

Version
Number:

Key Decision Y/N

Date First
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Licensing Act Sub-Committee

Date of Meeting: 7th September 2020

Report Title: Application for a new Premises Licence at Dorfold Hall & Grounds, Chester Road, Acton, Cheshire, CW5 8LD

Senior Officer: Frank Jordan - Executive Director Places

1. Report Summary

- 1.1. The report provides details of an application made for a Premises Licence under the Licensing Act 2003 together with a valid objection.

2. Recommendations

- 2.1. The Licensing Act Sub-Committee is requested to determine the application for a Premises Licence in respect of:

Dorfold Hall & Grounds
Chester Road
Acton
Cheshire
CW5 8LD

- 2.2. The Licensing Act Sub-Committee is requested to consider the Application and any relevant representations and determine what steps, if any, it considers are appropriate to promote the Licensing Objectives.

- 2.3. Acting in the capacity of the Licensing Authority, Members must seek to promote the Licensing Objectives. And where Members consider that 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

3. 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, and provide the key reasons why the recommendation/s has been made. Link your reasons into appropriate council policies and corporate objectives.

4. Other Options Considered

4.1. Not applicable

5. Background

5.1. An application for a new premises licence was received by this Authority on 14th July 2020 for the following premises:

Dorfold Hall & Grounds
Chester Road
Acton
Cheshire
CW5 8LD

5.2. The premises are a stately home and grounds. The applicant operates it as a wedding and event venue that also provides accommodation.

5.3. A copy of the application can be found at Appendix 1.

5.4. It is intended that the estate will be open to the public 24 hours a day due to the on site accommodation. The sale of alcohol will be permitted 24 hours a day to estate residents and their bona fide guests, as will late night refreshment and films for on site accommodation. For those who are not residents and guests, the applicant states that the hours will be as specified.

5.5. The application is also to licence the whole estate as shown on Plan 1 of the application, set out at Appendix 2. This is to allow licensable activities throughout the estate, but ordinarily in specific buildings and areas.

5.6. Those areas are:

i) The marquee (which the applicant states shall continue to be used until around May 2021);

ii) Dorfold Hall itself, the internal layout of which is shown on Plan 2 of the application and set out at Appendix 3;

iii) The newly developed buildings 'L'Ecurie', 'The Tack Room' and 'The Potting Shed'. The internal layouts of those buildings are shown on both Plan 3 of the application, set out at Appendix 4 and Plan 3A, set out at Appendix 5;

iv) 'The Laundry House', which the applicant has stated will not be utilised for licensable activities until a later date. The applicant has also stated that internal layouts for that building will be submitted by way of further a application in due course.

5.4. A further selection of maps showing the location are set out at Appendix 6.

5.7. Of note, the above location currently operates under the authority of a Premises Licence that was issued on 29th December 2016. A copy of that Premises Licence (PREM1065) is attached at Appendix 7, while a copy of the map showing the area currently licensed is set out at Appendix 8.

5.8. If this application is approved the applicant will surrender PREM1065.

5.9. Statutory Notices at the premises were inspected by a Licensing Officer on 21st July 2020.

5.10. A Statutory Notice was advertised within a newspaper on 22nd July 2020.

5.11. During the statutory consultation period Environmental Health have recommended the following conditions:

i) When amplified musical entertainment is taking place inside the premises after 23.00 windows and doors, save for entrance and exit purposes, shall be kept shut.

ii) The Licence Holder/Designated Premises Supervisor or responsible person nominated by him in charge of the Premises shall ensure that any noise emanating from the Premises is not audible at the boundary of noise sensitive properties.

iii) Door staff must request customers to leave the area quickly and quietly.

iv) There shall be notices located at the exit(s) requesting that customers leaving the premises do so quietly and with consideration to neighbours.

v) There shall be no disposal of bottles outside the premises between the hours of 21.00 and 09.00.

- 5.12. A copy of the response from Environmental Health is located at Appendix 9.
- 5.13. One objection to the application was received by this Authority during the statutory consultation period. The representation from a member of the public was in relation to noise, the nature of which falls under the Licensing Objective 'the prevention of public nuisance'. A copy of that representation is at Appendix 10.

6. Implications of the Recommendations

6.1. Legal Implications

6.1.1. 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 conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the authority considers appropriate for the promotion of the licensing objectives and any mandatory conditions that must be included on the licence in accordance with the Licensing Act 2003;
- b) Exclude from the scope of the licence any of the Licensable Activities to which the application relates;
- c) Refuse to specify a person in the licence as the Premises Supervisor;
- d) Reject the application.

6.1.2. Members are reminded that should any conditions be added, they should be practical, enforceable and appropriate to promote the Licensing Objectives.

6.1.3. 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.

6.2. Finance Implications

6.2.1. There are no financial implications

6.3. Policy Implications

6.3.1. The Licensing Authority has adopted a Statement of Licensing Policy in accordance with section 5 of the Licensing Act 2003.

6.3.2. The Licensing Authority must also have due regard to the guidance issued under section 182 of the Licensing Act 2003.

6.3.3. 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.

6.4. Equality Implications

6.4.1. There are no direct equality implications

6.5. Human Resources Implications

6.5.1. There are no human resources implications

6.6. Risk Management Implications

6.6.1. The Licensing Sub-Committee will hear representations made on behalf of both the applicant and the 'relevant person' who has submitted their representation and will make a decision on the basis of the evidence presented to it. The Licensing Act 2003 makes provision for appeal to the Magistrates' Court of any decision made by the Licensing Authority.

6.7. Rural Communities Implications

6.7.1. There are no direct implications for rural communities.

6.8. Implications for Children & Young People/Cared for Children

6.8.1. There are no direct implications for children and young people.

6.9. Public Health Implications

6.9.1. There are no direct implications for public health.

6.10. Climate Change Implications

6.11. There are no direct implications for Climate Change

7. Ward Members Affected

7.1. Councillor Sarah Pochin

8. Consultation & Engagement

8.1. Consultation in respect of submitting an application for a Premises Licence is prescribed in the Licensing Act 2003 and has been fully complied with.

9. Access to Information

9.1 The background papers relating to this report can be made available by contacting the report writer.

10. Contact Information

10.1. Any questions relating to this report should be directed to the following officer:

Name: Richard Hellon

Job Title: Licensing Enforcement Officer

Email: Richard.hellon@cheshireeast.gov.uk

11. Version Control

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Date	Version	Author	Meeting report presented to	Consultees		Summary of amendments made
				Name of officers consulted	Date consulted	