

Licensing Act Sub Committee

Date of Meeting: Tuesday 17th May 2022 – 2.00pm

Report Title: Application for a Premises Licence - Combermere Abbey
Wedding Venue, Combermere Park Drive, Nantwich SY13 4AJ

Senior Officer: Paul Bayley – Director of Neighbourhood & Environmental
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 VC Law Limited on behalf of Venue Catering and Events Limited, in respect of:

Combermere Abbey Wedding Venue
Combermere Park Drive
Nantwich
SY13 4AJ

- 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 22nd March 2022 an application was received by the Licensing Team for the grant of a Premises Licence. The application was then distributed to the Responsible Authorities for consultation.
- 5.2. During the consultation period, the application was advertised on the Council's website and the notices required to be displayed at the premises were inspected on 24/03/2022. The last date for representations to be made was 18th April 2022. The Licensing Team have also confirmed that the newspaper notice was published in accordance with the legislative requirements.
- 5.3. A copy of the full application and plan is attached to this report at **Appendix 1**.
- 5.4. A map of the area in which the premises is located is attached to this report at **Appendix 5**.

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

- Provision of plays (indoors and outdoors)
- Provision of films (indoors and outdoors)
- Provision of live music (indoors and outdoors)
- Provision of recorded music (indoors and outdoors)
- Provision of performance of dance (indoors and outdoors)
- Provision of any similar to live music, recorded music and performance of dance (indoors and outdoors)
- Provision of Late Night Refreshment (indoors and outdoors)
- Provision of the Supply of alcohol (for consumption on and off the premises)

5.6. The hours applied for are as followed:

5.6.1. Standard days and timings

- Provision of plays (indoors and outdoors), films (indoors and outdoors) live music (indoors and outdoors), recorded music (indoors and outdoors), performance of dance (indoors and outdoors), Supply of alcohol (for consumption on and off the premises)

Monday to Sunday - 08:00 to 00:30

- Provision of late night refreshment (indoors and outdoors)

Monday to Sunday - 23:00 to 00:30

5.6.2. Non Standard timings

- All outside areas, as outlined within the submitted plans, shall have a daily finish time of 21:00 (save for any late night refreshment and any supply of alcohol).
- New Years Eve into New Year's Day, the finish time shall be 02:00 for permitted activities (close at 02:30).

5.7. The operating schedule indicates that the hours the premises are open to the public are:

- Monday to Sunday – 07:00 to 01:00
- Non-Standard Timings to be those set out in paragraph 5.4.2 above.

5.8. The premises currently benefits from an existing premises licence, a copy of which is attached to this report at **Appendix 2**.

5.9. Responsible Authorities:

5.9.1. 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**.

5.10. Other Persons:

5.10.1. The Council has received 20 representations against the application from members of the public. Copies of the representations are attached to this report at **Appendix 4**.

6. Implications of the Recommendations

6.1. Legal Implications

6.1.1 The Sub Committee must determine this application in accordance with S.18 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 18(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 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.

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. 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. Audlem - Councillor Rachel Bailey

8. Consultation & Engagement

8.1. Consultation in respect of submission of an application for the grant of 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: Amanda Andrews
Job Title: Licensing Enforcement Officer
Email: Amanda.andrews@cheshireeast.gov.uk

Appendix 1 – Application and plan of premises

Appendix 2 – Copy of existing premises licence

Appendix 3 – Police Conditions

Appendix 4 – Representation from members of the public

Appendix 5 - Map of Area