

# CHESHIRE EAST COUNCIL

## REPORT TO: LICENSING ACT SUB-COMMITTEE

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| <b>Date of Meeting:</b> | <b>Wednesday 20th September 2017 09.30am</b>   |
| <b>Report of:</b>       | <b>Jennifer Knight, Licensing Officer</b>  |
| <b>Subject/Title:</b>   | <b>Application for Variation to the Premises Licence at<br/>The W heatsheaf, 1 Hightown, Sandbach, Cheshire<br/>CW11 1AG</b> |

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### 1.0 Report Summary

- 1.1 The report provides details of an application for a Variation to 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 for a Variation to a premises licence by W heatsheaf (Sandbach) Ltd, in respect of:

**The W heatsheaf  
1 Hightown, Sandbach, Cheshire CW11 1AG**

- 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 Sandbach Town

### **5.0 Local Ward Members**

Councillor Barry Moran

### **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:

The Statement of Licensing Policy has a specific section relating to noise nuisance. This section is reproduced for the benefit of the sub-committee at appendix 3

6.3 Members should provide reason(s) for any decision taken and should set out the 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 initially received on the 27<sup>th</sup> August 2017. The application is for a Variation to a Premises Licence under section 34 of the Licensing Act 2003.

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

Extend the licensable area into the coaching arch and extend the bar area.

- 10.3 The existing licensable hours are as follows:

There are no proposals to changes any licensable hours and that they will remain the same as those on the existing Premises Licence attached as Appendix 4.

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

- 10.5 Relevant Representations are attached as Appendix 2.

### Responsible Authorities:

- 10.8 Cheshire Police have no objections  
10.7 Environmental Protection has no objections

### Other Persons:

- 10.6 The Council has received one objection to the application

## **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 and the proposed plan
- Appendix 2 – Objections
- Appendix 3 – Relevant sections of the Licensing Policy
- Appendix 4 – Premises Licence Summary and existing plan
- Appendix 5 – Site plan of premises