

# CHESHIRE EAST COUNCIL

## LICENSING ACT SUB-COMMITTEE

---

**Date of meeting:** 26 November 2010  
**Report of:** Peter Simester, Licensing Officer  
**Title:** Application for the review of a Premises licence  
Wilbraham Arms, 58 Welsh Row, Nantwich, CW5 5EJ

---

### **1.0 Report Summary**

- 1.1 The purpose of the report is to request that the Licensing Act Sub-Committee consider an application for review of a Premises licence at the Wilbraham Arms, 58 Welsh Row, Nantwich, CW5 5EJ. The review has been requested by the Environmental Health team at Cheshire East Borough Council.

### **2.0 Recommendations**

- 2.1 The Licensing Act Sub-Committee is requested to:
- 2.1.1 consider the application to review the Premises licence and the relevant representations;
- 2.1.2 determine what steps, if any, are considered necessary for the promotion of the licensing objectives.

### **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 Nantwich

### **5.0 Local Ward Members**

- 5.1 Cllr B Dykes  
Cllr A Martin  
Cllr A Moran

### **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 application for a review under section 51 of the Licensing Act 2003 is made, the licensing authority must hold a hearing within 20 working days (from the end of the consultation period) to consider the application and any relevant representations.

9.2 Section 52 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. Sub-section 52(3) provides that the authority must, having regard to the application and any representations, take such steps detailed in sub-section (4), if any, as it considers necessary for the promotion of the licensing objectives. The steps referred to in sub-section 52(4) are:

- To modify the conditions of the licence;
- To exclude a licensable activity from the scope of the licence;
- To remove the Designated Premises Supervisor;
- To suspend the licence for a period not exceeding three months;
- To revoke the licence.

## **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 Mr Gavin John Chamberlain became the licence holder at the Wilbraham Arms on 14 September 2009. He is also the Designated Premises Supervisor.

11.2 A copy of the Premises licence is attached as Appendix 1.

11.3 The Premises licence allows the public house to remain open until 01:30 each day. The sale of alcohol is permitted until 01:00 each day.

The following licensable activities are also permitted until 01:00 each day of the week: Live music, Recorded music, Films, Indoor sporting events, Performances of dance, Provision of facilities for making music, provision of facilities for dancing and late night refreshment.

11.4 On 14th October 2010 the licensing authority received an application from the Environmental Health team at Cheshire East Borough Council for the review of the

Premises licence. The review application states that the Environmental Health Service have received complaints from a number of residents regarding amplified music emanating from the premises and individuals within the rear yard creating excessive noise until the early hours of the morning.

A copy of the review application form is attached as Appendix 2.

- 11.5 In response to the notification of the proposed review, representations have been received from the Chief Officer of Police and from 15 interested parties residing in the vicinity of the premises. Details are attached as Appendix 3 (Police) and Appendix 4 (interested parties).

## **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:

Name: Peter Simester  
Designation: Licensing Officer  
Tel. no: 01270 537114  
E-mail: [peter.simester@cheshireeast.gov.uk](mailto:peter.simester@cheshireeast.gov.uk)

## **Appendices:**

- Appendix 1: Premises licence.  
Appendix 2: 'Application for the review of a Premises licence' form.  
Appendix 3: Representations from Chief Officer of Police.  
Appendix 4: Representations from interested parties.