

CHESHIRE EAST COUNCIL

REPORT TO: LICENSING ACT SUB-COMMITTEE

Date of Meeting: Friday 24 May 2013 at 1:00 p.m.
Report of: Amanda Hinton, Licensing Administration Officer
Subject/Title: **Application for a Premises Licence at
The Cheese Yard, 69 King Street, Knutsford, WA16 6DX**

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 Sarah Jane Peak in respect of:

The Cheese Yard
69 King Street
Knutsford
WA16 6DX

- 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 Knutsford

5.0 Local Ward Members

5.1 Cllr S Gardiner
Cllr O Hunter
Cllr P Raynes

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.

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 4th 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
- Sale and Supply of Alcohol

- 10.3 The hours applied for are as follows:

- **Live Music**

Monday to Wednesday 09:00 to 18:00 hours

Thursday to Saturday 09:00 to 19:00 hours

Sunday 10:00 to 17:00 hours

The performance of live music will take place indoors.

Non-standard timings: for cheese and wine tasting evenings on a maximum of one night a week until 22:00 hours.

- **Recorded Music**

Monday to Wednesday 09:00 to 18:00 hours

Thursday to Saturday 09:00 to 19:00 hours

Sunday 10:00 to 17:00 hours

The playing of recorded music will take place indoors.

Non-standard timings: for cheese and wine tasting evenings on a maximum of one night a week until 22:00 hours.

- **Sale and Supply of Alcohol**

Monday to Wednesday 09:00 to 18:00 hours

Thursday to Saturday 09:00 to 19:00 hours

Sunday 10:00 to 17:00 hours

The supply of alcohol will be for consumption both on and off the premises.

Non-standard timings: for cheese and wine tasting evenings on a maximum of one night a week until 22:00 hours.

▪ **Opening Hours of the Premises**

Monday to Wednesday 09:00 to 18:00 hours

Thursday to Saturday 09:00 to 19:00 hours

Sunday 10:00 to 17:00 hours

Non-standard timings: for cheese and wine tasting evenings on a maximum of one night a week until 22:00 hours.

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

10.5 Designated Premises Supervisor: Sarah Jane Peak

10.6 Relevant Representations

Responsible Authorities:

10.6.1 The Police Licensing Officer stated that the application meets the four licensing objectives to the satisfaction of the Police and there are no Police representations.

10.6.2 There were no responses from any of the other Responsible Authorities.

Other Persons:

10.6.3 The Council has also received the following representations:

- i. Two relevant objections, which are attached to this report as Appendix 2
- ii. The applicant emailed a statement to the Licensing Authority to elaborate on her plans for the retail unit in light of the representations. A copy of this statement is attached to this report as Appendix 3. The Licensing Authority forwarded this letter to the two objectors for their consideration.
- iii. In response to the statement of 8th May 2013, the two objectors confirmed that they still wished to continue with their objections.

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 – Premises Licence application form.

Appendix 2 – 2 letters of objection to the application.

Appendix 3 – Applicant's statement
Appendix 4 – Plan of the area