

CHESHIRE EAST COUNCIL

LICENSING ACT SUB-COMMITTEE

Date of Meeting:	Monday 29 th July 2013 at 10am
Report of:	Mrs N Cadman, Licensing Officer
Subject/Title:	Application to Vary a Premises Licence: Horseshoe Inn, Sandbach Road, Lawton Heath End, Church Lawton, ST7 3RA

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 Punch Taverns Plc in respect of:

Horseshoe Inn
Sandbach Road
Lawton Heath End
Church Lawton
Stoke on Trent
ST7 3RA

- 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 Odd Rode

5.0 Local Ward Members

5.1 Cllr Rhoda Bailey
Cllr Andrew Barratt

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

7.1 Not applicable.

8.0 Legal Implications

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 30th 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.
- To add the provision of Late Night Refreshment.
- Structural alterations to the layout of the premises.

- 10.3 The hours applied for are as follows:

- **Sale and Supply of Alcohol**
Sunday to Thursday 08:00 to midnight
Friday and Saturday 08.00 to 01:30 hours
- **All Existing Regulated Entertainment**
Sunday to Thursday 08:00 to midnight
Friday and Saturday 08.00 to 01:30 hours
- **Late Night Refreshment**
Sunday to Thursday 23:00 to midnight
Friday and Saturday 23:00 to 01:30 hours
- **Opening Hours of the Premises**
Sunday to Thursday 08.00 to 00.30 hours
Friday and Saturday 08.00 to 02.00 hours

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

- 10.5 A copy of the existing Premises Licence Summary and Conditions is attached as Appendix 2 of this report.

- 10.6 The Designated Premises Supervisor is Mujdat Karatas.

- 10.7 Relevant Representations

Responsible Authorities:

10.7.1 The Police Licensing Officer states: Can I take this opportunity to acknowledge receipt of the following application to which the police make no representations: Application to vary a Premises Licence - Horseshoe Inn, Sandbach Road, Lawton Heath End, Church Lawton, Stoke on Trent, ST7 3RA.

10.7.2 The Environmental Health Officer states: Date received: 30.05.13 name of applicant: The Horseshoe Inn, address to which application relates: Sandbach Road, Lawton Heath End, Church Lawton, Stoke-On-Trent, ST7 3RA. Proposed Conditions: the following conditions should be applied for the Prevention of Public Nuisance: All necessary steps shall be taken to ensure that any noise from the premises shall not be at a level which could cause a noise nuisance at the boundary of the nearest residential premises, therefore:

- Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby residents.
- Refuse such as bottles shall be disposed of from the premises at a time (i.e. between 08:00 to 20:00) when it is not likely to cause a disturbance to residents in the vicinity of the premises.
- There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, notice requiring customers to leave the premises and the area quietly.
- Whilst regulated entertainment is taking place indoors, all windows and doors shall remain closed.

Recommendation:

It is recommended that assessments of noise from the premises shall be undertaken by a competent person (either the Licensee or Manager) and any necessary remedial action is undertaken to ensure compliance. These assessments shall be undertaken during opening hours of the premises and when entertainment or music is occurring. A written record shall be made of those assessments in a log book, kept for that purpose and shall include; the time and date of the checks, the person making them and the results including any remedial action.

The Licence Holder/Designated Premises Supervisor or responsible person nominated by him in charge of the Premises shall ensure that the Premises, including the car park, are vacated quietly within thirty minutes of the terminal hour of the Licence, and that proper supervision of all persons leaving the car park and otherwise leaving the Premises is provided. Conspicuous notices shall be positioned at all exits from the Premises requesting patrons to make the minimum amount of noise on leaving.

Signed: Margaret Hopley | Enforcement Officer | Environmental Protection
Dated: 30 May 2013

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

Other Persons:

10.7.4 The Council has also received 2 letters of objection to this application, which have been deemed relevant. One of the letters of objection is from a local resident and the other is from Church Lawton Parish Council. Copies of these objections are at appendices 5 and 6 of this report.

11.0 Access to Information

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

Name: Mrs N Cadman
Designation: Licensing Officer
Tel No: 01270 685957
Email: nikki.cadman@cheshireeast.gov.uk

APPENDICES

Appendix 1	Application form
Appendix 2	Existing Premises Licence Summary, Conditions & Plan
Appendix 3	Proposed plan of Premises (larger copies will be available at the meeting)
Appendix 4	Plan of the area
Appendices 5 & 6	Letters of objection