitted by the applicant, detailing a plan of the site of the tearoom is attached as Appendix 4 to this report.

10.6.6 A map showing Tabley House and the surrounding area is attached as Appendix 5 to 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 –Written objection from other person (number 6)

Appendix 3 - Written objections from other persons (numbered 1-5 and 7-14)

Appendix 4 – Plan of the site submitted by the applicant

Appendix 5 – Map showing Tabley House and the surrounding area

