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Date of Meeting: 8th September 2020

Report Title: Application for a variation of a premises licence at Eight Farmers, 104 Parkers Road, Leighton, Cheshire, CW1 4PY

Senior Officer: Frank Jordan - Executive Director Places

1. Report Summary

- 1.1. The report provides details of an application for a variation to the Premises Licence under section 34 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 variation of the Premises Licence by Marston's PLC, in respect of:

Eight Farmers
104 Parkers Road
Leighton
Cheshire
CW1 4PY

- 2.2. The Licensing Act Sub-Committee is requested to consider the variation 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;
- b) The provisions of the Human Rights Act 1998.

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 Marston's PLC was received by the Licensing Authority on the 16th July 2020 and sent out for consultation on the 16th July 2020. The application is to vary a Premises Licence under section 34 of the Licensing Act 2003.

5.2. The operating schedule indicates that the relevant licensable activities to be altered are:

- Supply of alcohol;
- Late night refreshment.

In addition to the alterations to the licensable activities, the application looks to alter the licensable area which is set out in **Appendix 1**.

5.3. The hours applied for are as followed:

Current hours

- Late Night Refreshment - Indoors
Monday to Thursday - 23:00 to 00:30;
Friday to Saturday - 23:00 to 01:30;
Sunday - 23:00 to 00:30.
- Sale and Supply of Alcohol - On and Off the Premises
Monday to Thursday - 10:00 to 00:00;
Friday to Saturday - 10:00 to 01:00;
Sunday - 11:00 to 00:00.

Proposed hours

- Late Night Refreshment - Indoors
Monday to Thursday - 23:00 to 00:30;
Friday to Saturday 23:00 to 01:30;
Sunday - 23:00 to 00:30.
- Late Night Refreshment - External Area
Monday to Sunday 23:00 to 23:30
- Sale and Supply of Alcohol - On and Off the Premises
Monday to Thursday - 10:00 to 00:00;
Friday to Saturday - 10:00 to 01:00;
Sunday - 11:00 to 00:00.
- Sale and Supply of Alcohol - External Area
Monday to Saturday - 10:00 to 22:30;
Sunday - 11:00 to 22:30.

The full details of the variation to the Premises Licence are set out in the application at **Appendix 1**.

5.4. A copy of the Premises Licence setting out the Premises Licence Holder, Designated Premises Supervisor and conditions etc. is appended to this report at **Appendix 2**.

5.5. Responsible Authorities:

5.5.1. The Council's Environmental Protection team and Cheshire Constabulary have not submitted a representation.

5.6. Other Persons:

5.6.1. The Council has received 19 representations from the public, 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 35 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 35(4) provides that the authority may:

- a) to modify the conditions of the licence;
- b) to reject the whole or part of the application

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

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. Leighton Independent – Councillor Byron Evans.

7.2. Crewe North – Councillor Jill Rhodes.

8. Consultation & Engagement

- 8.1. Consultation in respect of submitting an application to vary 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 – Premises Licence (337)

Appendix 3 – Representations from Other Persons

Appendix 4 – Map of Area