

Version
Number: 1.0

Key Decision ?

Date First
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Cabinet

Date of Meeting: 29th April 2021

Report Title: Application for a full variation of the premises licence at:
55 Degrees, 2-4 Crewe Road, Alsager, ST7 2ES

Portfolio Holder: Cllr Mick Warren, Communities

Senior Officer: Frank Jordan, Executive Director Place

1. Report Summary

- 1.1. The report provides details of an application made for a full variation of a Premises Licence under the Licensing Act 2003 together with objections.

2. Recommendations

- 2.1. The Licensing Act Sub-Committee is requested to determine the application for a full variation of a Premises Licence in respect of:

55 Degrees
2-4 Crewe Road
Alsager
ST7 2ES

- 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

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, 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. An application for a full variation of a Premises Licence was received by this Authority on 18th March 2021 for the following premises:

55 Degrees
2-4 Crewe Road
Alsager
ST7 2ES

5.2. The premises is a terraced property selling craft ales, wines, cocktails and spirits for consumption both on and off the premises.

5.3. The Premises Licence currently in place at the above address is PREM1196. A copy of that Premises Licence is attached at **Appendix 1**.

5.4. The licensable activities currently authorised under PREM1196 are:

i) Recorded music

ii) Sale and supply of alcohol for consumption both on and off the premises

5.5. The applicant has applied to vary Premises Licence PREM1196.

5.6. The variation sought is to extend the licensable hours on a Sunday by one hour. For ease of reference the licensable hours currently authorised by PREM1196 together with the hours sought within the application are displayed in the below table (*Table A*).

5.7. *Table A:*

Day of the week	Current start time	Sought start time	Current finish time	Sought finish time
Sunday	11:00	11:00	22:00	23:00

- 5.8. The licensable hours for Monday to Saturday will remain as currently authorised under PREM1196.
- 5.9. The current closing time of the premises on a Sunday is 22:30; the applicant has sought to extend that closing time to 23:00 in line with the licensable hours sought within the application.
- 5.10. A copy of the application is attached at **Appendix 2**.
- 5.11. Plans submitted with the application are attached at **Appendix 3** and **Appendix 4**. Members will note that the plan remains the same as that which is currently in place and no variation has been sought to alter the licensed area of the premises.
- 5.12. To assist Members a locational map is attached at **Appendix 5**.
- 5.13. A Statutory Notice was advertised within a local newspaper on 25th March 2021.
- 5.14. A Statutory Notice at the premises was inspected by a Licensing Officer on 14th April 2021.
- 5.15. During the statutory consultation period Environmental Protection have stated that they have no objections to the application. A copy of the response from Environmental Protection can be found at **Appendix 6**.
- 5.16. During the statutory consultation period the Police stated that they have no objection to the application.
- 5.17. Four valid objections have been received from members of the public. Those objections relate to the Licensing Objective 'The prevention of public nuisance'. Copies of those objections can be found from **Appendix 7** to **Appendix 10**.

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 conditions as are consistent with the

operating schedule accompanying the application, modified to such extent as the authority considers appropriate for the promotion of the licensing objectives and any mandatory conditions that must be included on the licence in accordance with the Licensing Act 2003;

- b) Exclude from the scope of the licence any of the Licensable Activities to which the application relates;
- c) Refuse to specify a person in the licence as the Premises Supervisor;
- d) 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 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 public health.

6.9. Public Health Implications

6.10. There are no direct implications for Climate Change.

1.1. Climate Change Implications

1.2. There are no direct implications for Climate Change.

2. Ward Members Affected

2.1. Cllr June Buckley

2.2. Cllr Rod Fletcher

2.3. Cllr Phil Williams

3. Consultation & Engagement

3.1. Consultation in respect of submitting an application for a full variation of a Premises Licence is prescribed in the Licensing Act 2003 and has been fully complied with.

4. Access to Information

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

5. Contact Information

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

Name: Richard Hellon

Job Title: Licensing Enforcement Officer

Email: richard.hellon@cheshireeast.gov.uk

Appendices summary:

Appendix 1 – Current Premises Licence

Appendix 2 – Application form

Appendix 3 – Plan

Appendix 4 – Plan

Appendix 5 – Locational map

Appendix 6 – Environmental Health response

Appendix 7 – Valid objection

Appendix 8 – Valid objection

Appendix 9 – Valid objection

Appendix 10 – Valid objection