

# CHESHIRE EAST COUNCIL

## LICENSING ACT SUB-COMMITTEE

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**Date of meeting:** 26 November 2010  
**Report of:** Peter Simester, Licensing Officer  
**Title:** Application to vary a Premises licence  
Jax Country Produce, Yew Tree House, Wrexham Road,  
Bulkeley, Malpas, SY14 8BX

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### **1.0 Report Summary**

- 1.1 The purpose of the report is to request that the Licensing Act Sub-Committee consider an application by Mrs Jacqueline Foster to vary the Premises licence at Jax Country Produce, Yew Tree House, Wrexham Road, Bulkeley, Malpas, SY14 8BX. The Council has received a letter of objection signed by eight local residents (four households).

### **2.0 Recommendations**

- 2.1 The Licensing Act Sub-Committee is requested to determine the application for the variation of the Premises licence.

### **3.0 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.

### **4.0 Wards Affected**

- 4.1 Cholmondeley

### **5.0 Local Ward Members**

- 5.1 Cllr R Bailey  
Cllr S Davies  
Cllr M Hollins

### **6.0 Policy Implications**

- 6.1 The Council has adopted a Statement of Licensing Policy in accordance with section 5 of the Licensing Act 2003 and guidance issued under section 182 of the Act.

## **7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)**

7.1 Not applicable.

## **8.0 Financial Implications 2010/11 and beyond (Authorised by the Borough Treasurer)**

8.1 Not applicable.

## **9.0 Legal Implications (Authorised by the Borough Solicitor)**

9.1 Where relevant representations are received in relation to an application for the variation of a Premises licence under section 34 of the Licensing Act 2003, the licensing authority must hold a hearing within 20 working days (of the end of the consultation period) to consider the application and relevant representations.

9.2 Section 35 of the Licensing Act 2003 states that, before determining the application, the licensing authority must hold a hearing to consider the application and any relevant representations. In accordance with the provisions of section 35 of the Act, the authority must, having regard to the application and any relevant representations, take such of the steps mentioned in sub-section (4), if any, it considers necessary for the promotion of the licensing objectives. Sub-section 35(4) provides that the authority may (a) modify the conditions of the licence; or (b) reject the whole or part of the application.

## **10.0 Risk Management**

10.1 Section 181 and Schedule 5 of the Licensing Act 2003 make provision for appeal to the Magistrates' Court of any decision made by the licensing authority.

## **11.0 Background and Options**

11.1 The application is for the variation of an existing Premises licence under section 34 of the Licensing Act 2003. A copy of the existing licence is attached as Appendix 1.

### **11.2 Summary of proposed changes:**

- (i) To add the 'Live Music' (indoors) activity to the licence;
- (ii) to add the 'Provision of late night refreshment' activity;
- (iii) to extend the times for the sale of alcohol.; and
- (iv) to extend the opening times of the premises.

#### **Live music - indoors only**

The hours applied for are:

Sunday to Thursday: 18:00 to 23:00

Friday and Saturday: 18:00 to 24:00

### Provision of late night refreshment - indoors only

The hours applied for are:

Friday and Saturday: 23:00 to 24:00

### Sale of alcohol

The hours applied for are:

Sunday to Thursday: 08:00 to 23:00

Friday and Saturday: 08:00 to 24:00

Christmas Eve: 08:00 to 24:00

New Years Eve: 08:00 to 02:00

### Opening times

The hours applied for are:

Monday to Thursday: 08:00 to 23:00

Friday and Saturday: 08:00 to 24:00

Sunday: 11:00 to 23:00

Christmas Eve: 08:00 to 00:30

New Years Eve: 08:00 to 02:30

## 11.3 Response from Responsible Authorities

In addition to the conditions on the existing licence, the Environmental Health team at Cheshire East Council have asked for the following condition to be added:

‘When regulated entertainment takes place, all windows and doors shall be kept closed except to allow access and egress.’

The licence holder, Jacqueline Foster, has agreed to this condition.

No representations have been received from any of the other responsible authority.

## 11.4 Responses from Interested Parties

The licensing authority has received a letter of objection from eight residents (four households) in Yew Tree Close, Bulkeley. Details are attached to this report as Appendix 2.

The locations of objector’s homes in relation to the licensed premises are shown in Appendix 3.

## 12.0 Overview of Year One and Term One Issues

### 12.1 Not applicable.

### **13.0 Access to information**

The background papers relating to this report can be inspected by contacting the writer:

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### **Appendices:**

Appendix 1: Existing Premises licence.

Appendix 2: Letter of objection from interested parties.

Appendix 3: Location plan.