

OPEN

By virtue of paragraph(s) X of Part 1 Schedule 1 of the Local Government Act 1972.

Licensing Act Sub-Committee

26th March 2024

**Application to Vary a Premises Licence
– The Vault, 19 Crewe Road, Alsager,
Cheshire, ST7 2EP**

Report of: Peter Skates, Acting Executive Director – Place

Ward(s) Affected: Alsager

Purpose of Report

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

The Vault, 19 Crewe Road, Alsager, Cheshire, ST7 2EP

Executive Summary

- 2 The report provides details of an application to vary an existing Premises Licence, under section 34 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.

In making its decision the Licensing Act Sub-Committee has the power to:

- Modify the conditions of the licence
- Reject the whole or part of the application

Background

- 3 On 1st February 2024 an application was received by the Licensing Department for the variation of a Premises Licence known as The Vault, 19 Crewe Road, Alsager, ST7 2EP. The application was sent for consultation the same day (01st February 2024). The last date for representations to be made was 29th February 2024. A copy of the full application and plan is attached to this report at **Appendix 1**.
- 4 Licensing records show that a Premises Licence currently exists in relation to The Vault at Crewe Road, Alsager, ST7 2EP. Premises Licence Number PREM1450 refers, and a copy is attached to this report at **Appendix 2**.
- 5 The application seeks to extend the times of licensable activities (as set out in paragraph 8 below) and to remove condition 16 of Annex 2.
- 6 A map of the area in which the premises is located is attached to this report at **Appendix 3**.
- 7 The operating schedule indicates that the relevant licensable activities that will be subject to change if this application is successful are:
 - Sale of Alcohol
 - Recorded Music
 - Late Night Refreshment
- 8 The amended hours applied for are as follows:
 - Sale of alcohol (for consumption on the premises)
Monday to Thursday – 12:00hrs to 00:00hrs
Friday and Saturday – 9:30hrs to 01:00hrs the following day
Sunday – 09:30hrs to 22:00hrs
 - Provision of Recorded Music (Indoors)
Monday to Thursday - 12:00hrs to 00:00hrs
Friday and Saturday – 09:30hrs to 01:30hrs the following day
Sunday – 09:30hrs to 22:30hrs
 - Provision of Late Night Refreshment (Indoors)
Monday to Thursday – 23:00hrs to 00:00hrs
Friday and Saturday – 23:00hrs to 01:30hrs

Consultation and Engagement

9 Licensing records show that the Public Notice that is 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 on 04th February 2024 and confirmed to be present, and met the requirements under the regulations. The Public Notice has also been duly advertised in The Chronicle newspaper, as required.

10 Responsible Authorities:

The Licensing Authority received a representation from Environmental Health who have engaged with the applicant and agreed proposed conditions. A copy of the agreed condition is attached to this report at **Appendix 4**.

No further representations were received from other Responsible Authorities.

11 Other Persons:

The Council received four representations against the application, from members of the public. A copy of the representations are attached to this report at **Appendix 5**.

Reasons for Recommendations

12 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.

13 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

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

Implications and Comments

Monitoring Officer/Legal

- 15 The Sub Committee must determine this application in accordance with section 35 of the Licensing Act 2003. To do so otherwise would render its determination unlawful and invalid.
- 16 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.
- 17 Section 35 (4) provides that the authority may:
- Modify the conditions of the licence
 - Reject the whole or part of the application
- 18 Members are reminded that should any conditions be added or amended, they should be practical, enforceable and appropriate to promote the Licensing Objectives.
- 19 Members may not extend the period for which the licence has effect.
- 20 Members may not vary substantially the premises to which the licence relates.
- 21 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.
- 22 Members are reminded that they are to determine the variation application before them and cannot change parts of the licence that are not part of the application.
- 23 Members are also reminded of the statutory obligation placed on the Local Authority under section 17 of the Crime and Disorder Act 1998 to do all that it can to prevent Crime and disorder, Anti-social Behaviour, behaviour adversely affecting the environment and reoffending.
- 24 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.

- 25 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

- 26 There are no financial implications.

Policy

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

- 30 There are no equality implications

Human Resources

- 31 There are no human resources implications.

Risk Management

- 32 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

- 33 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)

34 There are no implications for children and young people.

Public Health

35 There are no direct implications for public health.

Climate Change

36 There are no implications for climate change.

| Access to Information | |
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| Contact Officer: | Amanda Andrews Licensing@Cheshireeast.gov.uk 0300 123 5015 |
| Appendices: | Appendix 1a-b – Application & Plan Appendix 2 – Existing Premises Licence Appendix 3 – Map of area Appendix 4a-c - Environmental Health Proposed Conditions Appendix 5 – Objections from Members of the Public |
| 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 |