

Licensing Act Sub Committee

Date of Meeting: 30 April 2018

Report Title: Application for New Premises Licence to the Premises Licence at Grange Farm, Hollyhurst Road, Marbury, Whitchurch, Cheshire, SY13 4LY

Senior Officer: Frank Jordan – Executive Director Places

1. Report Summary

- 1.1. The report provides details of an application for a Premises Licence, and the proposed operating schedule together with details of relevant representations received in relation to the application.

2. Recommendation/s

- 2.1. The Licensing Act Sub-Committee is requested to determine the application for a application for a Premises Licence by Grange Farm Weddings & Events, in respect of:

**Grange Farm, Hollyhurst Road, Marbury, Whitchurch, Cheshire,
SY13 4LY**

- 2.2. Acting in the capacity of Licensing Authority, Members must seek to promote the Licensing Objectives. And where Members consider that matters have engages 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 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, consideration also needs to be given to:
 - a. The rules of natural justice
 - b. The provisions of the Human Rights Act 1998

3. Reasons for Recommendation/s

- 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. The key reasons why the recommendation/s has been made. Link your reasons into appropriate council policies and corporate objectives.

4. Other Options Considered

- 4.1. Not applicable

5. Background

- 5.1. The application was initially received on the 5th March 2018. The application is for a Premises Licence under section 17 of the Licensing Act 2003.
- 5.2. The operating schedule indicates that the relevant licensable activities applied for are:
 1. Provision of Live Music (indoors)
18:00 – 00:30 on Saturdays
 2. Provision of Recorded Music (indoors)
18:00 – 00:30 on Saturdays
- 5.3. A copy of the application form is attached as Appendix 1.
- 5.4. Responsible Authorities:
 - 5.4.1. Cheshire Police have no objection to the application

5.4.2. The Council's Environmental Protection Team has proposed conditions to be included on the licence (appendix 2), which they consider will promote the Licensing Objectives. At the time of writing the report the applicant has not agreed the proposed conditions.

5.5 Other Persons:

5.5.1 The Council has received six objections to the application, which are set out at appendix 3.

6. Implications of the Recommendations

6.1. Legal Implications

6.1.1. 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:

- I. Grant the licence subject to the relevant mandatory conditions and conditions consistent with the operating schedule
- II. Modify the application to such extent as the Authority considers appropriate for the promotion of the Licensing Objectives
- III. Exclude from the scope of the licence any of the Licensable Activities to which the application relates
- IV. Reject the application

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

6.1.3 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.

6.2. Finance Implications

6.2.1. Not applicable

6.3. Risk Management Implications

6.3.1. 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.

7. Ward Members Affected

7.1. Wrenbury – Councillor Stan Davies

8. Consultation & Engagement

8.1. In accordance with the provisions of the Licensing Act 2003 each of the Responsibility Authorities has been consulted on the application. The application has also been publicly advertised for the required 28 days to allow for public objection or comment.

9. Contact Information

9.1. Any questions relating to this report should be directed to the following officer:

Name: Jennifer Knight

Job Title: Senior Licensing Officer

Email: licensing@cheshireeast.gov.uk

APPENDICES

Appendix 1 – Premises Licence Application Form & Plan

Appendix 2 – Environmental Health Conditions

Appendix 3 – Objections

Appendix 4 – Relevant parts of Licensing Policy

Appendix 5 – Map of area