

Licensing Act Sub Committee

Date of Meeting: 25 October 2018

Report Title: Application for a Review of the Premises Licence at Knutsford Masonic Club, Leicester Warren Hall, Bexton Lane, Knutsford, WA16 9BQ

Senior Officer: Frank Jordan - Executive Director Places

1. Report Summary

- 1.1. The report provides details of an application for the Review of a Premises Licence under section 51 of the Licensing Act 2003 and outlines the evidence presented by the parties in relation to the Review.

2. Recommendation/s

- 2.1. The Licensing Act Sub-Committee is requested to determine the application for the Review of a Premises Licence made by Mrs Adele Wright, a local resident, in respect of:

**Knutsford Masonic Club, Leicester Warren Hall, Bexton Lane,
Knutsford, WA16 9BQ**

- 2.2. Members of the Licensing Sub-Committee are requested to consider the Review application and any relevant representations and determine what steps, if any, it considers are appropriate to promote the Licensing Objectives.
- 2.3. Acting in the capacity of Licensing Authority, Members must seek to promote the Licensing Objectives and where Members consider that matters have engaged one or more of the Objectives, they may exercise their discretion. The Licensing Objectives are:
 - a) Prevention of Crime and Disorder
 - b) Public Safety
 - c) Prevention of Public Nuisance

d) Protection of Children from Harm

- 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:
 1. The rules of natural justice
 2. 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.

4. Other Options Considered

- 4.1. No other options have been considered. This matter is appropriate for determined by the Sub-Committee in line with statutory requirements and the Council's Constitution.

5. Background

- 5.1. On 28th July 2018 an application for a Review of the Premises Licence for Knutsford Masonic Club was received from Mrs Adele Wright. The grounds for the Review and supporting evidence are set in the application (appendix 1).
- 5.2. A copy of the Premises Licence setting out the current licensable activities and conditions is attached at appendix 2.
- 5.3. Within the prescribed consultation period in relation to the Review, the Licensing Authority has received two representations from other persons (as defined in the legislation). No representations have been received from any of the Responsible Authorities. Attached at appendix 3.
- 5.4. In reviewing the Premises and making its decision, the Licensing Act Sub-Committee must have regard to the application and relevant representations. The Sub-Committee may take such steps referred to in paragraph 6.1.2 (if any) as it considers appropriate for the promotion of the Licensing Objectives.

6. Implications of the Recommendations

6.1. Legal Implications

6.1.1. The Licensing Act 2003, at section 52 (2), prescribes that before determining an application for Review the Licensing Authority must hold a Hearing to consider the application and any relevant representations.

6.1.2. Furthermore, section 52(3) of the Licensing Act 2003 states that the Licensing Authority may take steps that it considers appropriate to promote the Licensing Objectives. The steps set out within the legislation are:

a) Modify the conditions of the Licence

The conditions of the Licence are modified if any of them are altered or omitted or a new condition is added. The Sub-Committee can also include a requirement that unregulated entertainment becomes regulated again between the hours of 8am and 11pm if appropriate

b) Exclude a Licensable Activity from the scope of the Licence

The Sub-Committee may decide that it is appropriate to remove one or more of the Licensable Activities

c) Remove the Designated Premises Supervisor

d) Suspend the Licence for a period not exceeding three months

e) Revoke the Licence

6.1.3. Members are reminded that if any conditions are modified or included on the Licence, they must be practical, enforceable and appropriate to promote the Licensing Objectives.

6.1.4. By virtue of section 52(11) of the Licensing Act 2003, any decision of the Sub-Committee does not have effect:

a) Until the end of the period given for appealing the decision or

b) If the decision is appealed, until the appeal is disposed of

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 the application and any relevant hear representations. Section 181 and Schedule 5 (part 3) of the Licensing Act 2003 make 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. Knutsford – Councillor Tony Dean

7.2. Knutsford - Councillor Stewart Gardiner

7.3. Knutsford – Councillor George Walton

7.4. Knutsford – Councillor Hayley Wells-Bradshaw

8. Consultation & Engagement

8.1. In accordance with the Licensing Act 2003 Notices advertising the Review and giving the grounds and date by which any representations can be

made have been placed at the premises, on our website, and in our main building.

- 8.2. The Licensing Team was made aware that the review application was not served correctly on the premises licence holder. Following consultation with the Council's Legal Team it was determined that the time period for calculating the date of hearing be adjusted. This was to allow the premises licence holder sufficient time to prepare their response to the application.
- 8.3. The Licensing Team is also aware that the parties have undertaken mediation to attempt a resolution that is satisfactory. If an agreement is reached it would need to be considered by the Sub-Committee and ratified by Members before a change to the licence could be made. Any agreed changes not reflected in a change to the licence would not be enforceable.

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:

Name: Jennifer Knight

Job Title: Senior Licensing Officer

Email: Jennifer.knight@cheshireeast.gov.uk

APPENDICES

Appendix 1 – Review Application

Appendix 2 – Premises Licence

Appendix 3 – Representations from 'Other Persons'

Appendix 4 – Map of Area