

# **Licensing Sub-Committee**

## **Agenda**

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<b>Date:</b>	<b>Monday, 18th January, 2010</b>
<b>Time:</b>	<b>3.30 pm</b>
<b>Venue:</b>	<b>Committee Suite 1, 2 &amp; 3, Westfields, Middlewich Road, Sandbach CW11 1HZ</b>

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The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

### **PART 1 - MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

1. **Appointment of Chairman**

To appoint a Chairman for the meeting.

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests and for Members to declare if they have pre-determined any item on the agenda.

3. **Application for a Premises Licence - Off Licence at 56 Coleridge Way, Crewe CW1 5LE** (Pages 5 - 12)

To consider an application for a premises licence at 56 Coleridge Way, Crewe CW1 5LE.

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For requests for further information

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## CHESHIRE EAST COUNCIL

## PROCEDURE FOR HEARINGS – LICENSING ACT 2003

The Licensing Committee

The full Licensing Committee consists of fifteen elected Members of the Council. From this full Committee will be drawn sub-committees of three members to deal with licensing functions under the Licensing Act 2003. The Chairman and Vice Chairman of the Licensing Committee shall have the discretion to refer a matter up to a hearing of the full Licensing Committee.

Officers at Hearings

- **The Committee Officer** introduces all parties and records the proceedings
- **The Legal Adviser** provides independent advice to the Members on legal matters and procedure.
- **The Licensing Officer** will introduce the matter and outline the application; the officer will also answer any questions Members may have.

PROCEDURE

**NOTE: If the Sub-Committee has not already elected a Chairman, that will be the first item of business.**

<b>1</b>	<b>Chairman</b>	The Chairman will: (i) call the matter to be considered; (ii) call for any declarations of interest; (iii) ask all parties to introduce themselves; (iv) summarise the procedure to be followed at the hearing; (v) will consider any request made by a party for another person to appear at the hearing; (v) will advise the parties of any maximum period of time in which it has to present its case (if a maximum is imposed this shall be equal for all parties).
<b>2</b>	<b>Licensing Officer</b>	Will introduce and summarise the application, highlighting areas of contention or dispute.
<b>3</b>	<b>Committee Members</b>	May ask questions of the Licensing Officer
<b>4</b>	<b>Applicant</b>	Will present his/her case, calling witnesses, as appropriate.  <i>(If necessary, applicant will produce any notices required by law. Legal Adviser will draw attention to this if required.)</i>
<b>5</b>	<b>Responsible Authorities (who have made representations)</b>	Each in turn may ask <u>questions</u> of the applicant, by way of clarification.

6	<b>Local residents</b> (ie. defined as “interested parties”)	To be invited to ask <u>questions</u> of the applicant, by way of clarification.  <i>It is normal practice for a spokesperson only to speak on behalf of a group of residents.</i>
7	<b>Committee Members</b>	Each in turn may ask <u>questions</u> of the applicant.
8	<b>Applicant</b>	May make a <u>statement</u> or ask his witnesses to clarify any matters which he feels are unclear, or may have been misunderstood.
9	<b>Responsible Authorities</b>	Will make their representations.
10	<b>Applicant</b>	Or his representative or witnesses to ask <u>questions</u> of Responsible Authorities represented at the meeting, by way of clarification.
11	<b>Local residents</b> (ie. defined as “interested parties”)	May ask <u>questions</u> of the Responsible Authorities represented at the meeting, by way of clarification.  <b>(Note: This is not the point at which local residents should be stating their objections.)</b>
12	<b>Committee Members</b>	May ask <u>questions</u> of the Responsible Authorities represented at the meeting
13	<b>Local residents</b> (ie. defined as “interested parties”)	The local residents who are objecting to the application will be invited <b><u>to make observations on the application</u></b> and present the bases of their objections.
15	<b>Applicant</b>	Or his representative or witnesses may ask <u>questions</u> of the Local Residents, by way of clarification.
16	<b>Committee Members</b>	May ask <u>questions</u> of the Local Residents.
17	<b>Chairman</b>	To invite both <b>Responsible Authorities</b> and <b>Local Residents</b> to make their closing addresses.
18	<b>Applicant</b>	Or his representative will <u>briefly summarise the application</u> and comment on the observations and any suggested conditions.
19	<b>Committee</b>	<u>Will retire</u> to consider the application. The Committee may request the Legal Advisor to advise on legal issues.
20	<b>Committee</b>	Will return to <u>give its decision</u> , with reasons, which will be announced by the Chairman and subsequently confirmed in writing to the applicant and to all the parties that made representations.

		In cases where a decision cannot be given at the end of the hearing, parties will be advised of the decision within five working days.
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**Notes**

1. The hearing shall normally be held in public. There may be occasions on which the Committee find it necessary to exclude members of the press and public; any such decision will be taken on the basis that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing taking place in public.
2. The Chairman may require any person behaving in a disruptive manner to leave the hearing and may (a) refuse to permit that person to return, or (b) permit him/her to return only on such conditions as the authority may specify, but any such person may submit in writing any information which they would have been entitled to provide orally if they had not been required to leave.
3. Prior to the hearing each party shall have given notification and served documentation (eg statements of witnesses or reports of experts) as required. Late representations and evidence will only be considered with the agreement of all parties.
4. Anyone entitled to be heard may be represented by any person, whether or not that person is legally qualified.
5. Hearsay will be permitted but the Sub-Committee will be reminded to give it appropriate weight.
6. Due note shall be taken of the provisions of the Hearings Regulations 2005.
7. The Chair may, in the interests of expediency or convenience of the parties, vary the procedure from time to time, provided notice is given to the parties and the rules of natural justice are observed.

### SUMMARY OF PROCEDURE

- 1 Chairman appointed (if this has not been done previously).
- 2 Chairman to call for declarations of interest and request that all parties introduce themselves.
- 3 Chairman summarises the procedure for the hearing
- 4 The Licensing Officer summarises the application
- 5 Applicant to present his/her case.
- 6 Applicant to be questioned by all parties (to clarify points only) following which, he/she can clarify any other matters which he/she feels may have been misunderstood when the application was presented.
- 7 Applicant to be questioned by the Committee.
- 8 Responsible Authorities to make their representations following which they can be questioned by all parties by way of clarification.
- 9 **Local residents** (defined as interested parties) will be invited to present the bases of their objections, following which they can be questioned by all parties by way of clarification.
- 10 The applicant will be invited to sum up his/her case
- 11 Committee/Sub-Committee withdraws to make its decision
- 12 Committee/Sub-Committee returns to announce its decision to all present.

## CHESHIRE EAST COUNCIL

### LICENSING SUB-COMMITTEE

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**Date of meeting:** 18 January 2010  
**Report of:** Peter Simester, Licensing Officer  
**Title:** Application for a Premises licence  
Off licence at 56 Coleridge Way, Crewe, CW1 5LE

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#### **1.0 Report Summary**

- 1.1 The purpose of the report is to request that the Licensing Sub-Committee consider an application for a Premises licence at 56 Coleridge Way, Crewe, CW1 5LE. The Council has also received a letter of objection from a local resident who lives in the vicinity of the premises.

#### **2.0 Recommendations**

- 2.1 The Licensing Sub-Committee is requested to determine the application by Mrs Alison Latham for a Premises licence.

#### **3.0 Reasons for Recommendations**

- 3.1 The Licensing 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 East

#### **5.0 Local Ward Members**

- 5.1 Cllr S Conquest  
Cllr M Martin  
Cllr C Thorley

#### **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 for Transition Costs (Authorised by the Borough Treasurer)**

- 7.1 Not applicable.

**8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)**

8.1 Not applicable.

**9.0 Legal Implications (Authorised by the Borough Solicitor)**

9.1 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 necessary for the promotion of the licensing objectives. Section 18(4) provides that the Authority may (a) grant the licence subject to conditions; (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; or (d) reject the application.

**10.0 Risk Management**

10.1 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.

**11.0 Background and Options**

11.1 Mrs Latham's application for a Premises licence was received on 19 November 2009. The application was initially to sell alcohol (off sales only) between the hours of 06:00 and 24:00 (midnight), Monday to Sunday inclusive. These were also to be the maximum opening hours of the shop.

11.2 The application has been advertised at the premises and a public notice was published in a local newspaper on 25 November 2009.

11.3 The proposed Designated Premises Supervisor is Mrs Alison Latham who holds Personal licence issued by Newcastle under Lyme Borough Council.

11.4 Relevant representations:

Responsible Authorities

11.4.1 The applicant, Alison Latham, has agreed to two conditions requested by the Police Licensing Officer in support of the licensing objectives. These are as follows:

- a) The proof of age scheme 'Challenge 21' will be operated for every sale of alcohol.



- b) A tamper proof CCTV system shall be installed at the premises in liaison with and to the satisfaction of the Police Licensing Officer. The CCTV shall be used to record during all hours that the premises are open to the public. The images recorded by the CCTV system shall be retained in unedited form for a period of not less than 28 days and copies made freely available on demand to an employee of the Local Authority, Police Authority or Security Industry Authority or a Police Constable.

11.4.2 The Environmental Health team at Cheshire East Council considered the proposed hours of operation (06:00 to 24:00) would be likely to cause a public nuisance to neighbouring residential dwellings and objected to the application. However, they withdrew this objection when the applicant agreed to amend the opening hours to 08:00 to 22:30, Monday to Sunday and also accept the following condition:

- Deliveries to and from the site shall be restricted to between the hours of 08:00 to 18:00, Monday to Saturday, with no deliveries on Sundays.

#### Interested Party

11.4.3 One letter of objection has been received from a resident who lives in the vicinity of the premises. The text of his letter is reproduced in full as Appendix 2.

## **12.0 Overview of Year One and Term One Issues**

12.1 Not applicable.

## **13.0 Access to information**

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

Name: Peter Simester  
Designation: Licensing Officer  
Tel. no: 01270 537114  
E-mail: [peter.simester@cheshireeast.gov.uk](mailto:peter.simester@cheshireeast.gov.uk)

## **Appendices:**

Appendix 1: Letter of objection from interested party.  
Appendix 2: Location plan.

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**Letter of objection from interested party.**

Ref: Application for Drinks Licence, 56 Coleridge Way, Crewe.

Dear Sir, Madam.

I would like to object to the above application for the following reasons.

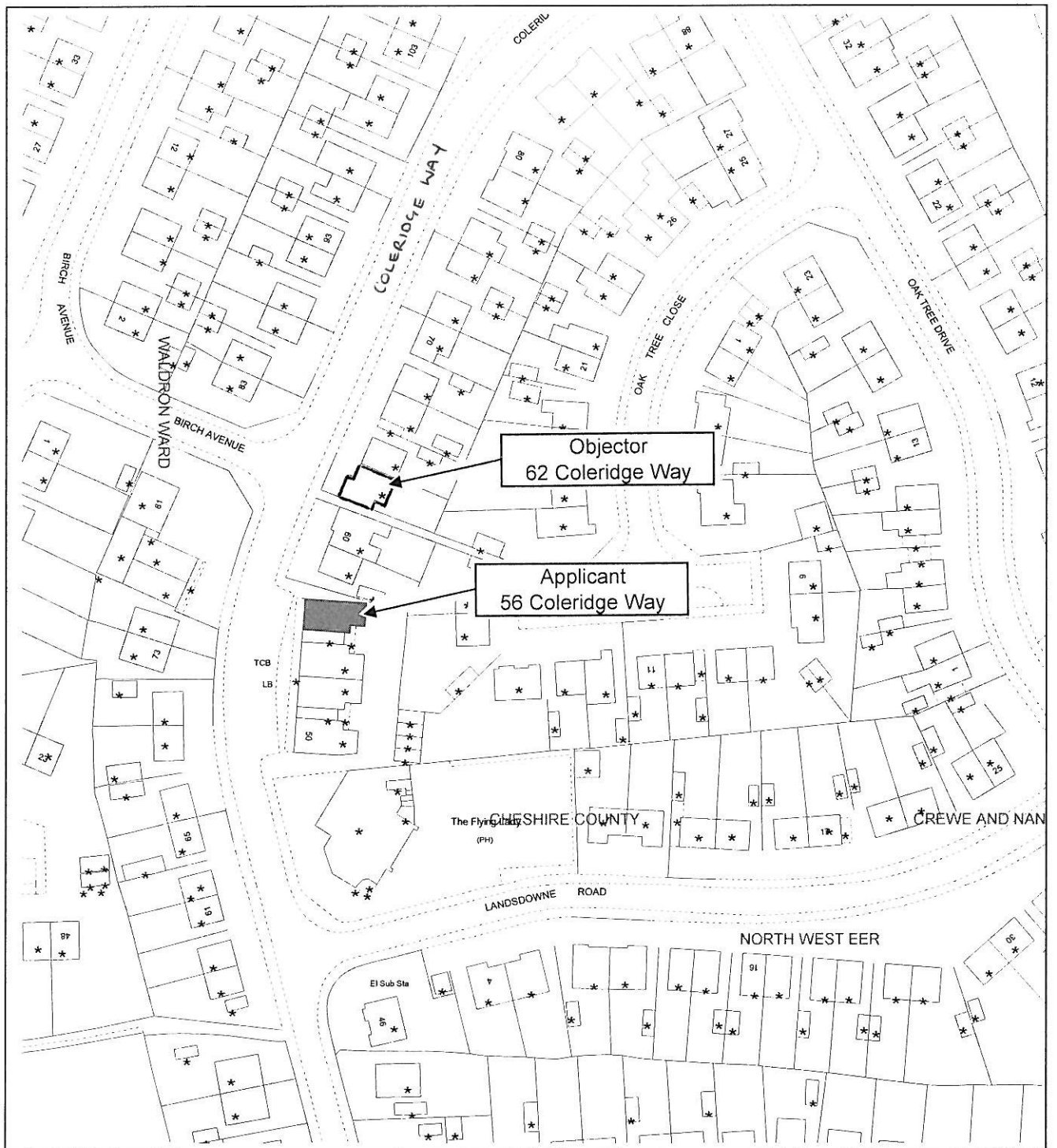
Due to there already being a shop opposite to No. 56 which has a drinks licence, with the opening times between 6:00am and 10:00pm. There have been several complaints due to early deliveries causing public nuisance to the existing shop.

In the past we have had to endure trouble from teenagers in the local area. They have been able to obtain alcohol which has led to public nuisance and disorder. The effective policing has all but eradicated the public nuisance and disorder.

Due to the popularity of the shops in Coleridge Way, the lack of suitable parking for both the customers and delivery vehicles causes increasing safety issues for motorists and pedestrians. We see daily vehicles parking partly on the footpaths.

Yours faithfully

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