

# CHESHIRE EAST COUNCIL

## REPORT TO: LICENSING ACT SUB-COMMITTEE

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<b>Date of Meeting:</b>	<b>Monday 10<sup>th</sup> April 2017</b>
<b>Report of:</b>	Richard Hellon, Licensing Officer
<b>Subject/Title:</b>	<b>Application to vary a Premises Licence Six Bar &amp; Grill, 6 Crewe Road, Alsager, ST7 2ES</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 to vary a Premises Licence in respect of:

**Six Bar & Grill  
6 Crewe Road  
Alsager  
ST7 2ES**

- 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 Alsager

### **5.0 Local Ward Members**

Cllr Martin Deakin  
Cllr Rod Fletcher  
Cllr Derek Hough

### **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 Objectives 'Prevention of Crime and Disorder' and 'Prevention of Public Nuisance'. The Licensing Authority sets out at paragraphs 7 and 9 respectively within the Statement of Licensing Policy how it will deal with representations under these objectives.

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 20<sup>th</sup> February 2017. The application is to vary a Premises Licence under Section 34 of the Licensing Act 2003.

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

**Live Music**

**Recorded Music**

**Sale and Supply of Alcohol (on and off)**

**Late Night Refreshment**

10.3 The hours applied for in the application to vary are as follows:

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

Monday to Thursday 11:00 to 00:00

Friday to Saturday 11:00 to 00:30

Sunday 11:00 to 23:30

Small live bands/singers mostly indoor, amplified and occasional outdoor events or under cover (tent). Outdoors no later than 22:00. Easter Sun, New Years Eve, Valentines Day, Bank Holidays, Xmas Eve, Boxing Day, 11:00 – 01:00.

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

Monday to Thursday 11:00 to 00:00

Friday to Saturday 11:00 to 00:30

Sunday 11:00 to 23:30

Indoors recorded music amplified and unamplified and outdoors in beer garden (summer) possibly with tent. Outdoors no later than 22:00. Easter

Sun, New Years Eve, Valentines Day, Bank Holidays, Xmas Eve, Boxing Day, 11:00 – 01:00.

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

Monday to Thursday 11:00 to 00:00

Friday to Saturday 11:00 to 00:30

Sunday 11:00 to 23:30

Easter Sun, New Years Eve, Valentines Day, Bank Holidays, Xmas Eve, Boxing Day, 11:00 – 01:00.

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

Monday to Thursday 11:00 to 00:00

Friday to Saturday 11:00 to 00:30

Sunday 11:00 to 23:30

Hot beverages and possibly food inside and beer garden (summer months).  
Easter Sun, New Years Eve, Valentines Day, Bank Holidays, Xmas Eve, Boxing Day, 11:00 – 01:00.

**Hours Premises are Open to the Public**

Monday to Thursday 11:00 to 00:30

Friday to Saturday 11:00 to 01:00

Sunday 11:00 to 00:00

Easter Sun, New Years Eve, Valentines Day, Bank Holidays, Xmas Eve, Boxing Day, 11:00 – 01:00.

**Condition currently imposed on the licence which the applicant believes could be removed as a consequence of the proposed variation they are seeking:**

Alcohol shall not be sold on the premises otherwise than to persons taking table meals there and for consumption by such persons as an ancillary to their meal.

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

10.4.1 A map of the location is attached as Appendix 2.

10.5 Relevant Representations

Responsible Authorities:

10.5.1 Representations from both Police and Environmental Health are at Appendix 3 of this report. This includes correspondence between the agent acting on behalf of the applicant and Police. Within this correspondence changes to the times of Licensable Activities and conditions applied for have been agreed.

Other Persons:

10.5.2 The Council has received nineteen valid written objections to this application. These objections are attached at Appendix 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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Designation: Licensing Officer

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**APPENDICES**

Appendix 1 –Application form and Notice

Appendix 2 – Map

Appendix 3 – Representations from RA's

Appendix 4 – Representations from objectors