

Licensing Act Sub-Committee

7th February 2025

**Application for a new Premises Licence
BARBRIDGE INN, OLD CHESTER
ROAD, BARBRIDGE, CHESHIRE. CW5
6AY**

**Report of: Peter Skates, Acting Executive Director – Place
Ward(s) Affected: BUNBURY**

Purpose of Report

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

**BARBRIDGE INN, OLD CHESTER ROAD, BARBRIDGE, CHESHIRE.
CW5 6AY**

Executive Summary

- 2 The report provides details of an application for a Premises Licence, under section 17 of the Licensing Act 2003, sets out the relevant representations made, and outlines the evidence presented by the parties in relation to the application.

RECOMMENDATIONS

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.

Background

- 3 On 18th December 2024 an application was received by the Licensing Department for a new Premises Licence in respect of a premises known as the Barbridge Inn.

The application was sent for consultation the same day (18th December 2024). The last date for representations to be made was 15th January 2025. A copy of the full application and plan is attached to this report at **Appendix 1**.

- 4 Licensing records show a Premises Licence was first granted for the premises in 2005. In 2011 a very DPS application was received and in 2017, the Premises Licence Holder applied for a transfer of the premises licence from Punch Taverns Plc to Punch Taverns Ltd. In 2023 a application was received to transfer the Premises Licence to Peter Skeaping-Brown, this was granted on 15th May 2023. In November 2024, Licensing were notified of the passing of the Premises Licence Holder, resulting Premises Licence number 324 lapsing. A copy of the most recent Premises licence number 324 is attached to this report **Appendix 2**.

- 5 Licensing records show one complaint was received regarding noise from the Bridge 100 festival. The premises had a marquee in the beer garden with live music. Although the licence stipulates live music inside, the investigating officer determined the event fell under deregulation laws and no breaches of the licence had taken place. The complaint was closed with advice issued to the Premises Licence Holder.

- 6 The same complaint was received by Environmental Health who again issued advice to the Premises Licence Holder.

- 7 A map of the area in which the premises is located is attached to this report at **Appendix 3**.

- 8 The operating schedule indicates that the relevant licensable activities mirrors lapsed Premises Licence number 324.

- 9 The hours applied for are as follows:

Supply of alcohol (for consumption on & off the premises)

Sunday to Wednesday 10.00 to 24.00

Thursday to Saturday – 09:00hrs to 01:00hrs

Live Music (indoors)

Sunday to Wednesday 10.00 to 23.00

Thursday to Saturday – 10:00hrs to 24.00 hrs

Recorded Music (Indoors)

Sunday – Wednesday 10:00 – 23:00

Thursday – Saturday 10:00 – 24:00

Late Night Refreshment (Indoors)

Sunday to Wednesday 23:00 – 01:00

Thursday to Saturday 23:00 – 02:00

Other Entertainment Similar to Live or Rec Music or Dance Performance (Indoors)

Sunday – Wednesday 10:00 – 23:00

Thursday – Saturday 10:00 – 24:00

Seasonal Variations

For statutory bank holiday weekend periods (Friday, Saturday, Sunday & Monday) and for the Thursday before Good Friday and for Christmas Eve, the time will be extended by one hour beyond times.

On St David's Day, St Patrick's Day, St George's Day and St Andrew's Day, the finish time will be extended by one hour, with seven days notice and agreement with the police.

On occasions of local, national or international significance or for charitable events, the finish time will be extended by one hour, with seven days notice and agreement with the police.

Consultation and Engagement

- 10 The advertisement requirements set out in the Licensing Act 2003 have been complied with.

11 Responsible Authorities:

The Licensing Authority has received representations from Cheshire East Environmental Health. A copy of the representations are attached to this report at **Appendix 4**.

12 Other Persons:

The Council has received objections from five members of the public, a copy of the objections are attached to this report at **Appendix 5**.

Reasons for Recommendations

- 13 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.
- 14 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

Other Options Considered

- 15 No other options have been considered because the process for determining contested applications is set by legislation.

Implications and Comments

Monitoring Officer/Legal

- 16 The Sub Committee must determine this application in accordance with section 17 of the Licensing Act 2003. To do so otherwise would render its determination unlawful and invalid.
- 17 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.
- 18 Section 35 (4) provides that the authority may:
- Modify the conditions of the licence
 - Reject the whole or part of the application
- 19 Members are reminded that should any conditions be added or amended, they should be practical, enforceable and appropriate to promote the Licensing Objectives.
- 20 Members may not extend the period for which the licence has effect.

- 21 Members may not vary substantially the premises to which the licence relates.
- 22 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.
- 23 Members are reminded that they are to determine the application before them and cannot change parts of the licence that are not part of the application.
- 24 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.
- 25 Members are also reminded of the statutory obligation placed on the Local Authority under section 17 of the Crime and Disorder Act 1998 in 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.
- 26 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.
- 27 Finally, Members are also reminded that in determining the application, consideration also needs to be given to:
- The rules of natural justice
 - The provisions of the Human Rights Act 1998

Section 151 Officer/Finance

- 28 There are no financial implications

Policy

- 29 The Licensing Authority has adopted a Statement of Licensing Policy in accordance with section 5 of the Licensing Act 2003.
- 30 The Licensing Authority must also have due regard to the guidance issued under section 182 of the Licensing Act 2003.

- 31 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.

Equality, Diversity and Inclusion

- 32 There are no equality implications

Human Resources

- 33 There are no human resources implications

Risk Management

- 34 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

Rural Communities

- 35 There are no implications for rural communities

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)

- 36 There are no implications for children and young people

Public Health

- 37 There are no direct implications for public health

Climate Change

- 38 There are no implications for climate change

Access to Information	
Contact Officer:	
Appendices:	Appendix 1 – Application & Plan Appendix 2 – Lapsed Premises Licence Appendix 3 – Map of General Area Appendix 4 – Responsible Authority Response Appendix 5 - Objections from Members of the Public

<p>Background Papers:</p>	<p><u>Revised Guidance issued under section 182 of the Licensing Act 2003 (publishing.service.gov.uk)</u></p> <p><u>Council's Statement of Licensing Policy published under section 5 of the Licensing Act 2003</u></p> <p><u>Licensing Act 2003</u></p> <p><u>The Licensing Act 2003 (Hearings) Regulations 2005</u></p>
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