

# CHESHIRE EAST COUNCIL

## LICENSING ACT SUB-COMMITTEE

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<b>Date of Meeting:</b>	<b>Tuesday 7<sup>th</sup> June 2016 at 10.00am</b>
<b>Report of:</b>	<b>Mr Martin Kilduff, Licensing Enforcement Officer</b>
<b>Subject/Title:</b>	<b>Application for a Premises Licence at Hilltop Farm, Budworth Heath Lane, Aston By Budworth, Cheshire East, CW9 6NG</b>

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### 1.0 Report Summary

- 1.1 The report provides details of an application for a premises licence for a limited time period, 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 Mr Richard Shepherd, in respect of:

**Hilltop Farm  
Budworth Heath Lane  
Aston By Budworth  
Cheshire East  
CW9 6NG**

- 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 High Legh

### **5.0 Local Ward Members**

Cllr Olivia Hunter

### **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 representations relate to the Prevention of Crime and Disorder and the Prevention of Public Nuisance Licensing Objectives. The Licensing Authority sets out at paragraphs 7 and 9 respectively, of its Statement of Licensing Policy how it will deal with representations under these objectives.
- 6.3 Members should provide reason(s) for any decision taken and should set out the 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 was initially received on the 6<sup>th</sup> April 2016, however was resubmitted on 11<sup>th</sup> April 2016 due to the initial application not being advertised in accordance with the Licensing Act 2003, i.e. no public notices at the site of the premises. The public notices were subsequently found to be satisfactory. The application 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:

**Sale and Supply of Alcohol**  
**Provision Regulated Entertainment (as listed below)**  
**Late Night Refreshment**

10.3 The hours applied for are as follows:

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

20:00 on Saturday 13<sup>th</sup> August 2016 to 03:30 on Sunday 14<sup>th</sup> August 2016.

### **Live Music**

2 x 1 hour sessions between the hours of 22:00 on 13<sup>th</sup> August 2016 and 02:00 on Sunday 14<sup>th</sup> August 2016 (to take place indoors).

### **Recorded Music**

20:00 on 13<sup>th</sup> August 2016 to 04:00 on 14<sup>th</sup> August 2016.  
(to take place indoors).

**Performance of Dance** (to take place outdoors).

A 1 hour and 30 minute session between the hours of 20:30 and 24:00 on 13<sup>th</sup> August 2016.

**Late Night Refreshment** (to take place outdoors).

20:00 on 13<sup>th</sup> August 2016 until 03:30 on 14<sup>th</sup> August 2016.

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

10.5 Relevant Representations

Responsible Authorities:

10.6 The Police responded with no objections to the application.

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

Other Persons:

10.7 The Council has received one written objection

**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 Enforcement Officer

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**APPENDICES**

Appendix 1 – Premises Licence Application Form and site plan.

Appendix 2 – Written objection from other person

Appendix 6 – Maps