

## **Licensing Act Sub Committee**

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**Date of Meeting:** 22 November 2018

**Report Title:** Application for a Variation to a Premises Licence at The Botanist, 41a King Street, Knutsford, WA16 6DW

**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 variation to 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 variation to a Premises Licence by New World Trading Company (UK) Limited, in respect of:

The Botanist, 41a King Street, Knutsford, WA16 6DW

- 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 5<sup>th</sup> October 2018. The application is for a variation to a Premises Licence under section 34 of the Licensing Act 2003.
- 5.2. The applicant seeks to vary their licence to include the following:

#### **Provision of Live Music – Indoors**

Thursday 21:00 – 00:00

Friday and Saturday 21.00 – 01.00

#### **Provision of Recorded Music – Indoors**

Monday to Wednesday 10.00 – 23.00

Thursday to Saturday 10.00 – 01.00

Sunday 10.00 – 22.30

#### **Late Night Refreshment – Indoors**

Monday to Thursday 23.00 – 00.30

Friday to Saturday 23.00 – 01.30

Sunday 23.00 – 00.30

#### **The Sale and Supply of Alcohol on and off the premises**

Monday to Wednesday 10.00 – 23.00

Thursday 10.00 – 00.30  
Friday and Saturday 10.00 – 01.00  
Sunday 10.00 – 22.30

**Hours the Premises are open to the public**

Monday to Wednesday 10.00 – 00.00  
Thursday 10.00 – 01.00  
Friday to Saturday 10.00 – 01.30  
Sunday 10.00 – 23.30

There are no other changes proposed on the application.

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

5.4. Responsible Authorities:

5.4.1. Cheshire Police have proposed conditions to promote the licensable objectives which have been agreed with the applicant. A copy of the conditions is set out at Appendix 3.

5.4.2. The Council's Environmental Protection Team has proposed conditions which if added to the licence would promote the licensable objectives. The applicant has not agreed to the conditions. A copy of the conditions is set out at Appendix 4.

5.5 Other Persons:

5.5.1 The Council has received eight objections to the application, which are set out at appendix 2.

## **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 person' who has submitted their 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. Knutsford – Councillor Stewart Gardiner

7.2. Knutsford – Councillor Tony Dean

7.3. Knutsford – Councillor Hayley Wells-Bradshaw

## **8. Consultation & Engagement**

8.1. Consultation in respect of submitting a variation to 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:

Name: Jennifer Knight

Job Title: Senior Licensing Officer

Email: [Jennifer.knight@cheshireeast.gov.uk](mailto:Jennifer.knight@cheshireeast.gov.uk)

Appendix 1 – Application form and existing premises licence

Appendix 2 – Representations from other persons

Appendix 3 – Agreed Conditions from Cheshire Police

Appendix 4 – Proposed Conditions from Environmental Health

Appendix 5 – Map of Premises