

Licensing Act Sub-Committee

Agenda

Date: Thursday, 13th April, 2023
Time: 10.00 am
Venue: Committee Suite 1,2 & 3, Westfields, Middlewich Road,
Sandbach CW11 1HZ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and in the report.

It should be noted that Part 1 items of Cheshire East Council decision-making meetings are audio recorded and the recordings are uploaded to the Council's website.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Appointment of Chairman**

To appoint a Chairman for the meeting.

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda and for Members to declare if they have pre-determined any item on the agenda.

3. **Application for a Premises Licence - 12 Oakwood Drive, Prestbury, SK10 4HG (Pages 7 - 36)**

To consider the above application.

Membership: Councillors D Edwardes, S Davies and I Macfarlane

For requests for further information

Contact: Jennifer Ashley

Tel: 01270 685705

E-Mail: Jennifer.ashley@cheshireeast.gov.uk

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CHESHIRE EAST COUNCIL

Procedure for Hearings – Licensing Act 2003**The Licensing Committee**

The full Licensing Committee consists of fifteen elected Members of the Council. From this full Committee will be drawn sub-committees of three members to deal with licensing functions under the Licensing Act 2003. The Chairman and Vice Chairman of the Licensing Committee shall have the discretion to refer a matter up to a hearing of the full Licensing Committee.

Officers at Hearings

- **The Committee Officer** introduces all parties and records the proceedings
- **The Legal Adviser** provides independent advice to the Members on legal matters and procedure.
- **The Licensing Officer** will introduce the matter and outline the application; the officer will also answer any questions Members may have.

PROCEDURE

NOTE: If the Sub-Committee has not already elected a Chairman, that will be the first item of business.

1	Chairman	The Chairman will: (i) call the matter to be considered (ii) call for any declarations of interest (iii) ask all parties to introduce themselves (iv) summarise the procedure to be followed at the hearing (v) will consider any request made by a party for another person to appear at the hearing (v) will advise the parties of any maximum period of time in which it has to present its case (if a maximum is imposed this shall be equal for all parties)
2	Licensing Officer	Will introduce and summarise the application, highlighting areas of contention or dispute.
3	Committee Members	May ask questions of the Licensing Officer
4	Applicant	Will present his/her case, calling witnesses, as appropriate. <i>(If necessary, applicant will produce any notices required by law. Legal Adviser will draw attention to this if required.)</i>

5	Responsible Authorities (who have made representations)	Each in turn may ask <u>questions</u> of the applicant, by way of clarification.
6	Other Persons (who have made representations)	To be invited to ask <u>questions</u> of the applicant, by way of clarification. <i>It is normal practice for a spokesperson only to speak on behalf of a group of residents.</i>
7	Committee Members	Each in turn may ask <u>questions</u> of the applicant.
8	Applicant	May make a <u>statement</u> or ask his witnesses to clarify any matters which he feels are unclear, or may have been misunderstood.
9	Responsible Authorities	Will make their representations.
10	Applicant	Or his representative or witnesses to ask <u>questions</u> of Responsible Authorities represented at the meeting, by way of clarification.
11	Other Persons (who have made representations)	May ask <u>questions</u> of the Responsible Authorities represented at the meeting, by way of clarification. (Note: This is not the point at which they should be stating their objections.)
12	Committee Members	May ask <u>questions</u> of the Responsible Authorities represented at the meeting
13	Other Persons (who have made representations)	Those who have objected to the application will be invited <u>to make observations on the application</u> and present the bases of their objections.
15	Applicant	Or his representative or witnesses may ask <u>questions</u> of the other persons, by way of clarification.
16	Committee Members	May ask <u>questions</u> of the other persons.
17	Chairman	To invite both Responsible Authorities and Other Persons to make their closing addresses.

18	Applicant	Or his representative will <u>briefly summarise the application</u> and comment on the observations and any suggested conditions.
19	Committee	<u>Will retire</u> to consider the application. The Committee may request the Legal Advisor to advise on legal issues.
20	Committee	Will return to <u>give its decision</u> , with reasons, which will be announced by the Chairman and subsequently confirmed in writing to the applicant and to all the parties that made representations. In cases where a decision cannot be given at the end of the hearing, parties will be advised of the decision within five working days.

Notes

1. The hearing shall normally be held in public. There may be occasions on which the Committee find it necessary to exclude members of the press and public; any such decision will be taken on the basis that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing taking place in public.
2. The Chairman may require any person behaving in a disruptive manner to leave the hearing and may (a) refuse to permit that person to return, or (b) permit him/her to return only on such conditions as the authority may specify, but any such person may submit in writing any information which they would have been entitled to provide orally if they had not been required to leave.
3. Prior to the hearing each party shall have given notification and served documentation (eg statements of witnesses or reports of experts) as required. Late representations and evidence will only be considered with the agreement of all parties.
4. Anyone entitled to be heard may be represented by any person, whether or not that person is legally qualified.
5. Hearsay will be permitted but the Sub-Committee will be reminded to give it appropriate weight.
6. Due note shall be taken of the provisions of the Hearings Regulations 2005.
7. The Chair may, in the interests of expediency or convenience of the parties, vary the procedure from time to time, provided notice is given to the parties and the rules of natural justice are observed.

Summary of Procedure

1. Chairman appointed (if this has not been done previously).
2. Chairman to call for declarations of interest and request that all parties introduce themselves.
3. Chairman summarises the procedure for the hearing
4. The Licensing Officer summarises the application
5. Applicant to present his/her case.
6. Applicant to be questioned by all parties (to clarify points only) following which, he/she can clarify any other matters which he/she feels may have been misunderstood when the application was presented.
7. Applicant to be questioned by the Committee.
8. Responsible Authorities to make their representations following which they can be questioned by all parties by way of clarification.
9. Other Persons will be invited to present the bases of their objections, following which they can be questioned by all parties by way of clarification.
10. The applicant will be invited to sum up his/her case
11. Committee/Sub-Committee withdraws to make its decision
12. Committee/Sub-Committee returns to announce its decision to all present.



Working for a brighter future together

Licensing Act Sub-Committee

Date of Meeting:	13 th April 2023
Report Title:	Application for a Premises Licence – 12 Oakwood Drive
Report of:	Jayne Traverse, Executive Director – Place
Ward(s) Affected:	Prestbury

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:

12 Oakwood Drive, Prestbury, SK10 4HG

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.** The application was received on the 21st February 2023 and sent out the Responsible Authorities for consultation on the 22nd February 2023. The application is made for a residential dwelling rather than a business premises. The applicant has confirmed in their application (see appendix 1) that the sale of alcohol at the premises will be remote and give the example of online sales.
- 6.2.** The Statutory Guidance issued by the Home Office specifically references Mobile, remote, internet and other delivery sales from paragraph 3.8. While Members should considered the guidance in its entirety, these specific paragraphs will inform the Sub-Committees decision-making.
- 6.3.** The hours applied for are as follows:
- Supply of alcohol (for consumption off the premises only)
Monday to Sunday – 09:30 to 12:30

7. Consultation and Engagement

7.1. Following receipt of the application, the public notices required by the legislation, were inspected on the 23rd February 2023. The notices were compliant with the requirements laid down in the regulations.

7.2. Responsible Authorities

7.2.1. The only response received from any of the Responsible Authorities was from the Council's Environmental Health Team. They confirmed that they had no comments or objections to make in respect of the application.

7.3. Other Persons

7.3.1. A number of relevant representations have been received from other persons. These are set out at appendix 2.

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:	Kim Evans, Licensing Team Leader Licensing@Cheshireeast.gov.uk 0300 123 5015
Appendices:	Appendix 1 – Application and Plan of the licensed area Appendix 2 – Relevant Representations Appendix 3 – Location Map showing the premises in context
Background Papers:	Revised Guidance issued under section 182 of the Licensing Act 2003 (publishing.service.gov.uk) 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

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**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Terence Martyn Smith apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
12 Oakwood Drive, Prestbury	
Post town Macclesfield	Post code SK10 4HG

Telephone number of premises (if any)

[REDACTED]

Non-domestic rateable value of premises

None (band A)

Part 2 – Applicant Details

Please state whether you are applying for a premises licence as

a) An Individual or Individuals*

Please tick ✓

☒

please complete section (A)

b) a person other than an individual*

- i. as a limited company
- ii. as a partnership
- iii. as an unincorporated association or
- iv. other (for example a statutory corporation)

☐

please complete section (B)

☐

please complete section (B)

☐

please complete section (B)

☐

please complete section (B)

c) a recognised club

☐

please complete section (B)

d) a charity

☐

please complete section (B)

e) the proprietor of an educational establishment

☐

please complete section (B)

f) a health service body

☐

please complete section (B)

g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital

☐

please complete section (B)

h) the chief officer of police of a police force in England and Wales

☐

please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick ☐ yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒
- I am making the application pursuant to a
 - Statutory function or ☐
 - A function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr ☒ Mrs ☐ Miss ☐ Ms ☐ Other title (For example, Rev) ☐

Surname First names

Date of Birth Please tick ☒ I am 18 years old or over
 Nationality: British

Current postal address if different from premises address

Post Town Postcode

Daytime contact telephone number

Email address (optional)

Second Individual Applicant (if applicable)

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title (For example, Rev) ☐

Surname First names

Date of Birth: Please tick ☐ I am 18 years old or over
 Nationality:

Current postal address if different from premises address

Post Town Postcode

Daytime contact telephone number

Email address (optional)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint nature (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any)
E-mail address (optional)

Part 3 – Operating Schedule

When do you want the premises licence to start?

Day Month Year

A	S	A	P				
---	---	---	---	--	--	--	--

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day Month Year

--	--	--	--	--	--	--	--

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

N/A

Please give a general description of the premises (please read guidance note 1)

The applicant is engaging in a new business venture selling bottles of single malt Scotch whisky from casks in his ownership.

The application seeks a Premises Licence for the purpose of authorising sales of alcohol by retail principally by remote means, e.g. internet sales.

This application is made upon that basis and requests licensed hours for off sales of 09.30 to 12.30 daily in order to reflect those timings when the alcohol sales are likely to be made i.e. when the alcohol is appropriated to the contract.

The premises itself is the private residence of the applicant. It is anticipated that the majority of alcohol sold will be delivered to customers, albeit the business model would not preclude customers attending the premises by prior appointment to collect the alcohol themselves.

There is no intention to sell alcohol to any unannounced buyer and as the premises is also the applicant's private residence, customers will not be permitted access to the licensed premises.

The area sought to be licensed in relation to the Premises Licence are parts of the premises where alcohol for sale will be stored and appropriated to the contract of sale following the confirmation of the contractual order.

The proposed licensed areas are edged red on the plan deposited with the application, drawing SM04SK10-01.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Please tick ☐ yes**Provision of regulated entertainment (please read guidance note 2)**

- a) Plays (if ticking yes, fill in box A) ☐
- b) Films (if ticking yes, fill in box B) ☐
- c) Indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☐
- f) recorded music (if ticking yes, fill in box F) ☐
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☐

Provision of late night refreshment (if ticking yes, fill in box I) ☐**Supply of alcohol** (if ticking yes, fill in box J) ☒**In all cases complete boxes K, L and M****A**

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick {Y} (please read guidance note 3).	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 5)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick {Y}(please read guidance note 3).	Indoors	<input type="checkbox"/>
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 5)
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place Indoors or outdoors or both – please tick {Y}(please read guidance note 3).	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place Indoors or outdoors or both – please tick {Y}(please read guidance note 3).	Indoors	<input type="checkbox"/>
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick {Y} (please read guidance note 3).	Indoors	<input type="checkbox"/>
				Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for playing recorded music (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick {Y} (please read guidance note 3).	Indoors	<input type="checkbox"/>
				Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick {Y} (please read guidance note 3).	Indoors	
				Outdoors	
				Both	
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Fri					
Sat					
Sun			Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)		

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick {Y} (please read guidance note 3).	Indoors	<input type="checkbox"/>
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption (Please tick box Y) (please read guidance note 8)	On the premises	
				Off the premises	X
				Both	
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	09:30	12:30			
Tue	09:30	12:30			
Wed	09:30	12:30	N/A		
Thur	09:30	12:30			
Fri	09:30	12:30			
Sat	09:30	12:30	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun	09:30	12:30			
			N/A		

State the name and details of the individual whom you wish to specify on the licence as premises supervisor**Name:** Terence Martyn Smith**Address:** 12 Oakwood Drive, Prestbury, Macclesfield**Postcode:** SK10 4HG**Personal Licence number (if known):** TBC (application to be submitted to Cheshire East Council)**Issuing licensing authority (if known):** TBC (application to be submitted to Cheshire East Council)**K**

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9)

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variation (please read guidance note 5)
Day	Start	Finish	
Mon	00:00	24:00	Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Tue	00:00	24:00	
Wed	00:00	24:00	
Thur	00:00	24:00	
Fri	00:00	24:00	
Sat	00:00	24:00	
Sun	00:00	24:00	

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d, e) (please read guidance note 10)

A risk assessment has been undertaken, it is considered that the principal operation of remote sales will have no adverse impact upon the four licensing objectives save for those issues which have been identified and are sought to be addressed as set out below.

The above is provided by way of explanation and is not intended to be converted into any licence conditions.

b) The prevention of crime and disorder

1. Staff involved in the direct sale of alcohol by retail will receive training on matters concerning underage sales.
2. The Challenge 25 scheme will be implemented by all staff involved in the direct sale of alcohol by retail and its delivery. The scheme will include the maintenance of a refusal's record and staff training records.

c) Public safety

3. Customers will not be permitted access to the licensed areas. Accordingly, no risks are therefore anticipated.

d) The prevention of public nuisance

No risks have been identified

e) The protection of children from harm

See (b) above.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee ☒
- I have enclosed the plan of the premises ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☒
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable ☒
- I understand that I must now advertise my application ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒
- {Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships} I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). ☐

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent. (Please read guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Declaration	<ul style="list-style-type: none"> {Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership} I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
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Signature: [REDACTED]

Date: 20/06/2023

Capacity: Solicitors

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (Please read guidance note 13). **If signing on behalf of the applicant please state in what capacity.**

Signature:

Date:

Capacity:

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)	
John Gaunt & Partners Omega Court 372 Cemetery Road	
Post town Sheffield	Post code S11 8FT
Telephone number (if any)	0114 2668664
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) probson@john-gaunt.co.uk	

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the

relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
- 3. Where taking place in a building or other structure please tick as appropriate (Indoors may include a tent).
- 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
- 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
- 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
- 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
- 9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
- 10. Please list here steps you will take to promote all four licensing objectives together.
- 11. The application form must be signed.
- 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
- 14. This is the address which we shall use to correspond with you about this application.

15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK (please see note below about which sections of the passport to copy).
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card Issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.

- A **current** Immigration Status Document Issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name Issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate Issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name Issued by a Government agency or a previous employer.
- A birth or adoption certificate Issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name Issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name Issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) Issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card Issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- A **current** Immigration Status Document containing a photograph Issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name Issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, Issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an Immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

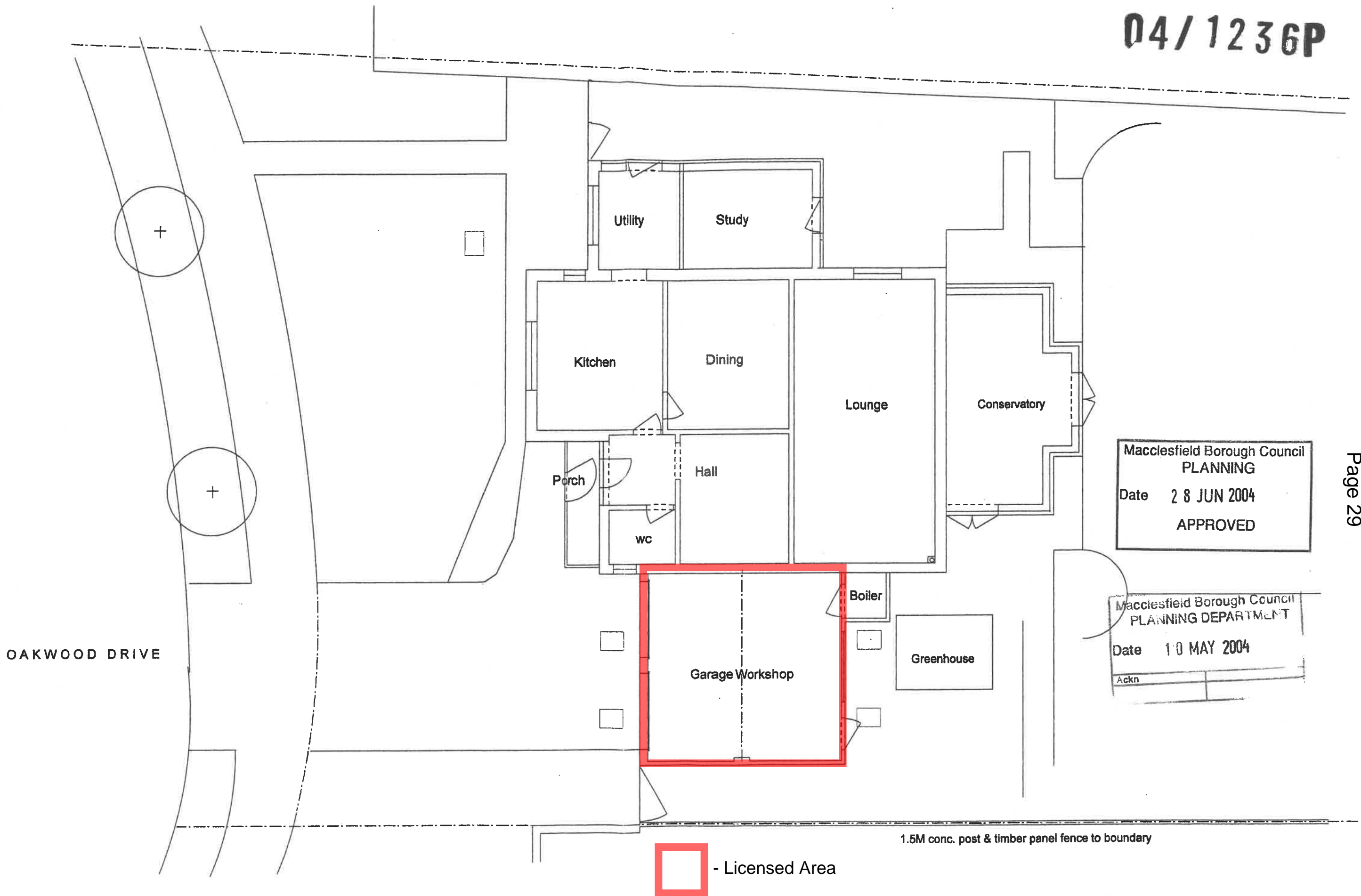
Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.


If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your Immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

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GROUND FLOOR PLAN

 <p>Barrie Jones ARCHITECTS</p> <p>70 Fence Avenue Macclesfield Cheshire SK10 1LT Tel/Fax 01625 617940</p>	<p>MR & MRS T SMITH 12 Oakwood Drive, Prestbury</p> <p>Existing Ground Floor Plan</p>	<table><tr><td>scale: 1/100</td><td>Drawing No</td><td>Rev</td></tr><tr><td>date: 5.4.04</td><td>SM04SK10 / 01</td><td></td></tr></table>	scale: 1/100	Drawing No	Rev	date: 5.4.04	SM04SK10 / 01	
scale: 1/100	Drawing No	Rev						
date: 5.4.04	SM04SK10 / 01							

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Relevant Representations

	Received on	From
	20 th March 2023	XXXXXX
	<p>I am writing in connection with the above application and wish to object to the proposal to the sale of alcohol from 12 Oakwood Drive. My concerns are as follows:</p> <p>1) There would be an increase in traffic generated by customer collections and deliveries by courier vehicles 2)The road is used by small children on their cycles and safety is a concern if traffic is increased</p> <p>3) Oakwood Drive is a quiet cul de sac and the sale of alcohol would be inappropriate in such an area</p>	

	Received on	From
	20 th March 2023	XXXXXX
	<p>This email is on behalf of XXXXXX at No. XXXXX, Prestbury SK10 4HG.</p> <p>I understand from my neighbours today that a councillor came around to discuss the above application on Saturday 18 March 2023. We were unfortunately not in on Saturday and we live XXXXXX.</p> <p>Mr Terance Smith has not notified or spoke to any of the neighbours on Oakwood Drive about the above application to sell alcohol. The councillor came around with no notice given to the residents on Oakwood Drive. No note was left to say he had called. There has been a complete lack of communication with this application. A lot of the residents are unaware of the above application and I feel it has been very underhand. Since this application will affect all the residents on Oakwood Drive, all residents on Oakwood Drive should have received a notification of the above application.</p> <p>This planning application to sell alcohol is a very peculiar application to make in a residential area on a very narrow road when there are shops less than 5 minutes away where you can buy alcohol.</p> <p>I do not feel this application should proceed until all the residents of Oakwood Drive have been properly notified and informed of the details of this application, since this will affect all of our houses and access to our properties.</p>	

	Received on	From
	8 th March 2023	XXXXXX (Prestbury Parish Council)
	<p>Prestbury Parish Council considered this application at the committee meeting on 6th March 2023:</p> <p>LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE</p> <p>APPLICATION has been made by Terence Martyn Smith to the Licensing Authority of Cheshire East Council for a Premises Licence for 12 Oakwood Drive at Prestbury, Macclesfield, Cheshire, SK10 4HG. The application includes the following terms:</p>	

	<ul style="list-style-type: none"> 1. To enable the sale of alcohol (off sales) between 09.30 and 12.30 Monday to Sunday. <p>The committee resolved that, without being given further information, it was necessary to object to the application as the address is a residential dwelling with no retail units in the close vicinity.</p>

Received on	From
6 th March 2023	XXXXXX
<p>To Cheshire East Alcohol Licensing Authority</p> <p>We are neighbours of the above application. We live XXXX, Prestbury, Sk10 4HG. XXXXX</p> <p>I appose this application under the prevention of public nuisance in a residential area. The road is very narrow there are lots of young children living on this road. For the protection of children from harm and public safety I feel this licence should not be issued. There is insufficient parking outside the property</p>	

Received on	From
20 th March 2023	XXXXXX
<p>Regarding the application:-</p> <p><i>“LICENSING ACT 2003 - APPLICATION FOR A NEW PREMISES LICENCE</i></p> <p><i>APPLICATION</i> has been made by Terence Martyn Smith to the Licensing Authority of Cheshire East Council for a Premises Licence for 12 Oakwood Drive at Prestbury, Macclesfield, Cheshire, SK10 4HG. The application includes the following terms:</p> <p>1. To enable the sale of alcohol (off sales) between 09.30 and 12.30 Monday to Sunday.”</p> <p>We wish to make our objection to this application on the following grounds</p> <ol style="list-style-type: none"> 1. Oakwood Drive and the surrounding streets are arguably intended to be residential in nature and in our view were not disposed to commercial, retail or sales use. 2. Additional vehicle movements to access number 12 Oakwood drive together with associated parking demands presents challenges for safe parking due to the narrow carriageway width. The premises are located adjacent to a bend in the road which limits the availability for safe parking. 3. Any sales, promotion and marketing events that may be held at the premises as part of the business are very likely to result in a excessive parking demands, additional traffic congestion and nuisance. With the limited available parking space adjacent to number 12, Oakwood 	

	<p>Drive customers may choose to park across neighbouring residential driveways causing nuisance.</p> <ol style="list-style-type: none">4. The additional traffic generated by this change of use from residential to licenced commercial premises poses a potential increase in risk of injury to both pedestrians and children playing in the street.5. Using residential property for commercial operations in this location will impact on what was the original intended and planned purpose for the street. In our view it would counter the expected quiet, peaceful and private residential use. <p>Thank you for taking the time to read these concerns and we trust that they will be taken into account as you carry out your considerations.</p>

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3/4/2023



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