

Version
Number:

Key Decision Y/N

Date First
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Licensing Act Sub Committee

Date of Meeting: 8th October 2021

Report Title: Application for a Premises Licence at Macclesfield FC,
Leasing.com Stadium, London Road, Macclesfield SK11 7SP

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 Macc Football Club Limited, in respect of:

Macclesfield FC, Leasing.com Stadium
London Road,
Macclesfield,
Cheshire East,
SK11 7SP

- 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 13th August 2021 an application was received by the Licensing Department for the grant of a Premises Licence in respect of Macclesfield FC, Leasing.com Stadium. The application was sent for consultation the same day on 13th August 2021. The last date for representations to be made was 10th September 2021. A copy of the full application is attached to this report at **Appendix 1**.

5.2. It is noted that the bar / restaurant, known as "Bar 27", located within the Leasing.com Stadium, and highlighted on the premises plan (Appendix 1) already has the benefit of a Premises Licence, and is not affected by this application.

5.3. It is noted that this is an application to licence the Leasing.com Stadium following the lapse of the previous licence. A copy of the previous Premises Licence is attached to this report for reference (Appendix 5).

5.4. A map of the area in which the premises is located is attached to this report at **Appendix 4**.

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

- Supply of alcohol
- Provision of Live Music
- Provision of Recorded Music

5.6. The hours applied for are as follows:

- Supply of alcohol (for consumption on the premises)
Monday to Sunday – 10:00 to 23:00hrs
- Provision of Live Music (Indoors & outdoors)
Monday to Sunday – 10:00 to 23:00hrs
- Provision of Recorded Music (Indoors)
Monday to Sunday – 10:00 to 23:00hrs

5.7. Responsible Authorities:

5.7.1. The Licensing Authority has not received representations from any of the responsible authorities. On 9th September 2021 the Licensing Authority received an email from Cheshire Constabulary confirming that they do not have any objections to this application. A copy of such email is attached to this report at **Appendix 2**.

5.8. Other Persons:

5.8.1. The Council has received one representation against the application, from a member of the public. Copies of the objections are attached to this report at **Appendix 3**.

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 South | – | Councillor Laura Jeuda |
| 7.2. | Macclesfield South | – | Councillor Brian Puddicombe |

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

Appendix 1 – Application & plan of premises

Appendix 2 – Email from Police 10/9/21 – No police objections

Appendix 3 – Representation from member of the public

Appendix 4 - Map of area

Appendix 5 - Copy of previous Premises Licence