

# CHESHIRE EAST COUNCIL

## REPORT TO: LICENSING ACT SUB-COMMITTEE

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<b>Date of Meeting:</b>	<b>Friday 16<sup>th</sup> May at 11.00am</b>
<b>Report of:</b>	Mrs N Cadman, Licensing Officer
<b>Subject/Title:</b>	<b>Application for a Premises Licence at Sandbach United Community Football Club Hind Heath Road, Sandbach, Cheshire, CW11 3LZ</b>

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### 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 Sandbach United Football Club in respect of:

Sandbach United Community Football Club  
Hind Heath Road  
Sandbach  
Cheshire  
CW11 3LZ

- 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. The licensing objectives are:

- (a) The prevention of crime and disorder
- (b) Public safety
- (c) The prevention of public nuisance
- (d) The protection of children from harm

- 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 do so. Careful consideration should be given to application and relevant representations in light of the proposed operating schedules.

- 2.4 The Sub-Committee in respect of this application must have regard to the Guidance issued under Section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy.

- 2.5 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 and the Council's Constitution.

### **4.0 Wards Affected**

- 4.1 Sandbach Ettiley Heath & Wheelock

### **5.0 Local Ward Members**

- 5.1 Cllr Gail Wait

### **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.
- 6.2 Whilst having regard to the general principles within the Statement, Members may wish to consider the following:
  - 6.2.1 The majority of representations relate to the Prevent of Public Nuisance Objective. The Licensing Authority sets out a paragraph 9 of its Statement of Licensing Policy how it will deal with representations under this objective.
  - 6.2.2 The Statement of Licensing Policy also deals with issues of Anti-social behaviour at paragraph 6 and the Prevention of Crime and Disorder at paragraph 7.
- 6.3 Members should provide reason(s) for any decision taken and should set out they reasoning where they determine to depart in any way from the Policy or Guidance.

### **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.

8.2 Members are reminded that should any conditions be added, they should be practical, enforceable and appropriate to promote the Licensing Objectives.

8.3 Members are also reminded of the statutory obligation placed on the Local Authority under section 17 of the Crime and Disorder Act 1998 to through all of its various functions, and Licensing is one of those functions to do all that it can to prevent Crime and disorder, Anti-social Behaviour, behaviour adversely affecting the environment and re-offending.

## **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 21<sup>st</sup> March 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 activity applied for is:

§ Sale and supply of alcohol

10.3 The hours applied for are as follows:

### **Sale and supply of alcohol (for consumption on the premises only)**

Monday to Thursday 17.00 to 22.30

Friday 14.00 to 23.30

Saturday 12.00 to 23.30

Sunday 12.00 to 22.00

### **Hours Premises are Open to the Public**

Monday to Thursday 09.00 to 23.00

Friday and Saturday 09.00 to midnight

Sunday 09.00 to 22.30

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

10.5 Relevant Representations

Responsible Authorities:

10.5.1 The Police in their response state: Please note below agreement from the nominated contact in respect of the current application for a Premises Licence at Sandbach Community Football Club, Hind Heath Road, Sandbach, CW11 3LZ for the following condition to be attached to the Premises Licence in order to promote the licensing objectives: The proof of age scheme 'Challenge 21' will be operated for all sales of alcohol. Please forward to me a copy of the premises licence when issued.

10.5.2 The Environmental Health Officer states: This Division has no comments or observations with regards to this application and is therefore satisfied for it to be approved.

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

Other Persons:

10.5.3 The Council has received 118 written objections from local residents. Copies of these representations are attached as Appendix B of this report, appendices 1 to 118.

## **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**

Appendix A – Premises Licence application form

Appendix B - (Appendices 1 – 118) Written objections

Appendix C – Map