

CHESHIRE EAST COUNCIL

REPORT TO: LICENSING ACT SUB-COMMITTEE

Date of Meeting:	Wednesday 19th February 2014 at 10.00am
Report of:	Mrs N Cadman, Licensing Officer
Subject/Title:	Application for a Premises Licence at The Yard, 32 South Street, Alderley Edge, SK9 7ES

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 new Premises Licence by The Yard (Alderley Edge) LLP in respect of:

The Yard
32 South Street
Alderley Edge
Cheshire
SK9 7ES

- 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 Alderley Edge

5.0 Local Ward Members

5.1 Cllr Frank Keegan

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 7th January 2014, 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 (to take place indoors only)

Thursday, Friday & Saturday 19.00 to 23.00

Sunday 12.00 to 21.00

Recorded Music (to take place indoors only)

Thursday, Friday & Saturday 19.00 to 23.00

Sunday 12.00 to 22.00

Sale and supply of alcohol (for consumption both on and off the premises)

Monday to Saturday 08.30 to 23.00

Sunday 10.00 to 21.00

Hours Premises are Open to the Public

Monday to Saturday 08.30 to 23.00

Sunday 10.00 to 23.00

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

- 10.5 Relevant Representations

Responsible Authorities:

- 10.6.1 The Police in their response state: Application received 8th January 2014 from Stewart Pickering for a Premises Licence at The Yard, 32 South Street, Alderley Edge, SK9 7ES. The application is for Regulated Entertainment and the sale and supply of alcohol. The proposed Designated Premises Supervisor is Thomas Hill, Personal Licence details held by Stafford Borough Council. This application meets the four licensing objectives to the satisfaction of the Police, there are no Police representations.

10.6.2 The Environmental Health Officer wishes to approve the application with conditions, please see Appendix 13 of this report for full details. The applicant has agreed to these conditions in writing.

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

Other Persons:

10.6.3 The Council has received 11 written objections from local residents. Copies of these representations are attached as Appendices 2 - 12 of this report. The persons who have made written objections have been made aware of the applicant's agreement with the Environmental Health Officer's conditions.

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

Appendix 1 – Premises Licence application form

Appendix 2 -12 Letters of objection

Appendix 13 – Representation from the Environmental Health Officer

Appendix 14 – Map of area.