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Key Decision Y/N

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## Licensing Act Sub Committee

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**Date of Meeting:** 4<sup>th</sup> May 2021

**Report Title:** Application for a Premises Licence at the Car Park & Beer Gardens at The Vale Inn, The Vale, 29-31 Adlington Road, Bollington, SK10 5JT

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

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### 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 The Vale Inn Limited, in respect of:

Car Park & Beer Gardens at The Vale Inn  
The Vale  
29-31 Adlington Road,  
Bollington,  
SK10 5JT

- 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. On 19<sup>th</sup> March 2021 an application was received by the Licensing Department for the grant of a Premises Licence in respect of The Vale Inn. The application was sent for consultation on the same date, 19<sup>th</sup> March 2021. The last date for representations to be made was 16<sup>th</sup> April 2021. A copy of the full application is attached to this report at **Appendix 1**.

5.2. A map of the area in which the premises is located is attached to this report at **Appendix 5**.

5.3. On 15<sup>th</sup> April 2021 a Licensing Enforcement Officer inspected the Public Notices required to be displayed at the proposed premises, and obtained site photographs. Such photographs are attached to this report at **Appendix 6**.

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

- Supply of alcohol
- Provision of Recorded Music

5.5. The hours applied for are as follows:

- Supply of alcohol (for consumption off the premises)  
Monday to Sunday – 12:00 to 22:00
- Provision of Recorded Music  
Monday to Sunday – 12:00 to 22:00

5.6. Responsible Authorities:

5.6.1. On 16<sup>th</sup> April 2021 the Licensing Team received an email from Cheshire Constabulary confirming they had entered into dialogue with the applicant during the consultation period, and that their proposed conditions had been expressly agreed by the applicant. The proposed conditions, and the applicant's agreement, are set out in **Appendix 2**.

5.6.2. On 16<sup>th</sup> April 2021 the Licensing Team received an email from Cheshire East Council's Environmental Health department confirming that they agreed to the application with conditions. The Environmental Health department have confirmed that their proposed conditions have been presented to the applicant, who is agreeable to the same. The proposed conditions are set out in **Appendix 3**.

5.7. Other Persons:

5.7.1. The Council has received representations against the application, from two residents sharing the same address. A letter was received by the Licensing Department dated 24<sup>th</sup> March 2021, and a subsequent letter was also received from the same two residents on 8<sup>th</sup> April 2021, which are set out at **Appendix 4**.

## 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. | Bollington –               | Councillor James Nicholas   |
| 7.2. | Bollington –               | Councillor Amanda Stott     |
| 7.3. | Poynton West & Adlington - | Councillor Michael Beanland |
| 7.4. | Poynton West & Adlington - | Councillor Mike Sewart      |

### **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: Martin Kilduff

Job Title: Licensing Enforcement Officer

Email: [martin.kilduff@cheshireeast.gov.uk](mailto:martin.kilduff@cheshireeast.gov.uk)

Appendix 1 – Application & plan of premises

Appendix 2 – Police Representations & proposed conditions

Appendix 3 - Representations submitted from Environmental Health

Appendix 4 – Representations from members of the public

Appendix 5 - Map of area

Appendix 6 - Site photos