

# **Licensing Act Sub-Committee**

## **Agenda**

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**Date:** Tuesday, 31st August, 2010

**Time:** 9.30 am

**Venue:** The Capesthorpe Room - Town Hall, Macclesfield SK10 1DX

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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 - Sainsbury's Supermarket, 9 - 13 Canute Place, Knutsford, Cheshire (Pages 5 - 14)**

To consider an application for a Premises Licence submitted by Sainsbury's Supermarkets Ltd in respect of Sainsbury's Supermarket, 9 - 13 Canute Place, Knutsford, Cheshire.

### **PART 2 – THERE ARE NO PART 2 ITEMS**

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For requests for further information

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**E-Mail:** [julie.zientek@cheshireeast.gov.uk](mailto:julie.zientek@cheshireeast.gov.uk)

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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

**REPORT TO: LICENSING ACT SUB-COMMITTEE**

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<b>Date of Meeting:</b>	Tuesday 31 <sup>st</sup> August 2010 at 09.30am
<b>Report of:</b>	Mrs N Cadman, Licensing Officer
<b>Subject/Title:</b>	<b>Application for a Premises Licence Sainsbury's Supermarket, 9-13 Canute Place, Knutsford, Cheshire.</b>

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**1.0 Report Summary**

- 1.1 The report provides details of an application for a premises licence together with information as to representations received in relation to the application.

**2.0 Recommendations**

The Licensing Act Sub-Committee is requested to determine the application for a Premises Licence by Sainsbury's Supermarkets Ltd in respect of Sainsbury's Supermarket, 9-13 Canute Place, Knutsford, Cheshire.

**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 Knutsford

**5.0 Local Ward Members**

Cllr Olivia Hunter  
Cllr Tony Ranfield  
Cllr Steve Wilkinson

**6.0 Policy Implications**

- 6.1 The Licensing Authority 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) to refuse to specify a person in the licence as the premises supervisor; or (d) to 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 The application is for Premises Licence under section 17 of the Licensing Act 2003.
- 11.2 The operating schedule indicates that the relevant licensable activities applied for are:  
Sale and supply of alcohol  
Late Night Refreshment
- 11.3 The hours applied for are as follows:

### **Sale and supply of alcohol (for consumption off the premises only)**

Monday to Sunday 06.00 to 24.00

### **Late Night Refreshment**

Monday to Sunday 23.00 to 24.00

The provision of late night refreshment will take place both indoors and outdoors. The provision will take place inside the premises but customers may leave the premises with items purchased.

Other times the premises are proposed to be open:

Monday to Sunday 00.01 to 24.00

Non Standard Timings. The applicant may elect not to open the store, or part(s) of the store 24 hours every day but requires the flexibility to do so subject to statutory or operational restrictions.

- 11.3.1 Designated Premises Supervisor: Michelle Louise Zouch

- 11.4 The operating schedule includes the following steps to promote the licensing objectives:

(a) Prevention of crime and disorder

A CCTV system will be installed, or the existing system maintained such system to be fit for purpose.



The system will incorporate a camera covering each of the entrance doors and the alcohol display areas and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the Police from time to time.

The system will incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available subject to compliance with Data Protection legislation, to the Police for inspection on request.

The system will display on any recording the correct time and date of the recording.

A system will be in place to maintain the quality of the recorded image.

(b) Public safety

The applicant will at all times maintain adequate levels of staff. Such staff levels will be disclosed on request to the licensing authority and Police.

(c) Prevention of public nuisance

Signage will be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.

(d) Protection of children from harm

All cashiers will be trained to require evidence of age from any person seeking to buy alcohol and appearing to the cashier to be under the age of 18. This evidence shall be photographic, such as passport or photographic driving licence until other effective identification technology (for example, thumb print or pupil recognition) is adopted by the licence holder.

11.6 Relevant Representations:

Responsible Authorities

11.6.1 The Police state in their response: Application received 12 July 2010 for the Grant of Premises Licence in relation to premises situated at 9-13 Canute Square Knutsford which will become a Sainsbury's Supermarket.

Historically this site has been licensed since late 1984 when it became a Peter Dominic outlet. It subsequently became 'Bottoms Up' (1990) and then 'Wine Rack' (2007) before the Premises Licence was surrendered in February 2010 due to Insolvency.

This application will re-open the outlet as a Sainsbury Local with all the usual items of groceries and household products being provided alongside alcohol.

I have established that no-one under the age of 18 years will be employed on the site and that all staff receive comprehensive training and regular updates in relation

to the Licensing Act and the now standard 'till prompts' will be in place for alcohol sales. It is anticipated that the premises will open for trade in October 2010.

11.6.2 The Environmental Health Officer – No response received.

11.6.3 Cheshire Fire Service – No response received.

11.6.4 Local Planning Authority – No response received.

11.6.5 Local Safeguarding Children Board – As Police response.

11.6.5 Health and Safety Officer – No comments.

11.6.6 Trading Standards – No comments.

### Interested Parties

Knutsford Town Council state in their response: Resolved that no objection be raised regarding this application however the Town Council would wish to point out that a potential for public nuisance does exist with residential properties being sited directly above the premises.

The Licensing Authority has received a further representation from an interested party. Details of this are appended to this report.

## **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 report writer:

Name: Mrs N Cadman  
Designation: Licensing Officer  
Tel No: 01625 504206  
Email: nikki.cadman@cheshireeast.gov.uk

## **APPENDICES**

Appendix 1 – Representation from interested party.

Appendix 2 - Plan of area.

Silk Mill Street,  
Knutsford,  
Cheshire.

Macclesfield Licensing Office  
Town Hall  
Market Place  
Macclesfield  
Cheshire  
SK10 1DX

5 August 2010

For the attention of Nikki Cadman-Licensing

Dear Ms. Cadman,

I would like to make a representation against the application to grant a "license to sell alcohol" by Sainsburys for their proposed store in Canute Square, Knutsford.

I am a Personal License holder Reference number  
and owner of , Silk Mill Street, Knutsford.

I would like to object to the late hours applied for, for the following reasons.

The prevention of crime and disorder;  
Public safety;  
The prevention of public nuisance;

Canute Square is one of the main focal points of Knutsford-there are three licensed premises that exit into the square-The Lord Eldon, The White Bear, and The Red Cow. There are also four more bars that are within 50 meters of the store-The Angel, The White Lion, Bar Moda, and my own premises. In addition to the bars, Canute Square has the main taxi rank for people wanting a taxi home. With the proposed application to sell alcohol up to midnight one can only see the store and the square being a central point for trouble putting the local police under yet more pressure dealing with rowdiness and drunks.

It has become a practice in recent times, particularly amongst young adults that come to the town centre to socialise, that they will regularly engage in pre-loading. It is a well-known fact that supermarkets are prone to sell beer lower than cost price so what better to share a pack of beers with "mates" then go into the local bars and clubs leaving us the licensees to deal with the mayhem caused trying to decide if a customer has already had enough to drink. Pre-loading adds to the problems of anti-social behavior that occurs later in the evening.

It can also be a cause of littering in the area and the danger of broken glass bottles.

The request to sell alcohol earlier from 06.00 is ill conceived. It is likely the main group of people that would be attracted by Sainsburys low alcohol prices at this time of the morning would be street drinkers.

Police chiefs claim that disorder caused by excessive drinking is one of the biggest challenges facing forces. Almost half of all violent crime victims report that their attacker was under the influence of alcohol.

Don Shenker, chief executive of Alcohol Concern, said drink-related violence was costing police forces £7bn a year. He said:

"It is a waste of police time, placing huge pressures on accident and emergency departments and the entire criminal justice system."

Last year the Conservative Party leader David Cameron said the availability of cheap alcohol was fuelling crime, and that 24-hour drinking was making the problem worse.

Mr Cameron made the comments after joining police in Hull on a late night patrol to witness the effects of alcohol-related crime.

It is my opinion that if any licence granted to Sainsburys it should be limited from around 09.00 to 21.00, the sales area limited to about 10%, and an undertaking not to sell cheap alcohol.

I would just like to add that on a recent visit to a 24 hour licensed supermarket after finishing work, the checkout person served some youths that were quite obviously drunk-I told him that if I had served them alcohol I would have been in danger of losing my license, he replied "it is easier to serve them and let them go, it can save a lot of trouble if you refuse to serve them"

Yours faithfully,

## From the "Mail Online"

5 May 2010

Supermarkets have launched a 'kamikaze' price war ahead of the World Cup that is slashing the price of beer to less than 50p a pint.

Asda cut the price of cases of bitter, lager and cider ahead of the Bank Holiday weekend to just £9.

Tesco and Sainsbury's ran similar deals, fuelling concerns they are feeding a dangerous binge-drink culture.

Doctors, the police and politicians from all parties have condemned supermarkets for selling drink at below cost, and furious publicans and pub companies claim the tactic is driving them out of business.

Asda was selling a case of 24 cans of Boddingtons bitter last week for just £9, while there was a similar deal on Blackthorn Cider. That equates to 48p a pint - less than a fifth of what drinkers pay in a pub.

It also means the beer is cheaper than water, with a 750ml bottle of San Pellegrino selling at the equivalent of 73p a pint.

Supermarkets also offer their own-label alcohol, which is even cheaper. Tesco's low-alcohol Value Lager sells at 29p a pint.

Tesco, which is England's official World Cup supermarket, sold cases of big-brand beer for £10.

Sainsbury's sold £9 cases of 15 cans of Foster's and Carling.

Pub companies are effectively barred from selling drink at below cost, but the same rules do not apply to supermarkets. Industry sources say supermarkets are losing up to £6 on every case of beer they sell for £9.

The chief executive of pub owners Mitchells & Butler, Adam Fowle, said: 'Today, 70 per cent of all alcohol is purchased in supermarkets.'





Sainsbury's Supermarket, 9-13 Canute Place, Knutsford, Cheshire.

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