

# 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 2014 at 01.00pm</b>
<b>Report of:</b>	Mrs N Cadman, Licensing Officer
<b>Subject/Title:</b>	<b>Application to Vary a Club Premises Certificate at Alderley Edge Cricket Club, Moss Lane, Alderley Edge, Cheshire, SK9 7HN</b>

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### 1.0 Report Summary

- 1.1 The report provides details of an Application to Vary a Club Premises Certificate 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 Club Premises Certificate by Alderley Edge Cricket Club in respect of:

Alderley Edge Cricket Club  
Moss Lane  
Alderley Edge  
Cheshire  
SK9 7HN

- 2.2 The premises currently benefits from a Club Premises Certificate issued on 24<sup>th</sup> February 2006 which is set out at appendix A.
- 2.3 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
- 2.4 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 current and proposed operating schedules.
- 2.5 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.

2.6 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 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.

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 Consideration must also be given to the relevant sections of the Guidance issued under section 182 of the Licensing Act 2003.

6.4 Members should provide reason(s) for any decision taken and should set out their 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) 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 26<sup>th</sup> March 2014, is for the variation of a Club Premises Certificate under section 84 of the Licensing Act 2003.

10.2 The proposed variation is to change the layout of the premises in accordance with the proposed plan deposited with the application to allow licensable activities to take place outdoors and to add live and recorded music. The opening hours are to remain as existing.

10.3 The hours applied for are as follows:

### **Recorded Music (to take place both indoors and outdoors)**

Monday to Thursday 11.00hrs to 23.00hrs

Friday and Saturday 11.00hrs to 01.00hrs

Sunday 12.00hrs to 22.30hrs

### **Live Music (to take place both indoors and outdoors)**

Monday to Thursday 11.00hrs to 23.00hrs

Friday and Saturday 11.00hrs to 01.00hrs

Sunday 12.00hrs to 22.30hrs

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

## 10.5 Relevant Representations

### Responsible Authorities:

10.5.1 The Police in their response state: Application received 25th March 2014 from Alderley Edge Cricket Club to vary the Club Premises Certificate at Alderley Edge Cricket Club, Moss Lane, Alderley Edge, Cheshire, SK9 7HN. The application is to add Regulated Entertainment to the existing Club Premises Certificate and change the layout of the premises. There are no Police objections.

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

### Other Persons:

10.5.3 The Council has received 68 written objections from local residents. Copies of these representations are attached as Appendix C of this report, appendices 1 to 68.

## **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 - Existing Club Premises Certificate

Appendix B - The Application to Vary a Club Premises Certificate.

Appendix C (Appendices 1 – 68) Written Objections

Appendix D - Map of area