

CHESHIRE EAST COUNCIL

REPORT TO: LICENSING ACT SUB-COMMITTEE

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| Date of Meeting: | 27 September 2010 |
| Report of: | Mr J Hopper, Licensing Officer |
| Subject/Title: | Application for a Premises Licence – Park Tavern, 158 Park Lane, Macclesfield, Cheshire |

1.0 Report Summary

- 1.1 The report provides details of an application for a premises licence together with information as to representations received in relation to the application.

2.0 Recommendations

The Licensing Act Sub-Committee is requested to determine the application for a Premises Licence by Vale Inn Ltd in respect of Park Tavern, 158 Park Lane, Macclesfield, Cheshire.

3.0 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.

4.0 Wards Affected

- 4.1 Macclesfield Forest

5.0 Local Ward Members

Cllr Asquith
Cllr Gaddum
Cllr Smetham

6.0 Policy Implications

- 6.1 The Licensing Authority has adopted a Statement of Licensing Policy in accordance with section 5 of the Licensing Act 2003 and Guidance issued under section 182 of the Act.

7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)

- 7.1 Not applicable.

8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)

- 8.1 Not applicable.

9.0 Legal Implications (Authorised by the Borough Solicitor)

9.1 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 necessary for the promotion of the licensing objectives. Section 18(4) provides that the authority may (a) grant the licence subject to conditions; (b) exclude from the scope of the licence any of the licensable activities to which the application relates; (c) to refuse to specify a person in the licence as the premises supervisor; or (d) to reject the application.

10.0 Risk Management

10.1 Section 181 and Schedule 5 of the Licensing Act 2003 make provision for appeal to the Magistrates' Court of any decision made by the Licensing Authority.

11.0 Background and Options

11.1 The application is for Premises Licence granted under Section 17 of the Licensing Act 2003.

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

Films

Recorded Music

Sale and supply of alcohol

Late Night Refreshment

11.3 The hours applied for are as follows:

Films

Monday to Sunday 12.00 to 24.00

The exhibition of films will take place indoors.

Recorded Music

Monday to Sunday 10.00 to 24.00

The playing of recorded music will take place indoors.

Seasonal variations: Christmas Eve – extend terminal hour by 2 hours, New Years Eve – Extend terminal hour up until start of New Years Day trading.

Sale and supply of alcohol

Monday to Sunday 12.00 to 24.00

The supply of alcohol will be for consumption both on and off the premises.

Seasonal variations: Christmas Eve – extend terminal hour by 2 hours, New Years Eve – Extend terminal hour up until start of permitted hours on New Years Day

Late Night Refreshment

Monday to Sunday 23.00 to 24.00

The provision of late night refreshment will take place indoors.

Seasonal variations: Christmas Eve – extend terminal hour by 2 hours, New Years Eve – Extend terminal hour up until start of New Years Day trading.

11.4 Designated Premises Supervisor: Mr Lee Wainwright

11.5 **Hours Premises are open to the public**

Monday to Sunday 10.00 to 00.30

Seasonal variations: Christmas Eve – extend terminal hour by 2 hours, New Years Eve – Extend terminal hour up until start of permitted hours on New Years Day.

11.6 The operating schedule includes the following steps to promote the licensing objectives:

(a) Prevention of crime and disorder

We will not serve people who are already drunk and we will stop serving people we deem to have had too much.

We will keep drugs out of the pub. We will keep trouble makers and known problem causers out.

A sign will be displayed on the premises indicating the normal hours during which the sale of alcohol is permitted.

(b) Public safety

We will provide taxi numbers for customers to get home safely.

We will provide the relevant electrical and fire certificates. We will carry out and implement a health and safety risk assessments.

(c) Prevention of public nuisance

We will put up quiet notices at the front and back doors of the pub to encourage people to leave quietly and keep the noise down in the beer garden.

(d) Protection of children from harm

We will only allow children in the pub if they are properly supervised at all times.

We will operate a Challenge 25 policy – confirming age only acceptable with photo type driving licence or passport.

11.7 Relevant Representations:

Responsible Authorities

11.7.1 The Police state in their response:

Application received 10 August 2010 for the Grant of a Premises Licence in relation to the Park Tavern, Park Lane, Macclesfield. The application made by Lee Wainwright.

This application supersedes a previous application dated 13 July 2010 due to discrepancies in the legal notices which are required to be advertised.

Until April 2009 when the Premises Licence was surrendered by Robinsons Brewery the premises had operated for many years as a public house but, due in some part to the conduct of the last DPS, the business degenerated which caused Robinsons to make the decision to close.

The new application will see the premises re-open as a community public house by the applicant who also runs the successful Vale Inn, Bollington and included within the application is a facility to show films which will be in a separate function room that will also be available for private hire on an occasional basis.

The applicant seeks to have 'Recorded Music' only as a background and the 'Supply of Alcohol' will be from 1200 to 2400 whereas the previous licence was from 1100 to 0030hours.

The applicant is fully aware of the previous history of the premises and is mindful of the needs of residents in Ryle Street & Park Lane around the premises.

Challenge 25 will be operated and subject to any recommendations from the other statutory authorities there are No Police Representations.

11.7.2 Environmental Health – State in their reply:

Re . Park Tavern, 158 Park Lane, Macclesfield - application for a premises licence

Applicant : Vale Inn Ltd, 29-31 Adlington Road, Bollington (Lee Wainwright)

I would advise that the Environmental Health Service has considered the above application for a premises licence in terms of the licensing objective of 'the prevention of public nuisance' and would recommend that the following points form a condition of the premises licence :-

1. The outdoor area to the rear of the Park Tavern (beer garden) shall not be used by patrons for any purpose after 21.00 hours on any day

2. Sign(s) shall be erected within the beer garden and by the access door to the beer garden to request patrons to be considerate of the residential amenity of neighbours in terms of noise.

3. Sign(s) shall be erected by the front door to request that patrons leave the premises quietly in terms of respecting the residential amenity of neighbours.

11.7.3 Cheshire Fire Service – No comment.

11.7.4 Local Planning Authority – No response received.

11.7.5 Local Safeguarding Children Board – As Police response.

11.7.5 Health and Safety Officer – No comment.

11.7.6 Trading Standards – No response received.

Interested Parties

The Licensing Authority has received representation from ten neighbour objectors. Details of these representations are appended to this report.

12.0 Overview of Year One and Term One Issues

12.1 Not applicable

13.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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APPENDICES

Appendix 1 – 10 Neighbour Objections
Appendix 11 – Plan of area