

Select Destination of Report

Date of Meeting: 11th February 2022

Report Title: Application to vary a premises licence at: Ash Farm, Park Lane, Little Bollington, Altrincham, WA14 4TJ.

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

1. Report Summary

1.1. The report provides details of an application made to vary 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 to vary a Premises Licence in respect of:

Ash Farm
Park Lane
Little Bollington
Altrincham
WA14 4TJ

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. Only 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. An application by Mr David Taylor to vary a Premises Licence was received by this Authority on 22nd December 2021 for the following premises:

Ash Farm
Park Lane
Little Bollington
Altrincham
WA14 4TJ

5.2. The premises is a country farm house currently operating as a 'Bed and Breakfast' and offering afternoon tea. The applicant has explained that a building has been converted to an outside bar while the premises also has two acres of land, including a 'back field' which they intend to use.

5.3. As well as applying for particular licensable activities, the applicant has also applied to licence both the outside area and the buildings.

- 5.4. If successful the applicant intends to; sell food and alcohol to the general public from the outside bar; to serve food and alcohol from the barn as well as providing live and/or recorded music from that location; to use a marquee/tepee on the back field to serve food and alcohol as well as providing live and/or recorded music from that location; to also use the back field for one-off events; to use the farm house as a bed and breakfast to serve food and alcohol to guests; finally, to sell alcohol and food to the general public from a stall at the front gate for consumption off the premises.
- 5.5. Further details regarding the proposed nature of the business are found within the application form. A copy of the application can be found at **Appendix 1**.
- 5.6. The applicant's proposed plans for the outside licensed area and buildings, together with supporting keys and information, are attached from **Appendix 2** to **Appendix 5**.
- 5.7. To assist members with the location and surroundings of the premises further locational maps are attached at **Appendix 6** and **Appendix 7**.
- 5.8. As the application is a variation, Members will recognise that the premises already operates under the authority of a Premises Licence (PR/0132). The only Licensable Activity currently permitted is the sale and supply of alcohol for consumption *on* the premises. A copy of the extant Premises Licence PR/0132 is attached at **Appendix 8**.
- 5.9. An extant plan showing the area currently licensed is set out at **Appendix 9**.
- 5.10. The hours applied for by the applicant for the sale of alcohol are in fact the same as those currently permitted by PR/0132. Those hours are set out in the following table:

| | Start | End |
|------------------|--------------|------------|
| Monday | 10:00 | 00:00 |
| Tuesday | 10:00 | 00:00 |
| Wednesday | 10:00 | 00:00 |
| Thursday | 10:00 | 00:00 |
| Friday | 10:00 | 00:00 |
| Saturday | 10:00 | 00:00 |
| Sunday | 12:00 | 23:30 |

- 5.11. However, while PR/0132 only permits alcohol to be sold for consumption *on* the premises, this application seeks to vary that to the sale of alcohol for consumption both *on and off* the premises.
- 5.12. The non-standard time applied for within the application seeks to extend the sale of alcohol during New Years Eve until 02:00 the following day.
- 5.13. For comparison, the current equivalent non-standard time permitted by PR/0132 allows the sale of alcohol from the end of permitted hours on New Years Eve to the commencement of permitted hours on New Years Day.
- 5.14. The applicant has sought to add live music to PR/0132. The hours applied for to provide live music (both indoors *and* outdoors) are in the following table:

| | Start | End |
|------------------|--------------|------------|
| Monday | 08:00 | 00:00 |
| Tuesday | 08:00 | 00:00 |
| Wednesday | 08:00 | 00:00 |
| Thursday | 08:00 | 00:00 |
| Friday | 08:00 | 00:00 |
| Saturday | 08:00 | 00:00 |
| Sunday | 08:00 | 23:30 |

- 5.15. The non-standard time applied for within the application seeks to extend the provision of live music during New Years Eve until 02:00 the following day.
- 5.16. The applicant has also sought to add recorded music to PR/0132. The hours applied for to provide recorded music (both indoors *and* outdoors) are in the table on the following page:

| | Start | End |
|------------------|--------------|------------|
| Monday | 08:00 | 00:00 |
| Tuesday | 08:00 | 00:00 |
| Wednesday | 08:00 | 00:00 |
| Thursday | 08:00 | 00:00 |
| Friday | 08:00 | 00:00 |
| Saturday | 08:00 | 00:00 |
| Sunday | 08:00 | 23:30 |

5.17. The non-standard time applied for within the application seeks to extend the provision of recorded music during New Years Eve until 02:00 the following day.

5.18. With regard to the opening hours, those currently in operation can be compared with those sought by way of the following table:

| | Current opening hours | | <i>Proposed opening hours</i> | |
|------------------|------------------------------|---------------|-------------------------------|---------------|
| | Open | Closed | <i>Open</i> | <i>Closed</i> |
| Monday | 10:00 | 00:00 | <i>08:00</i> | <i>00:00</i> |
| Tuesday | 10:00 | 00:00 | <i>08:00</i> | <i>00:00</i> |
| Wednesday | 10:00 | 00:00 | <i>08:00</i> | <i>00:00</i> |
| Thursday | 10:00 | 00:00 | <i>08:00</i> | <i>00:00</i> |
| Friday | 10:00 | 00:00 | <i>08:00</i> | <i>00:00</i> |
| Saturday | 10:00 | 00:00 | <i>08:00</i> | <i>00:00</i> |
| Sunday | 12:00 | 23:30 | <i>08:00</i> | <i>23:30</i> |

5.19. The non-standard time applied for within the application seeks to extend the closing time during New Years Eve until 02:00 the following day.

5.20. The applicant has also applied to remove the following Conditions from within Annex 2 of Premises Licence PR/0132:

Condition 4: *The premises must be bona fide used for the purpose of:*

- (1) *habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises; and*
- (2) *habitually providing for reward board and lodging including breakfast and one other at least of the customary main meals.*

Condition 5: *There shall be afforded in the premises for persons provided with board and for lodging for reward adequate sitting accommodation in a room not used or to be used for sleeping accommodation for the service or substantial refreshment or for the supply or consumption of intoxicating liquor.*

Condition 6: *Music will not be played at the premises and evening entertainment will not be permitted.*

5.21. A Statutory Notice was advertised within a local newspaper on 6th January 2022, while a Statutory Notice at the premises was inspected by a Licensing Officer on 14th January 2022.

5.22. Objections have been received in relation to this application. Collectively those objections relate to all four of the Licensing Objectives:

- a) The prevention of crime and disorder
- b) Public Safety
- c) The prevention of public nuisance
- d) The protection of children from harm

5.23. Copies of those objections can be found from **Appendix 10** to **Appendix 16**.

5.24. Thirteen invalid objections were received and are not included as Appendices.

5.25. An additional valid objection was subsequently withdrawn following Conditions being agreed between Environmental Protection and the applicant. The representation from Environmental Protection related to the Licensing Objective 'The prevention of public nuisance'. A copy of the Conditions recommended by Environmental Protection and agreed to by the applicant can be found at **Appendix 17**.

5.26. Cheshire Constabulary also submitted a representation. That representation related to Licensing Objectives 'The protection of children from harm' and 'The prevention of crime and disorder'. All of the Conditions were subsequently agreed to by the applicant. The representation by Cheshire Constabulary can be found at **Appendix 18**.

5.27. In accordance with the provisions of section 34 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. The authority may:

- (a) modify the conditions of the licence;
- (b) reject the whole or part of the application;

6. Implications of the Recommendations

6.1. Legal Implications

- 6.1.1. The Licensing Act Sub-Committee must determine the application to vary the Premises Licence. A failure to do so is unlawful and challengeable on public law grounds.
- 6.1.2. The Sub Committee must hold a hearing to determine the application unless the applicant and objectors agree that a hearing is unnecessary.
- 6.1.3. Members are reminded that should any conditions be added, they should be practical, enforceable and appropriate to promote the Licensing Objectives.
- 6.1.4. 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.
- 6.1.5. A Premises Licence may not be varied so as to extend the period for which the licence has effect or vary substantially the premises to which it relates.

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. Councillor Kate Parkinson

8. Consultation & Engagement

8.1. Consultation in respect of submitting an application for 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

Appendix 1 – Application Form

Appendix 2 – Licensed Area Plan & Key

Appendix 3 – Plan of Barn - Downstairs

Appendix 4 – Plan of Barn - Upstairs

Appendix 5 – Supporting Information for Plans

Appendix 6 – Locational Map

Appendix 7 – Locational Map

Appendix 8 – Extant Premises Licence

Appendix 9 – Extant Licensed Area Plan

Appendices 10 to 16 – Objections from other persons

Appendix 17 – Representation from Responsible Authority – Environmental Protection

Appendix 18 – Representation from Responsible Authority – Cheshire Constabulary