

CHESHIRE EAST COUNCIL

REPORT TO: LICENSING ACT SUB-COMMITTEE

Date of Meeting:	Thursday 3 rd January 2013 at 10.00am
Report of:	Mrs V Selfe – Licensing Administration Officer
Subject/Title:	Application for variation of Premises Licence Newton Brewery Inn, 68 Webbs Lane, Middlewich

1.0 Report Summary

- 1.1 The report provides details of an application for the variation of 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 the variation of a Premises Licence made by Admiral Taverns (Chester) Limited, for a premises known as Newton Brewery Inn 68 Webbs Lane, Middlewich CW10 9DN.

Acting in the capacity of Licensing Authority, Members must seek to promote the Licensing Objectives, and where Members consider matters have engaged one or more of the objectives, they may exercise their discretion.

Members of the Licensing Sub-Committee are reminded that they may not exercise discretion in any case, merely because it considers it desirable to, and should provide reason(s) for any decision taken, or where they might consider departing in any way from the Policy or Guidance.

Licensing Objectives / Guidance / Policy Considerations

The relevant representations engage the licensing objectives. The Sub-Committee in respect of this application is referred to the Guidance issued under Section 182 of the Licensing Act 2003, specifically those sections relating to the licensing objective, premises licenses and hearings.

Statement of Licensing Policy

Members should carefully consider the relevant sections of the Council's Statement of Licensing Policy.

Members are reminded that should any conditions be added, they should be practical, enforceable and appropriate to promote the Licensing Objectives.

Finally, Members are also reminded that in determining the application in accordance with the Licensing Act 2003, Members must also have regard to:

- The rules of natural justice
- The provisions of the Human Rights Act 1998

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 Middlewich

5.0 Local Ward Members

- 5.1 Cllr John Paul Edwards, Cllr Simon Nicholas McGrory and Cllr Michael John Parsons

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 (Authorised by the Director of Finance and Business Services)

- 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 (if any) as it considers appropriate for the promotion of the licensing objectives. Section 35(4) provides that the authority may (a) modify the conditions of the licence; or (b) 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 relevant licensable activities applied for are:

Sale and Supply of Alcohol (for consumption both on and off the premises)

- 10.3 The hours applied for are as follows:

Sale and Supply of Alcohol (for consumption both on and off the premises)

Sunday to Wednesday 11.00 to 00.30
Thursday 11.00 to 01.00
Friday and Saturday 11.00 to 02.00

Seasonal variations: additional hour to the standard and non-standard times when British Summertime commences

Non-standard timings: from the start of standard timing on New Year's Eve to the start of standard timing on New Year's Day

The hours the premises shall be open to the public

Sunday to Wednesday 11.00 to 01.00
Thursday 11.00 to 01.30
Friday and Saturday 11.00 to 02.30

Seasonal variations: additional hour to the standard and non-standard times when British Summertime commences

Non-standard timings: from the start of standard timing on New Year's Eve to the start of standard timing on New Year's Day

10.4 Designated Premises Supervisor: Mr Adrian Garner

10.5 The operating schedule includes the following steps to promote the licensing objectives:

(a) Public safety

All customers will exit via the rear of the premises onto the public footpath and not the road.

(b) Prevention of public nuisance

All customers will exit via the rear of the premises onto the public footpath and not the road.

(c) Protection of children from harm

No children allowed beyond 8pm.

10.6 Relevant Representations:

Responsible Authorities

- 10.6.1 The Police Licensing Officer – for response and agreed conditions please see appendix 1 to this report.
- 10.6.2 The Environmental Health Department – for response and agreed conditions please see appendix 2 to this report.
- 10.6.3 The Cheshire Fire Service – No response.
- 10.6.4 Local Planning Authority – No response.
- 10.6.5 Local Safeguarding Children Board – As Police response.

- 10.6.5 Health and Safety Officer – No response.
- 10.6.6 Trading Standards – No response.

Other Persons

- 10.6.7 The Licensing Authority has received one letter of representation from a neighbour objector, as appended to this report.
- 10.6.8 The Licensing Authority had received an objection from a neighbour whose concerns were in relation to public nuisance. He has since spoken to both the DPS and the licence holder and is now satisfied with the outcome and has withdrawn his objection.

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 – Representation from Police with agreement from the applicant.
- Appendix 2 – Representation from Environmental Health with agreement from the applicant.
- Appendix 3 - Representations from neighbour objector
- Appendix 4 – copy of existing Premises Licence Summary and conditions
- Appendix 5 – map of the area