

# CHESHIRE EAST COUNCIL

## LICENSING ACT SUB-COMMITTEE

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| <b>Date of Meeting:</b> | Monday 29 July 2013 at 12.30pm  |
| <b>Report of:</b>       | Mrs N Cadman, Licensing Officer   |
| <b>Subject/Title:</b>   | Application to Vary a Premises Licence:<br>Legh Arms, Brook Street, Knutsford, WA16 8EB |

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### 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 Marston's PLC in respect of:

Legh Arms  
Brook Street  
Knutsford  
Cheshire  
WA16 8EB

- 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 Knutsford

### **5.0 Local Ward Members**

5.1 Cllr Stewart Anthony Gardiner  
Cllr Olivia Hunter  
Cllr Peter Stephen 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) 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 4<sup>th</sup> June 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 amend the plan attached to the Premises Licence.
- To amend the conditions attached to the Premises Licence.

- 10.3 The hours applied for are as follows:

- **Sale and Supply of Alcohol**  
Sunday to Thursday 08:00 to 01.00 hours  
Friday and Saturday 08.00 to 02.00 hours  
With non standard timings: terminal hour of 02.00 hours on a Sunday preceding a statutory Bank Holiday, Christmas Eve and Boxing Day.  
On the occasion of British Summertime an additional hour is requested.
- **All Existing Regulated Entertainment**  
Sunday to Thursday 11.00 to 01.00 hours  
Friday and Saturday 11.00 to 02.00 hours  
With non standard timings: terminal hour of 02.00 hours on a Sunday preceding a statutory Bank Holiday, Christmas Eve and Boxing Day.  
On the occasion of British Summertime an additional hour is requested.
- **Late Night Refreshment**  
Sunday to Thursday 23:00 to 01.00 hours  
Friday and Saturday 23:00 to 02.00 hours  
With non standard timings: terminal hour of 02.00 hours on a Sunday preceding a statutory Bank Holiday, Christmas Eve and Boxing Day.  
On the occasion of British Summertime an additional hour is requested.
- **Opening Hours of the Premises**  
Sunday to Thursday 08.00 to 01.30 hours  
Friday and Saturday 08.00 to 02.30 hours  
With non standard timings: terminal hour of 02.30 hours on a Sunday preceding a statutory Bank Holiday, Christmas Eve and Boxing Day.  
On the occasion of British Summertime an additional hour is requested.

- Application is made to remove Conditions 12 and 13 of Annex 2 of the Premises Licence relating to children's entertainment. Also to amend Condition 1 of Annex 3 (conditions attached after a hearing of the Licensing Authority) to enable the outside area to be available for the sale of alcohol and consumption of alcohol until 01.00hrs on New Years Eve/Day.

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 Mr Tim Coulston.

10.7 Relevant Representations

Responsible Authorities:

10.7.1 The Police Licensing Officer states: Application received 4th June 2013 from Marston's Plc to vary a Premises Licence - Legh Arms, Brook Street, Knutsford, WA16 8EB. There are no Police objections.

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

Other Persons:

10.7.3 The Council has received a letter of objection to this application, which has been deemed relevant. The Designated Premises Supervisor, Mr Coulston met with the objectors and attempts have been made to negotiate amendment of the hours and conditions of the variation application, however no agreement has been reached. A copy of this letter of objection and correspondence relating to the negotiation is at appendix 5 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  
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## **APPENDICES**

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| 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   |
| Appendix 5 | Letter of objection and related correspondence.                            |