

# CHESHIRE EAST COUNCIL

## LICENSING ACT SUB-COMMITTEE

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**Date of meeting:** 08 September 2011  
**Report of:** Peter Simester, Licensing Administration Officer  
**Title:** Application to Vary a Premises Licence  
Bargain Booze, 131-133 Broad Street, Crewe, CW1 3UD

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### **1.0 Report Summary**

- 1.1 The purpose of the report is to request that the Licensing Act Sub-Committee consider an application by P K Thiara to vary the Premises licence at the Bargain Booze store, 131-133 Broad Street, Crewe, CW1 3UD. The Council has received one representation from an interested party.

### **2.0 Recommendations**

- 2.1 The Licensing Act Sub-Committee is requested to determine the application for the variation of the Premises licence.

### **3.0 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.

### **4.0 Wards Affected**

- 4.1 Crewe North

### **5.0 Local Ward Member**

- 5.1 Councillor M Grant

### **6.0 Policy Implications**

- 6.1 The Council has adopted a Statement of Licensing Policy in accordance with section 5 of the Licensing Act 2003 and guidance issued under section 182 of the Act.

### **7.0 Financial Implications**

- 7.1 Not applicable.

## **8.0 Legal Implications (Authorised by the Borough Solicitor)**

- 8.1 Where relevant representations are received in relation to an application for the variation of a Premises licence under section 34 of the Licensing Act 2003, the licensing authority must hold a hearing within 20 working days (of the end of the consultation period) to consider the application and relevant representations.
- 8.2 Section 35 of the Licensing Act 2003 states that, before determining the application, the licensing authority must hold a hearing to consider the application and any relevant representations. In accordance with the provisions of section 35 of the Act, the authority must, having regard to the application and any relevant representations, take such of the steps mentioned in sub-section (4), if any, it considers necessary for the promotion of the licensing objectives. Sub-section 35(4) provides that the authority may (a) modify the conditions of the licence; or (b) reject the whole or part of the application.

## **9.0 Risk Management**

- 9.1 Section 181 and Schedule 5 of the Licensing Act 2003 make provision for appeal to the Magistrates' Court of any decision made by the licensing authority.

## **10.0 Background and Options**

- 10.1 The application is for the variation of an existing Premises licence under section 34 of the Licensing Act 2003. A copy of the existing licence is attached as Appendix 1.

### **10.2 Summary of proposed changes:**

- (i) To extend the opening hours.
- (ii) To extend the hours for the sale of alcohol.
- (iii) To make an alteration to the layout of the store.

#### **(i) & (ii) Opening hours and hours for the sale of alcohol**

The premises are currently licensed to open and sell alcohol during the following hours:

Monday to Saturday:	08:00 to 23:00
Sunday:	10:00 to 22:30

Good Friday:	08:00 to 22:30
Christmas Day	12:00 to 15:00 and 19:00 to 22:30

The applicant has applied to open and sell alcohol during the following hours:

Monday to Sunday:	07:00 to 23:00
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### (iii) Alteration to store layout

The applicant has applied to increase the area for licensable activities (off sales of alcohol) by converting a storage area into sales floor. A plan showing the existing and proposed layouts is included as Appendix 2.

#### 10.3 Response from Responsible Authorities

The Chief Officer of Police has asked for two additional conditions to be added to the Premises licence before the variation is granted. These are as follows:

- i. The proof of age scheme Challenge 21 will be operated for all sales of alcohol.
- ii. A CCTV system will be installed at the premises to the satisfaction of the Police Licensing Officer and it must record at all times the premises are open to the public. Unedited images must be securely retained for at least 14 days and copies made freely available upon request to a constable or an employee of the Police Authority, Local Authority or Security Industry Authority.

The applicant has accepted these two conditions.

#### 10.4 Responses from Interested Parties

The licensing authority has received a representation from one local resident. Details of this representation are shown in Appendix 3.

A location plan is included as Appendix 4.

### **11.0 Access to information**

The background papers relating to this report can be inspected by contacting the writer:

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### **Appendices:**

- Appendix 1: Existing Premises licence.  
Appendix 2: Plan of existing and proposed store layout.  
Appendix 3: Representations from interested party.  
Appendix 4: Location plan.