

CHESHIRE EAST COUNCIL

REPORT TO: LICENSING ACT SUB-COMMITTEE

Date of Meeting:	Thursday 4 th July 2013 at 12:30 a.m.
Report of:	Mrs N Cadman, Licensing Officer
Subject/Title:	Application to Vary a Premises Licence at Riflemans Arms, 113 Moor Lane, Wilmslow, SK9 6BY

1.0 Report Summary

- 1.1 The report provides details of an Application to Vary a Premises Licence under the Licensing Act 2003 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 to Vary a Premises Licence by Trust Inns Ltd in respect of:

Riflemans Arms
113 Moor Lane
Wilmslow
SK9 6BY

- 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 objectives, 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 Wilmslow West & Chorley

5.0 Local Ward Members

5.1 Cllr Gary Barton
Cllr Wesley Fitzgerald

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) Modify 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 16th May 2013, is for the grant of a Variation of the Premises Licence under section 34 of the Licensing Act 2003.

10.2 The operating schedule indicates that the proposed variation is as follows:

- To extend the hours for all existing licensable activities.
- To extend the opening hours of 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 Thursday 11:00 to midnight
Friday and Saturday 11:00 to 01:00 hours

None Standard timings: to permit the sale of alcohol and such regulated entertainment as authorised hereunder until 01.00am on Sunday and Monday at Bank Holiday Weekends and Christmas Eve and Boxing Day.

- **All Existing Regulated Entertainment**
Sunday to Thursday 11:00 to midnight
Friday and Saturday 11:00 to 01:00 hours
- **Late Night Refreshment**
Sunday to Thursday 23:00 to 00.30 hours
Friday and Saturday 23:00 to 01:30 hours
- **Opening Hours of the Premises**
Sunday to Thursday 11:00 to 00.30 hours
Friday and Saturday 11:00 to 01:30 hours

10.4 A copy of the application form is attached as Appendix 10 of this report.

10.5 A copy of the existing Premises Licence Summary and Conditions is attached as Appendix 11 of this report.

10.6 The Designated Premises Supervisor is Mr Oliver Dennis Woods.

10.7 Relevant Representations

Responsible Authorities:

10.7.1 The Police Licensing Officer states: Application received 30th April 2013 from Trust Inns Limited to vary a Premises Licence - Riflemans Arms, 113 Moor Lane, Wilmslow, Cheshire, SK9 6BY. The application is to vary regulated entertainment, the sale and supply of alcohol and late night refreshments. There are no Police objections.

10.7.2 The Environmental Health Officer states: I wish to advise that this Service has concerns regarding the above application in relation to the Licensing Objective of the Prevention of Public Nuisance and would therefore raise an objection to the application.

The Riflemans Arms is in a location whereby residential properties on Moorfield Drive, Moor Lane and New Street effectively 'surround' the pub. The nearest dwellings are in relatively close proximity to the pub and certain properties share a boundary fence with the pub and directly back on to the main garden area of the public house with limited separation distance. Dwellings on Moor Lane are directly opposite to the front door of the main room / function room and a car parking area. Dwellings on New Street are near to the other entrance to the pub and a car parking area.

The application is to vary / extend the licensable activities in terms of days / hours of licensable activities to a termination time of between midnight and 01.30 hours - dependant on the day of the week.

The outdoor garden area consists of attractive seating, a smoking shelter and it is understood that an inflatable bouncy castle is a constant feature within the garden.

This Service would raise concerns that the proposed variation has high potential to result in noise nuisance, general disturbance and sleep prevention / disturbance to be caused to the residents of the nearby dwellings due to the fact that the proposed extension of hours extend into 'sensitive' times when most residents will expect to be able to sleep within their homes.

The main / larger room of The Riflemans Arms also acts as the function room. Whilst the windows and doors have the benefit of double glazing, the following issues are of concern:

1. It is considered that due to the structure of the pub, there is high potential for internally generated noise from music / patrons to escape from the pub premises. In addition to the general 'melody' of music, I would advise that the bass beat element of the music can be particularly noticeable and can travel further distance due to its low frequency level.

2. Intermittent ' blasts' of internally generated noise such as amplified music and 'accumulations of people' noise will escape from the function room as patrons go outdoors to sit in the garden and/or access the smoking area or use either of pub entrance doors.

3. There appears to be no air conditioning system within the function room - which may therefore result in windows / doors being propped open for ventilation and cooling purposes.

4. The room has at least three Xpelair type 'hole in the wall' type of ventilation fans - through which noise is likely to escape.

5. A single access door leads directly from the function room to the pub garden (no double door or lobbied area). The garden area provides outdoor seating and a smoking shelter. Smokers and patrons wishing for cooler conditions are likely to congregate in that area - resulting in 'patron noise' i.e. talking, laughing, raised voices etc. Similar issues may also be caused at the front / side access doors to the pub.

6. Outdoor speakers are currently provided to the garden area.

7. A bouncy castle with corresponding noise generative generator appears to be a constant feature within the garden.

In addition to internally generated noise escaping to outside, the proposed early morning termination hours has high potential to result in an increase in patron noise during early morning hours such as the congregation of patrons in the pub garden area, on the car park and in the general vicinity of the pub. Such noise could include raised voices, chatting on mobile phones, car doors being banged, car radios, vehicle engine noise as leaving the premises etc.

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

Other Persons:

10.7.4 The Council has also received 9 letters of objection to this application, which have been deemed relevant. Copies of these objections are at appendices 1 to 9 of this report.

11.0 Access to Information

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

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Designation: Licensing Officer

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APPENDICES

Appendices 1 to 9 Letters of objection from interested persons.

Appendix 10 Application form.

Appendix 11 Existing Premises Licence Summary and Conditions

Appendix 12 Plan of the area