

Licensing Act Sub-Committee

Date of Meeting:	26 th September 2022 at 14:00hrs
Report Title:	Application for a Premises Licence – The Vault, 19 Crewe Road, Alsager ST7 2EP
Report of:	Jayne Traverse, Executive Director – Place
Report Reference No:	To be provided by Democratic Services
Ward(s) Affected:	Alsager

1. Purpose of Report

- 1.1. To allow Members of the Sub-Committee to determine a contested application for the grant of a premises licence made under the Licensing Act 2003 for the following premises:

The Vault, 19 Crewe Road, Alsager ST7 2EP

2. Executive Summary

- 2.1 The report provides details of an application for a new Premises Licence, under section 17 of the Licensing Act 2003 and outlines the evidence presented by the parties in relation to the application.

3. Recommendations

- 3.1. 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.
- 3.2. 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:
- The prevention of crime and disorder

- Public Safety
 - The prevention of public nuisance
 - The protection of children from harm
- 3.3.** 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 the application and the evidence presented by the parties in relation to the application.
- 3.4.** 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

4. Reasons for Recommendations

- 4.1.** 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.

5. Other Options Considered

- 5.1.** Not applicable

6. Background

- 6.1.** On 2nd August 2022 an application was received by the Licensing Team for the grant of a Premises Licence. The application was then distributed to the Responsible Authorities for consultation.
- 6.2.** A copy of the full application and plan is attached to this report at **Appendix 1**.
- 6.3.** A map of the area in which the premises is located is attached to this report at **Appendix 5**.
- 6.4.** The operating schedule indicates that the relevant licensing activities applied for are:
- Provision of live music (indoors)
 - Provision of recorded music (indoors and outdoors)
 - Provision of late-night refreshment (indoors)
 - Provision of the supply of alcohol (for consumption on the premises)

6.5. The hours applied for are as follows:

6.5.1 Standard days and timings

- Provision live music (indoors)
Thursday to Saturday – 21:00hrs to 00:00hrs
Sunday – 12:00hrs to 23:00hrs
- Provision of recorded music (indoors and outdoors), late night refreshment (indoors)
Thursday to Sunday 12:00hrs to 00:00hrs
- Supply of alcohol (indoors)
Thursday to Saturday – 12:00hrs to 23:30hrs
Sunday – 12:00hrs to 22:00hrs

6.5.2 Non Standard Timings and Seasonal Variation

- Provision of live music (indoors)

Christmas Eve, Christmas Day or New Years Eve that falls on a Monday, Tuesday or Wednesday live music is requested between 18:00hrs – 00:00hrs
- Provision of recorded music (indoors and outdoors)

Christmas Eve, Christmas Day or New Years Eve that fall on a Monday, Tuesday or Wednesday recorded music is requested between 12:00hrs – 00:00hrs
- Provision of late night refreshment (indoors)

Christmas Eve, Christmas Day or New Years Eve that fall on a Monday, Tuesday or Wednesday late night refreshment is requested between 12:00hrs - 00:00hrs
- Supply of alcohol (indoors)

Christmas Eve, Christmas Day or New Years Eve that fall on a Monday, Tuesday or Wednesday supply of alcohol is requested between 12:00hrs – 23:30hrs

6.6. The operating schedule indicates that the hours the premises are open to the public are:

- Thursday to Sunday – 11:00hrs to 00:00hrs.

- The outside courtyard area to be closed a 22:00hrs each day.
- Non standard timings and seasonal variations to be those set out in paragraph 6.5.2 above.

6.7. Since the submission of the original application, as a result of representations made by members of the public, the applicant has submitted amendments to the details of the original application and confirmation that the amendments should be applied. These are attached as **Appendix 6** and **Appendix 7** to the report.

7. Consultation and Engagement

7.1. Consultation in respect of submission of the application for the grant of a Premises Licence is prescribed in the Licensing Act 2003 and has been fully complied with.

7.2. During the consultation period, the applications was advertised on the Council's website and the notices required to be displayed at the premises were inspected on 04/08/2022. The last date for representations to be made was 30th August 2022. The Licensing Team have also confirmed that the newspaper notice was published in accordance with the legislative requirements.

Responsible Authorities

7.3. The Licensing Authority has received agreed conditions to be attached to the premises licence from Cheshire Police and Cheshire East Council's Environmental Protection Team. These conditions have been agreed to by the applicant, the conditions are attached at **Appendix 2** and **Appendix 3**.

Other Persons

7.4. The Council has received six (6) representations against the application from members of the public. Copies of the representations are attached to this report at **Appendix 4**.

8. Implications

8.1. Legal

8.1.1. The Sub Committee must determine this application in accordance with section 18 of the Licensing Act 2003. To do so otherwise would render its determination unlawful and invalid.

8.1.2. In accordance with the provisions of section 18 (3)(b) of the Licensing Act 2003 the Licensing Authority Sub Committee must, having regard to the representations, made in this application take such steps (if any) as it considers appropriate for the promotion of the licensing objectives.

8.1.3. 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

8.1.4. Members are reminded that should any conditions be added, they should be practical, enforceable and appropriate to promote the Licensing Objectives.

8.1.5. 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 reoffending.

8.1.6. Members must give reasons for their determination and notice of it must be communicated to the parties to this application. If Members depart from the Statutory Guidance or the Council's Statement of Licensing Policy then their decision notice must set out the reasons for doing so.

8.2. Finance

8.2.1. There are no financial implications

8.3. Policy

8.3.1. The Licensing Authority has adopted a Statement of Licensing Policy in accordance with section 5 of the Licensing Act 2003.

8.3.2. The Licensing Authority must also have due regard to the guidance issued under section 182 of the Licensing Act 2003.

8.3.3. 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.

8.4. Equality

8.4.1. There are no equality implications

8.5. Human Resources

8.5.1. There are no human resources implications

8.6. Risk Management

- 8.6.1. 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

8.7. Rural Communities

- 8.7.1. There are no implications for rural communities

8.8. Children and Young People/Cared for Children

- 8.8.1. There are no implications for children and young people

8.9. Public Health

- 8.9.1. There are no direct implications for public health

8.10. Climate Change

- 8.10.1. There are no implications for climate change

Access to Information	
Contact Officer:	Amanda Andrews, Licensing Enforcement Officer Licensing@Cheshireeast.gov.uk 0300 123 5015
Appendices:	Appendix 1 – Application and plan of the premises Appendix 2 – Cheshire Police Agreed Conditions Appendix 3 - Environmental Health Agreed Conditions Appendix 4 – Representations from members of the public Appendix 5 – Map of the Area Appendix 6 – Amendments to the original application submitted by the Applicant dated 7 th September 2022 Appendix 7 – Confirmation email from the applicant dated 12 th September 2022
Background Papers:	Statutory Guidance issued under section 182 of the Licensing Act 2003 Council's Statement of Licensing Policy published under section 5 of the Licensing Act 2003