

Licensing Act Sub-Committee

Date of Meeting:	4 th November 2022
Report Title:	Application for a Premises Licence – Lady Grey Farm, Lady Lane, Mobberley WA16 7NE
Report of:	Jayne Traverse, Executive Director – Place
Ward(s) Affected:	Mobberley – Councillor Charlotte Leach

1. Purpose of Report

- 1.1. To allow Members of the Sub-Committee to determine a contested application for the grant of a premises licence made under the Licensing Act 2003 for the following premises:

Lady Grey Farm, Lady Lane, Mobberley, WA16 7NE

2. Executive Summary

- 2.1 The report provides details of an application for a new Premises Licence, under section 17 of the Licensing Act 2003 and outlines the evidence presented by the parties in relation to the application.

3. Recommendations

- 3.1. 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.
- 3.2. 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:
- The prevention of crime and disorder
 - Public Safety

- The prevention of public nuisance
 - The protection of children from harm
- 3.3.** 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.
- 3.4.** 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

4. Reasons for Recommendations

- 4.1.** 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.

5. Other Options Considered

- 5.1.** Not applicable

6. Background

- 6.1.** On 6th September 2022 a valid application was received by the Licensing Authority for the grant of a Premises Licence in respect of Lady Grey Farm, Lady Lane, Mobberley WA16 7NE. The application was sent for consultation the same day on 6th September 2022. The last date for representations to be made was 4th October 2022. A copy of the full application is attached to this report at **Appendix 1**.
- 6.2.** A map of the area in which the premises is located is attached to this report at **Appendix 5**.
- 6.3.** The operating schedule applied for indicates that the relevant licensable activities applied for are:
- Supply of alcohol
 - Provision of Recorded Music
 - Provision of Live Music
 - Provision of Performances of Dance

- Provision of anything similar of a similar description to Live Music, Recorded Music or Performances of Dance
- Late Night Refreshment

6.4. The hours applied for are as follows:

- Supply of alcohol (for consumption on & off the premises)
Saturday – 10:00 to 00:00hrs
- Provision of Recorded Music (Indoors)
Saturday – 23:00 to 00:00hrs
- Provision of Live Music (Indoors)
Saturday - 23:00 to 00:00hrs
- Provision of Performances of Dance (indoors)
Saturday - 23:00 to 00:00hrs
- Provision of anything similar of a similar description to Live Music, Recorded Music or Performances of Dance (Indoors)
Saturday - 23:00 to 00:00hrs
- Late Night Refreshment (Indoors)
Saturday - 23:00 to 00:00hrs

6.5. Members of the Licensing Sub-Committee are reminded that the provision of Regulated Entertainment does not become a licensable activity under the Licensing Act 2003 until after 23:00hrs.

6.6. Licensing records show that a previous application for the grant of a Premises Licence in respect of the premises was received by this Licensing Authority on 2nd January 2020. That application was considered by the members of the Licensing Act Sub-Committee on 23rd March 2020 and was refused. It is noted that the extent to which Licensable Activities was sought in respect of the 2020 application was significantly different to the present application. A copy of the Decision Notice in respect of the 2020 application is attached to this report at **Appendix 6**.

6.7. The date for the Hearing to determine the application was amended and the statutory timescales amended in accordance with regulation 11 of The Licensing Act 200 (Hearing) Regulations 2005. Amongst other reasons, this additional time was provided to give the applicant and some of those making representations and their solicitor to discuss the application further. At the time of writing the report we are not aware of the outcome of those discussions.

7. Consultation and Engagement

- 7.1. Licensing records show that the Public Notice required to be displayed at or near the proposed premises in accordance with The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005, has been inspected by a Licensing Officer and confirmed to be present, and met the requirements under the regulations. The Public Notice has also been advertised in the Knutsford Guardian newspaper, as required.
- 7.2. Responsible Authorities:
- 7.2.1. The Licensing Authority has not received representations from any of the responsible authorities, save for Environmental Health who submitted proposed Licence Conditions to the Licensing Authority during the consultation period. At the time of sending the proposed conditions to the Licensing Team, Environmental Health confirmed that they had also been sent to the applicant for consideration. A copy of Environmental Health's proposed conditions are attached to this report at **Appendix 2**.
- 7.3. Other Persons:
- 7.3.1. The Council received fourteen relevant representations opposing the grant of the application, from members of the public. A copy of the representations is attached to this report at **Appendix 3**.
- 7.3.2. The Council received twenty-three relevant representations in support of the application. A copy of the representations is attached to this report at **Appendix 4**.

8. Implications

8.1. Legal

- 8.1.1. The Sub Committee must determine this application in accordance with section 18 of the Licensing Act 2003. To do so otherwise would render its determination unlawful and invalid.
- 8.1.2. 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.
- 8.1.3. 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

8.1.4. Members are reminded that should any conditions be added, they should be practical, enforceable and appropriate to promote the Licensing Objectives.

8.1.5. 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 reoffending.

8.1.6. Members must give reasons for their determination and notice of it must be communicated to the parties to this application. If Members depart from the Statutory Guidance or the Council's Statement of Licensing Policy then their decision notice must set out the reasons for doing so.

8.2. Finance

8.2.1. There are no financial implications

8.3. Policy

8.3.1. The Licensing Authority has adopted a Statement of Licensing Policy in accordance with section 5 of the Licensing Act 2003.

8.3.2. The Licensing Authority must also have due regard to the guidance issued under section 182 of the Licensing Act 2003.

8.3.3. 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.

8.4. Equality

8.4.1. There are no equality implications

8.5. Human Resources

8.5.1. There are no human resources implications

8.6. Risk Management

8.6.1. 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

8.7. Rural Communities

8.7.1. There are no implications for rural communities

8.8. Children and Young People/Cared for Children

8.8.1. There are no implications for children and young people

8.9. Public Health

8.9.1. There are no direct implications for public health

8.10. Climate Change

8.10.1. There are no implications for climate change

Access to Information	
Contact Officer:	Martin Kilduff, Licensing Enforcement Officer Licensing@Cheshireeast.gov.uk 0300 123 5015
Appendices:	Appendix 1 – Application & plan of premises Appendix 2 – Conditions proposed by Environmental Health Appendix 3 – Representations received from Members of the public opposed to the application Appendix 4 - Representations from member of the public in support of the application. Appendix 5 - Map of general area Appendix 6 - Decision Notice in respect of the 2020 application
Background Papers:	Statutory Guidance issued under section 182 of the Licensing Act 2003 Council's Statement of Licensing Policy published under section 5 of the Licensing Act 2003 Licensing Act 2003 The Licensing Act 2003 (Hearings) Regulations 2005