

Version
Number:

Key Decision Y/N

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Licensing Act Sub Committee

Date of Meeting: 5th February 2021

Report Title: Application for a Premises Licence at La Petite Frog, South Park, Park Grove, Macclesfield, SK11 8AD

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 Kaye Harrison, in respect of:

La Petite Frog
South Park
Park Grove
Macclesfield
SK11 8AD

- 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 7th October 2020 however due to missing documents, information and payment it was not sent for consultation. The application was resubmitted on the 30th November 2020 however again the application had missing supporting documentation and the form itself had contradicting information. The application was finally completed and sent out for consultation on the 10th December 2020.

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

- The Sale and Supply of Alcohol for Consumption Both On and Off the Premises.

5.3. The hours applied for are as followed:

- Supply of alcohol
Monday to Sunday 11:00 to 22:00.

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.

5.5. Other Persons:

5.5.1. The Council has received 5 representations against the application which are set out at **Appendix 2**.

5.5.2. The Licensing Team have also been contacted by ANSA Parks, landowner of South Park, who have informed us that they do not give permission for the area to be used on a daily basis but only for events at the park. This email is set out in **Appendix 4**.

5.5.3. An objector has raised the issue that South Park has controls on the consumption of alcohol by way of a Designated Public Place Order (DPPOs). This Order would have been made by the former Borough of Macclesfield. The Anti-social Behaviour, Crime and Policing Act 2014 contained provisions that changed DPPOs into Public Space Protection Orders (PSPOs). A PSPO is only extant for three years and will expire if not renewed. All DPPOs that became PSPOs therefore expired in November 2019 if not renewed. A decision was taken not to renew any such PSPOs due to a lack of supporting evidence for their continuation. Any signage is being periodically removed. Therefore, South Park does not have any controls on the consumption of alcohol from a DPPO or PSPO. This point should therefore be given the appropriate weight by the Sub-Committee

5.5.4. Objections have also been raised on the basis of need for this licence to be granted. Members will be aware that need is not a consideration that the Licensing Sub-Committee can take into consideration.

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. Macclesfield Central – Councillor Liz Braithwaite

7.2. Macclesfield Central – Councillor Ashley Farrall

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.

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

Appendix 4 – ANSA Parks email