

Version  
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Key Decision Y/N

Date First  
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## Licensing Act Sub-Committee

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**Date of Meeting:** 15<sup>th</sup> December 2020

**Report Title:** Application for a new Premises Licence at The Tytherington Club, 90 Dorchester Way, Macclesfield, SK10 2JP

**Senior Officer:** Frank Jordan – Executive Director Places

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### 1. Report Summary

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

### 2. Recommendations

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

The Tytherington Club  
90 Dorchester Way  
Macclesfield  
SK10 2JP

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 28<sup>th</sup> October 2020 for the following:

The Tytherington Club  
90 Dorchester Way  
Macclesfield  
SK10 2JP

5.2. The premises are a hotel that also provides a gym, health spa and golf course. The application relates to the following licensable activities:

- i) live music (indoors and outdoors);
- ii) recorded music (indoors and outdoors);
- iii) the provision of performances of dance indoors (indoors);
- iv) anything of a similar description to live music, recorded music, or performances of dance (indoors);
- v) late night refreshment (indoors);
- vi) the supply of alcohol (on the premises).

5.3. A full copy of the Application Form setting out the start and finish times applied for is attached at Appendix 1.

5.4. The applicant's proposed plan of the licensed area is attached at Appendix 2.

- 5.5. To assist Members with the location of the premises a further plan is attached at Appendix 3.
- 5.6. The premises currently operate under a Premises Licence already in place (PR/0309). A copy of that Premises Licence is attached at Appendix 4.
- 5.7. If this application is approved the applicant will surrender PR/0309.
- 5.8. A Statutory Notice at the premises was inspected by a Licensing Officer on 3<sup>rd</sup> November 2020.
- 5.9. A Statutory Notice was advertised within a newspaper on 4<sup>th</sup> November 2020.
- 5.10. During the statutory consultation period Environmental Health have approved the application. A copy of the response from Environmental Health is located at Appendix 5.
- 5.11. Cheshire Constabulary have also responded within the statutory consultation period. They have recommended certain conditions to be added to the new Premises Licence which the applicant has subsequently agreed to. A copy of Cheshire Constabulary's response is attached at Appendix 6.
- 5.12. Valid objections have been received in relation to this application. Copies of those objections are attached at Appendices 7 to 33.
- 5.13. One invalid objection was received during the statutory consultation period. Due to it being invalid it is not included as an appendix.
- 5.14. On the 20<sup>th</sup> November the Licensing Team received an email from the General Manager, Mr Jamie McDonald. Mr McDonald explained that given the concerns of residents in relation to music on the patio area, they would be prepared to modify their application. Originally, the Club applied for 24 hour permission to play music in this area and would be prepared to change this to midnight.

## **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. Cllr David Edwardes

7.2. Cllr Lloyd Roberts

## **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](mailto:Richard.hellon@cheshireeast.gov.uk)

**Appendices:**

**1 – Application Form**

**2 – Proposed Plan**

**3 – Location Plan**

**4 – Current Premises Licence**

**5 – Environmental Health Response**

**6 – Police Response**

**7 to 33 – Valid objections**