

# CHESHIRE EAST COUNCIL

## REPORT TO: LICENSING ACT SUB-COMMITTEE

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**Date of Meeting:** Friday 24 May 2013 at 10:00 a.m  
**Report of:** Peter Simester, Licensing Administration Officer  
**Subject/Title:** **Application for a Premises Licence at  
Meriton Road Park, Meriton Road, Handforth, SK9 3HA**

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### **1.0 Report Summary**

- 1.1 The report provides details of an application for premises licence and the proposed operating schedule together with details of relevant representations received in relation to the application.

### **2.0 Recommendations**

- 2.1 The Licensing Act Sub-Committee is requested to determine the application for a Premises Licence by The Friends of Meriton Road Park in respect of:

Meriton Road Park  
Meriton Road  
Handforth  
SK9 3HA

- 2.2 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.
- 2.3 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.

### **2.4 Licensing Objectives / Guidance / Policy Considerations**

- 2.4.1 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. The licensing objectives are (a) the prevention of crime and disorder; (b) public safety; (c) the prevention of public nuisance; and (d) the protection of children from harm.

### **2.5 Statement of Licensing Policy**

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

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

2.7 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 Handforth

### **5.0 Local Ward Members**

5.1 Cllr B Burkhill  
Cllr D Mahon

### **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 18 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 18(4) provides that the authority may:

- (a) Grant the licence subject to the relevant mandatory conditions and conditions consistent with the operating schedule
- (b) Modified the application to such extent as the Authority considers appropriate for the promotion of the Licensing Objectives
- (c) Exclude from the scope of the licence any of the Licensable Activities to which the application relates
- (d) Refuse to specify a person in the licence as the Premises Supervisor
- (e) Reject the application.
- (f)

## **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, received on the 3rd April 2013, is for the grant of a Premises Licence under section 17 of the Licensing Act 2003.

- 10.2 The operating schedule indicates that the relevant licensable activities applied for are:

- Live Music
- Recorded Music
- Performances of dance
- Entertainment of a similar description to the above.

- 10.3 The hours applied for are as follows:

- **All licensable activities**  
Friday to Monday 11:00 to 20:00 hours
- **Opening Hours of the Premises**  
The park is unlocked and open to the public for 24 hours each day.

- 10.4 A copy of the application form is attached as Appendix 1.

## **10.5 Relevant Representations**

### **Responsible Authorities:**

- 10.5.1 The Police Licensing Officer has requested that the following condition is added to the licence before it is granted:

Any licensable activity which the Premises Licence Holder anticipates will involve 1,000 or more people may only take place when a minimum of 28 days written notice has been given by the Premises Licence Holder to the Licensing Authority, Police, Fire Authority and, where appropriate, the Ambulance Service (or First Aid Provider) notifying them of the nature of the event, the location of marquees, stages etc, on a plan of the park; the hours of each activity, the numbers anticipated to attend and include the Risk Assessments for Health and Safety and Public Order.

The applicant has agreed to this condition.

- 10.5.2 The Environmental Health team at Cheshire East Council have asked for the following three conditions to be added to the licence before it is granted.

1. Licensable events will be limited to two events per calendar year.
2. There will be a minimum of four Area Stewards on duty at each of the events. The Area Stewards will be supported by a suitable number of Event Marshalls. The Area Stewards and Event Marshalls will remain on duty whilst licensable activities take place.
3. Hot food vendors must be positioned away from boundaries of domestic dwellings to prevent cooking odours causing a public nuisance.

The applicant has agreed to these three conditions.

#### Other Persons:

10.5.3 The Council has also received the following representations:

- 18 valid objections
- 1 invalid objection
- 13 letters of support
- 10 letters of support received after the consultation period ended.

Following agreement to condition 2 with the Environmental Health team (i.e. limiting the number of licensable events to two per annum), a letter was sent to all objectors on 30 April 2013 to advise them of the up-to-date situation. This letter is shown as Appendix 2.

In response to the letter of 30 April, two persons withdrew their objections and two persons confirmed that they still wish to continue with their objections. There were no further firm responses.

The remaining 16 valid objections are attached to this report as Appendix 3.

The 13 letters of support are attached to this report as Appendix 4.

## **11.0 Access to Information**

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

Name: Peter Simester  
Designation: Licensing Administration Officer  
Tel No: 01270 371378  
Email: [peter.simester@cheshireeast.gov.uk](mailto:peter.simester@cheshireeast.gov.uk)

## **APPENDICES**

- Appendix 1 – Premises Licence application form.
- Appendix 2 – Letter of 30 April 2013 to objectors.
- Appendix 3 – Letters of objection to the application.
- Appendix 4 – Letters in support of the application.
- Appendix 5 – Plans of the park and surrounding area.