

# CHESHIRE EAST COUNCIL

## REPORT TO: LICENSING ACT SUB-COMMITTEE

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<b>Date of Meeting:</b>	<b>Monday 29<sup>th</sup> June 2015 at 15.30hrs</b>
<b>Report of:</b>	Mrs N Cadman, Licensing Officer
<b>Subject/Title:</b>	<b>Application to Vary a Premises Licence at The Shakespeare, 35 Beam Street, Nantwich, CW5 5NA</b>

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### 1.0 Report Summary

- 1.1 The report provides details of an application to vary a 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 to vary a Premises Licence by Punch Taverns Plc in respect of:

The Shakespeare  
35 Beam Street  
Nantwich  
Cheshire  
CW5 5NA

- 2.2 The premises currently benefits from a Premises Licence issued on 26<sup>th</sup> August 2014 which is set out at appendix 1.

- 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 Nantwich North & West

### **5.0 Local Ward Members**

- 5.1 Cllr Penny Butterill  
Cllr Arthur Moran

### **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 Prevention 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 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) 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 5<sup>th</sup> May 2015, is for the grant of a variation to a Premises Licence under section 34 of the Licensing Act 2003.

10.2 The operating schedule indicates that the relevant licensable activities applied for extension of hours are:

- § Sale and supply of alcohol
- § Live Music
- § Recorded Music
- § Performances of Dance
- § Anything Similar to Music and Dance
- § Late Night Refreshment

The proposed variation is also to remove condition 5. of Annex 2. No person shall be admitted or re-admitted to the premises after 01.00hrs. Also to vary condition 4 of Annex 2 so that it will read 'The beer garden/outdoor drinking area shall not be used for the consumption of food and/or drink(s) after midnight.

10.3 The hours applied for are as follows:

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

Sunday 08.00 to 02.30

To sell alcohol outdoors in the beer garden/outdoor drinking area on the Sundays preceding a Bank Holiday.

**Live and Recorded Music, Performance of Dance and anything of a similar description to Music and Dance (to take place indoors)**

Sunday 08.00 to 02.30

The provision of recorded music externally in the beer garden/outdoor drinking area 08.00 and 23.00 on Sundays preceding a Bank Holiday.

**Late Night Refreshment**

The provision of late night refreshment outdoors in the beer garden/outdoor drinking area on Sundays preceding a Bank Holiday between the hours of 23.00 and midnight.

**Hours Premises are Open to the Public**

Sunday to Thursday 08.00 to 03.00

10.4 A copy of the application form is attached as Appendix 2.

10.5 Relevant Representations

Responsible Authorities:

10.6.1 The Police have made representation with suggested conditions, a copy of this representation is attached as Appendix 3 of this report.

10.6.2 The Environmental Health Officer has made representation with suggested conditions, a copy of this representation is attached as Appendix 4 of this report.

There were no representations received from any of the other Responsible Authorities.

At the time of writing this report, Licensing have not received a written agreement from the applicant to the Police or Environmental Health suggested conditions.

Other Persons:

10.6.4 The Council has received 12 valid written objections and a petition with 22 names from local residents. Copies of these representations are attached as Appendices 5 - 16 of this report. It is noted that 7 of the 12 persons who submitted their own written representation, have also signed the petition. The Council has also received a written representation from Nantwich Town Council, a copy of this is attached as Appendix 17 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](mailto:nikki.cadman@cheshireeast.gov.uk)

### **APPENDICES**

Appendix 1 – Existing Premises Licence Summary, conditions and plan.

Appendix 2 - Premises Licence application

Appendix 3 – Written representation from the Police

Appendix 4 - Written representation from the Environmental Health Officer

Appendix 5 -16 Written objections and petition from local residents

Appendix 17 – Written representation from Nantwich Town Council

Appendix 18 - Map of area