

CHESHIRE EAST COUNCIL

REPORT TO: LICENSING ACT SUB-COMMITTEE

Date of Meeting: 6th June 2011
Report of: Mrs N Cadman, Licensing Officer
Subject/Title: Application for the variation of a Premises Licence
The Farmers Arms, 71 Chapel Lane, Wilmslow, SK9 5JH

1.0 Report Summary

- 1.1 The report provides details of an application for the variation of a premises licence to amend the plan annexed to the licence, together with information as to representations received in relation to the application.

2.0 Recommendations

The Licensing Act Sub-Committee is requested to determine the application for the variation of a Premises Licence made by J W Lees & Co (Brewers) Ltd in respect of The Farmers Arms, 71 Chapel Lane, Wilmslow, SK9 5JH.

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 Wilmslow West & Chorley

5.0 Local Ward Members

Councillor Gary Barton
Councillor Wesley Fitzgerald

6.0 Policy Implications

- 6.1 The Licensing Authority 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 2011/12 and beyond (Authorised by the Borough Treasurer)

- 7.1 Not applicable.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 In accordance with the provisions of section 35 of the Licensing Act 2003 the Licensing Authority must, having regard to the representations, take such steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of

the licensing objectives. The steps referred to in sub-section 35(4) are (a) to modify the conditions of the licence; and (b) to reject the whole or part of the application.

9.0 Risk Management

- 9.1 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.

10.0 Background and Options

- 10.1 The application is for the variation of a Premises Licence under section 34 of the Licensing Act 2003
- 10.2 The operating schedule indicates that the application is only for the variation of the plan annexed to the Premises Licence in order to facilitate an external licensed beer garden to the front of the premises, within the existing boundary.
- 10.3 Designated Premises Supervisor: Mr John Eyres.
- 10.4 The operating schedule indicates that the conditions attached to the existing Premises Licence shall remain unaltered. However, following representation from the Environmental Health Officer, the following conditions have been agreed by the applicants:
1. there shall be no additional lighting or heating to the front of the premises
 2. there shall be no external entertainment allowed to the front of the premises
 - 3 there shall be no external speakers
 4. there shall be a 21:00hrs curfew to the front of the premises
 5. The J.W Lees Operating Plan shall be included as a condition.
- 10.5 Relevant Representations

Responsible Authorities

- 10.5.1 The Police state in their response: There are no objections to this application to vary the Premises Licence.
- 10.5.2 The Environmental Health Officer states in his response: Following a telephone conversation with the applicants about the variation application to use the pub's front as a beer garden area I would like to comment thus. The premises has an extensive rear beer garden area and ample parking to the side. This rear beer garden also benefits from a playing field buffer to the rear. These open spaces help to protect the neighbours and the premises. As discussed with the applicant, it is recognised that the proposed front beer garden area is closest to residential neighbours across the narrow street. Thus the proposed use has significant potential to cause a noise disturbance to these domestic neighbours. The applicant confirms that the pub's management is very competent and I would not expect the noise generated to be as a result of anti social behaviour but rather just as a result of a large number of people congregating in one area chatting and laughing together, the noise from which is virtually impossible to manage out e.g. on a nice summers night. Thus may I suggest some practical measures to ameliorate the noise etc somewhat. If the proposal is permitted I suggest the following condition be imposed:
1. that there shall be no additional lighting or heating to the front of the premises

2. that there shall be no external entertainment allowed to the front of the premises
3. that there are no external speakers
4. that there is a 21:00hrs curfew to the front of the premises
5. in line with the submitted documentation J.W Lees Operating Plan shall be included as a condition.

10.5.3 Cheshire Fire Service: No objections.

10.5.4 Local Planning Authority – No response received.

10.5.5 Area Child Protection Committee – No response received.

10.5.6 Health and Safety Officer – No comments.

10.5.7 Trading Standards – No response received.

Interested Parties

The Licensing Authority has received four representations from neighbour objectors and details of this are appended to this report.

11.0 Overview of Year One and Term One Issues

11.1 Not applicable

12.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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APPENDICES

Appendices 1 – 4 Representations from neighbour objectors
Appendix 5 - J.W Lees Operating Plan
Appendix 6 - Copy of existing Premises Licence and conditions
Appendix 7 – Plan of Premises
Appendix 8 – Plan of area