

Version
Number:

Key Decision Y/N

Date First
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Licensing Act Sub Committee

Date of Meeting: 28th September 2020

Report Title: Application for a Premises Licence at Langley Cricket Club,
Cock Hall Lane, Langley, Sutton, SK11 0DE

Senior Officer: Frank Jordan - Executive Director Places

1. Report Summary

- 1.1. The report provides details of an application for a Premises Licence, under section 17 of the Licensing Act 2003 and outlines the evidence presented by the parties in relation to the new grant application.

2. Recommendations

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

Langley Cricket Club
Cock Hall Lane
Langley
Sutton
SK11 0DE

- 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

2.4. 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 the application and the evidence presented by the parties in relation to the review.

2.5. Finally, Members are also reminded that in determining the application, consideration also needs to be given to:

- a) The rules of natural justice;
- b) The provisions of the Human Rights Act 1998.

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.

4. Other Options Considered

4.1. Not applicable.

5. Background

5.1. The application for a premises licence was originally received on the 4th August 2020 and was sent out for consultation on the 5th August 2020. This application has been made to replace the current Club Premises Certificate, licence CL/0019, of which is set out in **Appendix 5**.

5.2. The operating schedule indicates that the relevant licensable activities applied for are:

- Provision of films
- Provision of live music
- Provision of recorded music
- Provision of performance of dance
- Late night refreshment
- Supply of alcohol

5.3. The hours applied for are as followed:

- Provision of films
Monday to Thursday – 10:00 to 23:00
Friday to Saturday – 10:00 to 00:00
Sunday – 10:00 to 22:30
- Provision of live music
Monday to Thursday – 10:00 to 23:00
Friday to Saturday – 10:00 to 00:00
Sunday – 10:00 to 22:30
- Provision of recorded music
Monday to Thursday – 10:00 to 23:00
Friday to Saturday – 10:00 to 00:00
Sunday – 10:00 to 22:30
- Provision of performance of dance
Monday to Thursday – 10:00 to 23:00
Friday to Saturday – 10:00 to 00:00
Sunday – 10:00 to 22:30
- Late night refreshment
Friday to Saturday – 23:00 to 00:00
- Supply of alcohol
Monday to Thursday – 10:00 to 23:00
Friday to Saturday – 10:00 to 00:00
Sunday – 10:00 to 22:30
- Nonstandard timings for the above activities
From the start time on New Year's Eve to the terminal hour for New Year's Day. On days preceding Bank Holidays: until 00:00

The full details of the application are set out at **Appendix 1**

5.4. Responsible Authorities:

- 5.4.1. The Licensing Team have not received representations from any of the responsible authorities however Environmental Health proposed conditions to the applicant which have not been agreed upon before the

consultation end date. The proposed conditions are set out in **Appendix 4**.

5.5. Other Persons:

5.5.1. The Council has received 6 representations against the application and 1 representation of support from members of the public, which are set out at **Appendix 2**.

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

6.10.1 There are no direct implications for public health.

6.10. Climate Change Implications

6.10.1. There are no direct implications for Climate Change.

7. Ward Members Affected

7.1. Sutton – Councilor Andrew Gregory.

8. Consultation & Engagement

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

8.2. There has been some issue raised by objectors as to the validity of the Notice advertising the application and placed at the premises. The requirement for notices advertising the application and the form and content of the notice are set out within regulation 25 of the The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005. The Notices were inspected by a Licensing Officer on the 8th August 2020. Two notices were identified and a photograph was taken of one of the notices. The Officer confirmed that the Notices were compliant with the regulations. Following the points made in relation to its validity, the Licensing Team have reviewed the photograph of the Notice taken by the Officer. We have confirmed that the Notice is fully compliant with the requirements. However, a number of cases have considered the validity of notices and where there is substantial compliance and no significant prejudice it is likely that Notices with some defects would still be considered as valid.

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: Nathan Murphy

Job Title: Acting Senior Licensing Officer

Email: nathan.murphy@cheshireeast.gov.uk

Appendix 1 – Application

Appendix 2 – Representations submitted from Other Persons

Appendix 3 – Map of area and plan of the Premises