

Version
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Key Decision ?

Date First
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Cabinet

Date of Meeting: 30th April 2021

Report Title: Application for a full variation of the Premises Licence at The Bar,
58 Sandbach Road South, Alsager, ST7 2LP.

Portfolio Holder: Cllr Mick Warren, Communities

Senior Officer: Frank Jordan, Executive Director Place

1. Report Summary

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

2. Recommendations

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

The Bar
58 Sandbach Road South
Alsager
ST7 2LP

- 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 Recommendation/s

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 full variation of a Premises Licence was received by this Authority on 8th March 2021 for the following premises:

The Bar
58 Sandbach Road South
Alsager
ST7 2LP

- 5.2. The premises is a mid-terraced commercial property, selling craft ales and spirits for consumption both on and off the premises.
- 5.3. The Premises Licence currently in place at the above address is PREM1186. A copy of that Premises Licence is attached at **Appendix 1**.
- 5.4. The applicant has applied to vary Premises Licence PREM1186. The variation sought is to extend the hours authorising the sale of alcohol, together with the opening hours. A copy of the application is attached at **Appendix 2**.
- 5.5. For ease of comparison between the current standard times authorising the sale of alcohol on PREM1186 and the standard times sought within the application, a table has been provided for Members below (*Table A*).
- 5.6. Members will note that within the application both the extended standard times sought to authorise the sale of alcohol and the extended times sought to open the premises are exactly the same.

5.7. *Table A:*

Day of week	Sale of alc. start time		Sale of alc. finish time	
	Current	Sought	Current	Sought
Monday	16:00	14:00	23:00	23:00
Tuesday	16:00	14:00	21:00	23:00
Wednesday	16:00	14:00	21:00	23:00
Thursday	16:00	14:00	23:00	23:00
Friday	14:00	12:00	00:00	00:00
Saturday	12:00	12:00	00:00	00:00
Sunday	12:00	12:00	21:00	23:00

5.8. The non-standard times currently authorising the sale of alcohol under PREM1186 are set out in the following table (*Table B*):

5.9. *Table B:*

Event	Start time	Finish time
Christmas Eve	12:00	23:00
New Year's Eve	12:00	01:00
Alsager Christmas Lights Switch On	12:00	23:00
Sunday before a bank holiday	12:00	23:00

5.10. Only one extension of non-standard times authorising the sale of alcohol is sought within this application. The one extension to alcohol sales sought is shown in the following table (*Table C*):

5.11. *Table C:*

Event	Start time sought	Finish time sought
Sunday before a bank holiday	12:00	00:00

5.12. The non-standard opening times sought within the application mirror all of the above non-standard licensable hours.

5.13. Plans submitted with the application are attached at **Appendix 3** and **Appendix 4**. Members will note that the plan remains the same as that which is currently in place and no variation has been sought to alter the licensed area of the premises.

5.14. To assist Members two locational maps are attached at **Appendix 5** and **Appendix 6**.

5.15. A Statutory Notice was advertised within a local newspaper on 11th March 2021.

- 5.16. A Statutory Notice at the premises was inspected by a Licensing Officer on 16th March 2021.
- 5.17. Three objections have been received in relation to this application. Those objections relate to the Licensing Objective 'The prevention of public nuisance'. Copies of those objections can be found from **Appendix 7** to **Appendix 9**.
- 5.18. During the statutory consultation period Environmental Protection have recommended that the application be approved without any conditions being attached. A copy of the response from Environmental Health can be found at **Appendix 10**.
- 5.19. During the statutory consultation period no response was received from Police.

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 June Buckley

7.2. Cllr Rod Fletcher

7.3. Cllr Phil Williams

8. Consultation & Engagement

8.1. Consultation in respect of submitting an application for a full variation of 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

Appendices summary:

Appendix 1 – Current Premises Licence

Appendix 2 – Application form

Appendix 3 – Plan

Appendix 4 – Plan

Appendix 5 – Locational map

Appendix 6 – Locational map

Appendix 7 – Valid objection

Appendix 8 – Valid objection

Appendix 9 – Valid objection

Appendix 10 – Environmental Health response