

Licensing Act Sub Committee

Date of Meeting: Monday 11th April 2022 – 2.00pm

Report Title: Application for a Variation to a Premises Licence at Congleton Snooker Club, Royle Street, Congleton, CW12 1HR

Senior Officer: Paul Bayley –
Director of Neighbourhood & Environmental Services

1. Report Summary

- 1.1. The report provides details of an application for a variation to a Premises Licence, under section 34 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 Anthony Harry Heeley, in respect of:

Congleton Snooker Club
Royle Street
Congleton
CW12 1HR

- 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 application.

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 21st February 2022 an application was received by the Licensing Department for the variation of a Premises Licence in respect of Congleton Snooker Club, Royle Street, Congleton, CW12 1HR. The application was then sent for consultation. The last date for representations to be made was 21st March 2022. 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. The existing premises licence is attached to this report at **Appendix 4**.

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

- Sale and supply of alcohol for consumption on the premises
- The provision of indoor sporting events

The application does not seek to vary the layout of the premises but has provided a plan to show the layout of tables and furniture.

5.5. The hours applied for are as follows:

Monday to Sunday – 12.00 to 00.00

5.6. Responsible Authorities:

5.6.1. The Licensing Authority has not received representations from any of the responsible authorities, however Cheshire Police have proposed conditions which have been agreed to by the applicant, the conditions are attached at **Appendix 3**.

5.7. Other Persons:

5.7.1. The Council has received seven representations against the application, from members of the public. Copies of the representations are attached to this report at **Appendix 2**.

6. Implications of the Recommendations

6.1. Legal Implications

6.1.1 The Sub Committee must determine this application in accordance with S.35 of the Licensing Act 2003. To do so otherwise would render its determination unlawful and invalid.

6.1.2 In accordance with the provisions of section 35(3)(b) of the Licensing Act 2003 the Licensing Authority Sub Committee must, having regard to the representations, made in this application take such steps (if any) as it considers appropriate for the promotion of the licensing objectives.

6.1.3. Section 35(4) provides that the authority may only:

- a) Modify the conditions of the licence
- b) Reject the whole or part of the application

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. Members may not extend the period for which the licence has effect.

6.1.6. Members may not vary substantially the premises to which the licence relates.

6.1.7. Members may vary the premises licence so that it has effect subject to different conditions in respect of different parts of the premises or different licensable activities.

6.1.8. Members must determine when any variation if granted, is to take effect.

6.1.9. Members must give reasons for their determination and notice of it must be communicated to the parties to this application.

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. Congleton West - Councillor Suzie Akers Smith

7.2. Congleton West – Councillor George Hayes

7.3. Congleton West – Councillor Sally Holland

8. Consultation & Engagement

8.1. Consultation in respect of submission of an application for a variation to 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: Jennifer Rowney

Job Title: Senior Licensing Officer

Email: Jennifer.rowney@cheshireeast.gov.uk

Appendix 1 – Application and plan of premises

Appendix 2 – Representation from members of the public

Appendix 3 – Police Conditions

Appendix 4 – Premises Licence Summary and Plan

Appendix 5 - Map of Area