

# **CHESHIRE EAST COUNCIL**

## **REPORT TO: LICENSING ACT SUB-COMMITTEE**

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<b>Date of Meeting:</b>	<b>Monday 9<sup>th</sup> January 2012</b>
<b>Report of:</b>	<b>Mrs N Cadman – Licensing Officer</b>
<b>Subject/Title:</b>	<b>Review of Premises Licence – The Boars Head, 2 Shrigley Road North, Poynton, Cheshire</b>

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### **1.0 Report Summary**

- 1.1 The report provides details of an application for the review of a Premises Licence under section 51 of the Licensing Act 2003 and outlines the evidence presented by the parties in relation to the review.

### **2.0 Decision Requested**

- 2.1 The Licensing Act Sub-Committee is requested to:
  - 2.1.1 Consider the review application and any relevant representations; and
  - 2.1.2 Determine what steps, if any, it considers are necessary for the promotion of the licensing objectives.

### **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 Poynton East and Pott Shrigley

### **5.0 Local Ward Members**

- 5.1 Councillor Howard Murray and Councillor Jos Saunders

### **6.0 Policy Implications including - Carbon reduction - Health**

- 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**

7.1 Not applicable.

## **8.0 Legal Implications**

8.1 Sub-section 52(2) of the Licensing Act 2003 prescribes that before determining an application for review received in accordance with section 51, the Licensing Authority must hold a hearing to consider the review application and any relevant representations.

8.2 Sub-section 52(3) states that the authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives. The steps set out within sub-section (4) are:

- a) to modify the conditions of the licence;
- b) to exclude a licensable activity from the scope of the licence;
- c) to remove the designated premises supervisor;
- d) to suspend the licence for a period not exceeding three months;
- e) to revoke the licence.

## **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 On 15<sup>th</sup> November 2011 an application for a review of the Premises Licence relating to the Boars Head, 2 Shrigley Road North, Poynton was submitted by Mrs Gillian Brennan Sydes and Mr Sean Brennan. The grounds for review set out within the review application were (i) the prevention of crime and disorder; (ii) the prevention of public nuisance; and (iii) the promotion of public safety. A copy of the review application is appended to this report as Appendix 1.

10.2 The Premises Licence Holders in relation to the Boars Head, 2 Shrigley Road North, Poynton are Punch Taverns Plc. The Designated Premises Supervisor named on the Premises Licence is Mr Gordon Yoxall. A copy of the Premises Licence is appended to this report as Appendix 2.

10.3 Within the prescribed consultation period in relation to the review, the Licensing Authority has received representations from the Environmental Health Officer and the Health and Safety Officer. Copies of these representations are appended as Appendix 3 and Appendix 4 respectively. The Police and the Fire Safety Officer reported no comments. No other representations were received from the Responsible Authorities. The Licensing Authority has also received letters of support from local residents. Details of the representations are appended to the report as Appendix 5.

- 10.4 In reviewing the Premises Licence and making its decision, the Licensing Act Sub-Committee must have regard the application and relevant representations. The Sub-Committee is required to take such of the steps referred to within sub-section 52(4) of the Licensing Act 2003 (if any) as it considers necessary for the promotion of the licensing objectives.

## **11.0 Access to Information**

Appendix 1 – Review application  
Appendix 2 – Premises Licence  
Appendix 3 – Representation from Environmental Health  
Appendix 4 – Representation from Health and Safety  
Appendix 5 – Correspondence from supporters  
Appendix 6 – Site plan

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

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