

Licensing Act Sub-Committee

Date of Meeting:	12 th December 2022
Report Title:	Application for a Premises Licence – Dubbed Out
Report of:	Jayne Traverse, Executive Director – Place
Ward(s) Affected:	High Legh Ward

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:

Dubbed Out, Royal Cheshire Showground, Tabley, WA16 0HJ

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. Please note this is a time limited Premises Licence to be held between the 27th July 2023 and 30th July 2023.

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 20th October 2022 an application was received by the Licensing Department for a new Premises Licence in respect of Dubbed Out, Royal Cheshire Showground, Flittogate Lane, Tabley, WA16 0HJ. The application was then sent for consultation.
- 6.2.** This is an application for a time limited Premises Licence to be held between the 27th July 2023 and 30th July 2023.
- 6.3.** A copy of the full application form is attached to this report at Appendix 1
- 6.4.** An Event Management Plan submitted by the applicant is attached at Appendix 2. That document contains a map of the event's location (paragraph 3.7 of the document).
- 6.5.** An additional location map of the area in which the premises is located has been attached by the report writer at Appendix 3.

6.6. The operating schedule indicates that the relevant licensable activities applied for are:

- I. Live & recorded music
- II. Supply of alcohol (for consumption on the premises only)
- III. Performance of dance

6.7. The hours applied for are as follows for live music, recorded music & the supply of alcohol (for consumption on the premises only):

	Start	End
Thursday 27th July 2023	12:00	22:00
Friday 28th July 2023	12:00	23:00
Saturday 29th July 2023	12:00	23:00
Sunday 30th July 2023	12:00	18:00

6.8. The hours applied for are as follows for the performance of dance:

	Start	End
Friday 28th July 2023	12:00	23:00
Saturday 29th July 2023	12:00	23:00
Sunday 30th July 2023	12:00	18:00

6.9. Dubbed Out has previously taken place at Ashley Hall Showground, Ashley, Cheshire, from 9th June 2021 to 13th June 2021. Following that event taking place Licensing received two complaints of noise which were referred to Environmental Protection. Licensing took no further action.

6.10. The following Responsible Authorities have been consulted:

- 6.12.1 Fire & Rescue responded with no comments in relation to the application
- 6.12.2 No response was received by Licensing from Cheshire Constabulary or Environmental Protection

6.11. Representations from Other Persons:

- 6.13.1 The Council has received four representations against the application; two from members of the public and two from Parish Councils. The representations relate to the Licensing Objectives 'The prevention of crime and disorder', 'Public Safety', and 'The prevention of public

nuisance'. Copies of the representations are attached to this report at Appendix 4 to Appendix 7.

7. Consultation and Engagement

- 7.1.** The application was advertised on the Council's website, while the report writer inspected valid notices surrounding the site on 2nd November 2022.
- 7.2.** The last date for representations to be made was 22nd November 2022

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, 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:	Richard Hellon – Enforcement Officer Licensing@Cheshireeast.gov.uk 0300 123 5015
Appendices:	Appendix 1 – Application form Appendix 2 – Event Management Plan Appendix 3 – Location Map Appendix 4 to 7 - Relevant Representations
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 Licensing Act 2003 The Licensing Act 2003 (Hearings) Regulations 2005