

CHESHIRE EAST COUNCIL

LICENSING ACT SUB-COMMITTEE

Date of Meeting: Friday 3rd February 2012 at 10.00am
Report of: Mrs N Cadman – Licensing Officer
Subject/Title: Review of Premises Licence:
The Baths Hotel, 40 Green Street, Macclesfield, Cheshire

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 Macclesfield East

5.0 Local Ward Members

- 5.1 Councillor David Neilson

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 (Authorised by the Director of Finance and Business Services)

7.1 Not applicable.

8.0 Legal Implications (Authorised by the Borough Solicitor)

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 9th December 2011 an application for a review of the Premises Licence relating to the Baths Hotel, 40 Green Street, Macclesfield, SK10 1JH was submitted by Mr Jonathan Maddock & Mrs Sally Maddock. The grounds for review set out within the review application were; the prevention of public nuisance. A copy of the review application is appended to this report as Appendix 1.

10.2 The Premises Licence Holders in relation to the Baths Hotel are The Blue Pub Company Ltd. The Designated Premises Supervisor named on the Premises Licence is Mr Kip Evans. 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 representation from the Environmental Health Officer. A copy of this representation is appended as Appendix 3. No other representations were received from the Responsible Authorities. The Licensing Authority has also received a letter of support to the applicants signed by two residents of different properties in the vicinity of the premises. A copy of the letter of representation from local residents is 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 subsection 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 Summary & Conditions
Appendix 3 – Representation from Environmental Health
Appendix 4 – Noise Diary from applicants
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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