

# CHESHIRE EAST COUNCIL

## LICENSING ACT SUB-COMMITTEE

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**Date of Meeting:** Thursday 22<sup>nd</sup> December 2011 at 10.30hrs  
**Report of:** Mrs N Cadman, Licensing Officer  
**Subject/Title:** Application for a Premises Licence:  
Barley Hops, 5 Derwent Close, Macclesfield, SK11 7XS

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### **1.0 Report Summary**

- 1.1 The report provides details of an application for a premises 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 a Premises Licence made by Mr Paul Plant in respect of Barley Hops, 5 Derwent Close, Macclesfield, Cheshire, SK11 7XS.

### **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 Macclesfield South

### **5.0 Local Ward Members**

Cllr Laura Jeuda  
Cllr Damien Druce

### **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 18 of the Licensing Act 2003 the Licensing Authority must, having regard to the representations, take such steps (if any) as it considers necessary for the promotion of the licensing objectives. Section 18(4) provides that the authority may decide (a) to grant the licence subject to conditions; (b) to exclude from the scope of the licence any of the licensable activities to which the application relates; (c) to refuse to specify a person in the licence as the premises supervisor; or (d) to reject 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 Premises Licence under section 17 of the Licensing Act 2003.
- 10.2 The operating schedule indicates that the relevant licensable activities applied for are:

**Sale and supply of alcohol (for consumption off the premises only).**

- 10.3 The hours applied for are as follows:

**Monday to Friday 09.00 to 18.00**

**Saturday, Sunday and Bank Holidays 12.00 to 18.00**

- 10.4 Designated Premises Supervisor: Mr Paul Plant
- 10.5 The operating schedule includes the following steps to promote the licensing objectives:

(a) General – All Four Licensing Objectives

The garage shall be a secure storage facility for the Licence Holder's on line 'Real Bottled Ale' business. All deliveries to and from the application site shall be restricted to / made between 9am and 6pm from Monday to Sunday inclusive and including Bank Holidays. There shall be no direct sales made to the general public or other type of customer (e.g. other companies) from the garage site. No home sales to general public, home delivery sales service operation only.

All sales shall be conducted by telephone and or by on line sales only for consumption off the premises. Proof of age/ Challenge 25 shall be conducted on delivery.

(b) The Prevention of Crime and Disorder

There shall be no sales to the general public from site directly. All transactions shall be undertaken remotely on line. The premises shall be secured and manned.

(c) Public Safety

There shall be no public access permitted onto the premises. The premises shall be purely a storage facility. Delivery shall be undertaken by the Licence Holder locally and by a selected courier nationally.

(d) The Protection of Children from Harm

Deliveries shall require a signature at all times and a policy shall be put in place to prevent delivery to anyone under age. The garage shall be secured both externally and internally.

(e) The Prevention of Public Nuisance

Customers shall not be allowed to collect their orders from the premises, sales shall be by delivery only.

## **10.6 Relevant Representations**

### Responsible Authorities

10.6.1 The Police state in their response: Application received 3rd November 2011, from Paul Plant for a Premises Licence at Barley Hops, 5 Derwent Close, Macclesfield, SK11 7XS. The premises are situated in a built up area on the outskirts of the town. The intention is to run an internet business delivering locally bottled beers. The premises Licence is for the sale and supply of alcohol only from Monday to Friday 09.00 to 18.00 hours, Saturday and Sunday and Bank Holidays 12.00 to 18.00 hours. The proposed Designated Premises Supervisor is Paul Plant. The operating schedule meets the four licensing objectives, but so as to clarify some points the Police would ask for the following conditions to be included should the licence be granted.

1. No home sales to general public, home delivery sales service operation only.
2. All sales shall be conducted by telephone and or by on line sales only for consumption off the premises.
3. Proof of age/ Challenge 25 shall be conducted on delivery.

This has been agreed with the applicant. There are no other Police representations.

10.6.2 The Environmental Health Officer states in her response: I have considered the above application which relates to the storage / deliveries of real ale bottles from a domestic garage of a dwelling within a residential area. In order to protect the residential amenity of the neighbouring from the site and under the Licensing objective of the prevention of public nuisance, I would recommend that the following points form conditions of a Premises Licence in the event of an approval of the application:

1. All deliveries to and from the application site shall be restricted to / made between 9am and 6pm from Monday to Sunday inclusive and including Bank Holidays.
2. There shall be no direct sales made to the general public or other type of customer (e.g. other companies) from the garage site.

10.6.3 Cheshire Fire Service – No response received.

10.6.4 Local Planning Authority – No response received.

10.6.5 Local Safeguarding Children Board – As Police response.

10.6.5 Health and Safety Officer – No response received.

10.6.6 Trading Standards – No response received.

#### Interested Parties

10.6.7 The Licensing Authority has received representations from neighbour objectors. Details of these are appended to this report.

### **11.0 Access to Information**

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

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## **APPENDICES**

Appendix 1 – Representations from neighbour objectors.

Appendix 2 – Written agreement to Police and Environmental Health recommended conditions, from the applicant Mr Plant.

Appendix 3 – Plan of area

Appendix 4 – Applicant's Letters to Neighbouring Residents