

Version
Number:

Key Decision Y/N

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Licensing Act Sub Committee

Date of Meeting: 10th September 2021

Report Title: Application for a Premises Licence at Turquoise Garden, 1-3 Park Lane, Macclesfield, Cheshire, SK11 6TJ

Senior Officer: Paul Bayley - Director of Environment and Neighbourhood Services

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 Turquoise Garden Limited, in respect of:

Turquoise Garden
1-3 Park Lane
Macclesfield
Cheshire
SK11 6TJ

- 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 received on the 16th July 2021 however there were issues with the application regarding missing and contradicting information. The application was completed and valid as of the 21st July 2021 and sent out for consultation on the same day.

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

- Provision of live music indoors and outdoors
- Provision of recorded music indoors and outdoors
- Provision of performance of dance indoors and outdoors
- Provision of anything of a similar description to that falling within live music, recorded music or performance of dance indoors and outdoors

- The sale and supply of alcohol for consumption on and off the premises.

The provision of late night refreshment was also applied for however this was not applicable as the hours applied for were not between the licensable hours of 23:00 and 05:00.

5.3. The hours applied for are as followed:

- Live music
Friday to Sunday 17:00 to 21:30
- Recorded music
Monday to Sunday 10:00 to 23:00
- Performance of dance
Friday 17:00 to 23:00
Saturday and Sunday 10:00 to 23:00
- Anything of a similar description to that falling within live music, recorded music or performance of dance
Monday to Sunday 10:00 to 23:00
- Sale and supply of alcohol
Monday to Sunday 11:30 to 23:00

The full details of the application are set out at **Appendix 1**.

5.4. Responsible Authorities:

5.4.1. The Licensing Team have received agreed upon conditions from Cheshire Police to add additional conditions to the licence. These conditions are set out at **Appendix 3**. We have received no objections from Environmental Protection.

5.5. Other Persons:

5.5.1. The Council has received 1 representation against the application which is set out at **Appendix 2**.

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 – Councilor Liz Braithwaite

7.2. Macclesfield Central – Councilor 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 and plan

Appendix 2 – Representations submitted from Other Persons

Appendix 3 – Police representation

Appendix 4 – Map of area