Select Destination of Report

Date of Meeting: 21st August 2020

Report Title: Application for a Premises Licence at Café Waterside, Clarence Mill, Clarence Road, Bollington, Macclesfield, Cheshire, SK10 5JZ

Senior Officer: Frank Jordan - Executive Director Places

1. Report Summary

1.1. The report provides details of an application for a Premises Licence pursuant to section 17 of the Licensing Act 2003 and outlines the evidence presented by the parties in relation to the variation.

2. Recommendations

2.1. The Licensing Act Sub-Committee is requested to determine the application for a Premises Licence by Social Revolution, in respect of:

   Café Waterside
   Clarence Mill
   Clarence Road
   Bollington
   SK10 5JZ

2.2. The Licensing Act Sub-Committee is requested to consider the 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 the 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) The prevention of crime and disorder;
b) Public Safety;
c) The prevention of public nuisance;
d) The protection of children from harm.

2.4. 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 the application and the evidence presented by the parties in relation to the review.

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;

3. 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, and provide 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 completed application by Social Revolution was received by the Licensing Authority on the 4th May 2020 and sent out for consultation on the 4th May 2020. 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:

- Supply of alcohol.

5.3. The hours applied for are as followed:

- Sale and supply of alcohol – Monday to Sunday, 12:00 to 21:00
• Opening hours – Monday to Sunday, 09:00 to 21:00

The full details of the application are set out at Appendix 1.

5.4. Responsible Authorities:

5.4.1. The Council’s Environmental Protection team have not submitted a representation;

5.4.2. The applicant and Police have agreed additional conditions which are set out in Appendix 2.

5.5. Other Persons:

5.5.1. The Council has received one valid representation from the public, which is 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:

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.

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/Cared for Children**

6.8.1. There are no direct implications for children and young people.
6.9. **Public Health Implications**

6.10.1 There are no direct implications for public health.

6.10. **Climate Change Implications**

6.10.1. There are no direct implications for Climate Change.

7. **Ward Members Affected**

7.1. Bollington – Councillor James Nicholas.

7.2. Bollington – Councillor Amanda Stott.

8. **Consultation & Engagement**

8.1. Consultation in respect of submitting an application for 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: Nathan Murphy

   Job Title: Acting Senior Licensing Officer

   Email: nathan.murphy@cheshireeast.gov.uk

Appendix 1 – Application
Appendix 2 – Police Conditions (Agreed with Applicant)
Appendix 3 – Representations from Other Persons
Appendix 4 – Map of Area & Plan of the Premises