

CHESHIRE EAST COUNCIL

LICENSING SUB-COMMITTEE

Date of meeting: 17 March 2010
Report of: CAROLE KERR, LICENSING OFFICER
Title: APPLICATION FOR A PREMISES LICENCE.
LAND AT BRIDGEMERE LANE, HUNSTERTON, NANTWICH.

1.0 Report Summary

- 1.1 The report provides details of an application for a Premises licence on land at Bridgemere Lane, Hunsterton, Nantwich. Representations to the application have been received from twenty one interested parties.

2.0 Recommendations

- 2.1 The Licensing Sub-Committee is requested to:
- 2.1.1 consider the representations received; and
- 2.1.2 determine the application for the grant of a Premises licence

3.0 Reasons for Recommendations

- 3.1. The Licensing Sub-Committee has the power to determine this application. The Sub-Committee is asked to make the decision within 2.1 above taking into consideration the promotion of the licensing objectives and must also have regard to the Council's Statement of Licensing Policy and Guidance published under section 182 of the Licensing Act 2003.

4.0 Wards affected

- 4.1. Hunsterton and Hatherton Wards.

5.0 Local Ward Members

- 5.1 Cllr D Brickhill, Cllr J Hammond, Cllr R Walker.

6.0 Policy Implications

- 6.1 The Council has adopted a Statement of Licensing Policy under the 2003 Act relating to its functions as a Licensing Authority under the Act.

7.0. Financial Implications for transition Costs (Authorised by the Borough Treasurer)

- 7.1. None.

8.0. Financial Implications 2010/2011 and beyond (Authorised by the Borough Treasurer)

8.1 None.

9.0. Legal Implications (Authorised by the Borough Solicitor)

9.1 Section 18(6) of the 2003 Act states that for the purposes of an application for a Premises Licence under section 17, 'relevant representations' means representations which -

(a) are about the likely effects on the grant of the application on the promotion of the licensing objectives (i.e. the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm), and (b) meet the requirements of sub-section (7)

Sub-section 18(7)(a) provides that the requirements include "that the representations are made by an interested party or a responsible authority within the period prescribed under section 17(5)(c) (the prescribed period for these purposes is the period of twenty-eight consecutive days starting on the day after the day on which the application was given to the licensing authority).

An 'interested party' for the purpose of the Act (as defined by section 13(3)) means: (a) a person living in the vicinity of the premises; (b) a body representing persons who live in that vicinity; (c) a person involved in a business in that vicinity; and (d) a body representing persons involved in such businesses.

9.2 In accordance with the provisions of section 18 of the Licensing Act 2003, in determining the application, the Licensing Authority must, having regard to the representations, take such steps (if any) as it considers necessary for the promotion of the licensing objectives. Section 18 provides that the authority may;

(a) grant the licence subject to conditions

(b) exclude from the scope of the licence any of the licensable activities to which the application relates.

(c) refuse to specify a person on the licence as the premises supervisor,

(d) reject the application.

10.0 Risk Management

10.1. The Licensing Sub-Committee will hear representations made on behalf of both the applicant and the objectors and will make a decision on the basis of the evidence presented to it. The Act provides a right of appeal to the Magistrates Court against the decision of the Licensing Authority.

11.0 Background and Options

11.1 On 11th December 2009 an application was submitted by Mr Fletcher Strickland for a Premises Licence on land at Bridgemere Lane, Hunsterson.

11.2 The application is to provide live and recorded music and facilities for making music from 13:00 hours to 23:00

hours on a Sunday between May and September (date unspecified). The applicant has also requested that if granted, he be allowed to use the licence for a maximum of two events in a 12 month period. Alcohol will not be sold or supplied at the event but members of the public may bring their own alcohol.

The applicant has described the steps he intends to take to promote the four licensing objectives; details of these steps are set out within Appendix A.

11.3. The application site is a 7 acre field leading directly off Bridgemere Lane and separated from the road by a narrow grass verge. The perimeter of the field is bounded on all sides by a hedgerow and there is a lake at the bottom of the field. Parking for vehicles will be provided on the field at the entrance from Bridgemere Lane. Two residential dwellings share a boundary with the application site.

11.4. Relevant Representations. Responsible Authorities.

11.4.1 The Police do not object to the application but the applicant has agreed to three conditions requested by the Police; these are listed at Appendix B

11.4.2 The Environmental Health Service have submitted a representation advising that they do not object to the grant of the licence, subject to the imposition of a number of conditions. The Environmental Health representation is attached as Appendix C.

11.4.3. Public Objections

Representations have been received from 21 objectors in the vicinity of the land. The writers all express concern regarding the potential for disorder and disturbance from amplified music in the open air. The representations have been made under the Licensing Objective of the prevention of public nuisance. Letters are appended to the report at Appendix D

11.5 In making its decision, the Sub-Committee must have regard to the representations from Environmental Health, the Police and those received from interested parties.

12.0 Overview of Year one and Term one Issues.

12.1 Not applicable .

13.0 Access to Information.

There are no background papers associated with this report.

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Appendix- A- Promotion of Licensing Objectives.
Appendix B – Observations of the Police
Appendix C – Observations of Environmental Health.
Appendix D- Observations of interested parties