

## **Licensing Act Sub Committee**

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**Date of Meeting:** 02 August 2018

**Report Title:** Application for New Premises Licence at Stock Farm, Ashley Road, Altrincham, WA14 3QF

**Senior Officer:** Frank Jordan - Executive Director Places

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### **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 Tatton Estate Management Limited, in respect of:

**Stock Farm, Ashley Road, Altrincham, WA14 3QF**

- 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 received by the Licensing Authority and sent out for consultation on the 8<sup>th</sup> June 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 Plays (Indoors)  
23:00 – 02:00 Monday to Sunday
  2. Provision of Films (Indoors)  
10:00 – 02:00 Monday to Sunday
  3. Provision of Live Music (Indoors)  
23:00 – 02:00 Monday to Sunday
  4. Provision of Recorded Music (Indoors)  
23:00 – 02:00 Monday to Sunday
  5. Provision for the Performance of Dance (Indoors)  
23:00 – 02:00 Monday to Sunday
  6. Provision of Late Night Refreshment (Indoors)  
23:00 – 02:00 Monday to Sunday
  7. Supply of Alcohol (for consumption on and off the premises)  
10:00 – 02:00 Monday to Sunday
- 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 submitted a representation to the application, which is set out at appendix 2. At the time of writing this, the applicant has proposed a detailed noise impact assessment in order to overcome the representation; however this has not yet been received by the Licensing Team.

5.4.3. Other Persons:

5.4.4. The Council has received nineteen objections to the application, which are out at appendix 3.

5.4.5. In considering the representations from 'other persons' Members will note that some representations contain information or objections, which are not relevant to the Licensing Act 2003. The Sub-Committee will need to disregard any irrelevant matters and apply appropriate weight to relevant matters.

5.4.6. The current planning permission for the premises and any restrictions or conditions placed on the permission do not automatically bind this Sub-Committee. The Sub-Committee will need to come to its own conclusions when determining this application. The planning and licensing regimes are separate and governed by different criteria, which may over-lap in some circumstances. If the Sub-Committee's discretion is engaged any action taken must be appropriate to promote the Licensing Objectives. Any test of need or other considerations that may be relevant to planning but not relevant under the Licensing Act 2003 must be disregarded.

5.4.7. If Members were minded to grant the application in line with the hours currently applied for and these were in conflict with any planning permission the premises could not operate to the extended hours without a change to the planning permission. If the premises user were to operate in breach of planning permission, offences will be committed for which the user may be liable to prosecution.

## **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. There are no financial implications

## 6.3. **Policy Implications**

6.3.1. The Licensing Authority has adopted a Statement of Licensing Policy in accordance with section 5 of the Licensing Act 2003.

6.3.2. The Licensing Authority must also have due regard to the guidance issued under section 182 of the Licensing Act 2003.

6.3.3. 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.

## 6.4. **Equality Implications**

6.4.1. There are no direct equality implications

## 6.5. **Human Resources Implications**

6.5.1. There are no human resources implications

## **6.6. Risk Management Implications**

6.6.1. The Licensing Sub-Committee will hear representations made on behalf of both the applicant and the 'relevant persons' who have submitted a representation and will make a decision on the basis of the evidence presented to it. The Licensing Act 2003 makes provision for appeal to the Magistrates' Court of any decision made by the Licensing Authority.

## **6.7. Rural Communities Implications**

6.7.1. There are no direct implications for rural communities.

## **6.8. Implications for Children & Young People**

6.8.1. There are no direct implications for children and young people.

## **6.9. Public Health Implications**

6.9.1. There are no direct implications for public health.

## **7. Ward Members Affected**

7.1. Mobberley - Councillor Jamie Macrae

## **8. Consultation & Engagement**

8.1. Consultation in respect of submitting a Premises Licence Application is prescribed in the Licensing Act 2003 and has been fully complied with.

## **9. Access to Information**

9.1. The background papers relating to this report can be made available by contacting the report writer.

## **10. Contact Information**

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

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