

Licensing Act Sub-Committee

Agenda

Date: Wednesday, 25th August, 2010
Time: 2.00 pm
Venue: West Committee Room - Municipal Buildings, Earle Street,
Crewe, CW1 2BJ

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 - Land at West Street, Woolstanwood, Crewe** (Pages 5 - 12)

To consider an application for a Premises Licence submitted by Co-operative Group Food Ltd in respect of a proposed new store on land at West Street, Woolstanwood, Crewe.

PART 2 – THERE ARE NO PART 2 ITEMS

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.

1	Chairman	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).
2	Licensing Officer	Will introduce and summarise the application, highlighting areas of contention or dispute.
3	Committee Members	May ask questions of the Licensing Officer
4	Applicant	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>
5	Responsible Authorities (who have made representations)	Each in turn may ask <u>questions</u> of the applicant, by way of clarification.

6	Local residents (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	Committee Members	Each in turn may ask <u>questions</u> of the applicant.
8	Applicant	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	Responsible Authorities	Will make their representations.
10	Applicant	Or his representative or witnesses to ask <u>questions</u> of Responsible Authorities represented at the meeting, by way of clarification.
11	Local residents (ie. defined as “interested parties”)	May ask <u>questions</u> of the Responsible Authorities represented at the meeting, by way of clarification. (Note: This is not the point at which local residents should be stating their objections.)
12	Committee Members	May ask <u>questions</u> of the Responsible Authorities represented at the meeting
13	Local residents (ie. defined as “interested parties”)	The local residents who are objecting to the application will be invited <u>to make observations on the application</u> and present the bases of their objections.
15	Applicant	Or his representative or witnesses may ask <u>questions</u> of the Local Residents, by way of clarification.
16	Committee Members	May ask <u>questions</u> of the Local Residents.
17	Chairman	To invite both Responsible Authorities and Local Residents to make their closing addresses.
18	Applicant	Or his representative will <u>briefly summarise the application</u> and comment on the observations and any suggested conditions.
19	Committee	<u>Will retire</u> to consider the application. The Committee may request the Legal Advisor to advise on legal issues.
20	Committee	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 ACT SUB-COMMITTEE

Date of meeting: 25th August 2010
Report of: CAROLE KERR, LICENSING OFFICER
Title: APPLICATION FOR PREMISES LICENCE.
LAND AT WEST STREET, WOOLSTANWOOD, CREWE.

1.0 Report Summary

- 1.1 The report provides details of an application from Co-operative Group Food Ltd for a Premises Licence for a proposed convenience retail store, selling groceries, sundry items and alcohol. Representations relating to the application have been received by the Licensing Authority.

2.0 Recommendations

- 2.1 The Licensing Act Sub-Committee is requested to:
- 2.1.1. consider the representation received; and
- 2.1.2. determine the application for the grant of the Premises Licence

3.0 Reasons for Recommendations

- 3.1. The Licensing Act Sub-Committee has the power to determine this application. The Sub-Committee is asked to make the decision within 2.1 above taking into consideration the promotion of the licensing objectives and must also have regard to the Council's Statement of Licensing Policy and Guidance published under section 182 of the Licensing Act 2003.

4.0 Wards affected

- 4.1. Crewe West

5.0 Local Ward Members

- 5.1. Cllrs J Weatherill, R Parker and R Cartlidge

6.0 Policy Implications

- 6.1 The Council has adopted a Statement of Licensing Policy under the 2003 Act relating to its functions as a Licensing Authority under the Act.

7.0. Financial Implications for transition Costs (Authorised by the Borough Treasurer)

7.1. None.

8.0. Financial Implications 2010/2011 and beyond (Authorised by the Borough Treasurer)

8.1 None.

9.0. Legal Implications (Authorised by the Borough Solicitor)

9.1. In accordance with the provisions of section 18 of the Licensing Act 2003, in determining the application, 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 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 application relates.
- (c) refuse to specify a person on the licence as the Premises Supervisor.
- (d) reject the application.

10.0 Risk Management

10.1 The Licensing Act Sub-Committee will hear representations made on behalf of both the applicant and the objectors and will make a decision on the basis of the evidence presented to it. The Act provides a right of appeal to the Magistrates' Court against the decision of the Local Authority.

11.0 Background and Options

11.1 On 12th July 2010 an application was submitted by Co-operative Group Food Ltd for a Premises licence for a proposed new store on land at West Street, Woolstanwood, Crewe. A copy of the location plan is attached for information at **Appendix A.**

11.2 The application is for the sale by retail of alcohol from 06:00hrs to 23:00hrs (Monday –Sunday). The proposed opening hours of the premises are from 06:00 to 23:00hrs.

11.3 The application site is land on which the George public house was formerly situated. The premises were recently demolished and the land acquired by Co-op Group Food Ltd. The area of the site is bounded on all sides by residential dwellings and a small retail outlet (angling supplies). The site is situated opposite a Community Centre and a Gymnasium.

**11.4 Relevant Representation
Responsible Authorities.**

11.4.1 The Police do not object to the application.

11.4.2 Environmental Health do not object to the application.

11.4.3 No comments have been received from any of the other Responsible Authorities.

11.4.4 Public Objections

A written representation has been received from an interested party who states within his letter that he is making representation on his own behalf and also that of residents in the area (the names and addresses of whom have been supplied to the Licensing Authority). A copy of the representation is attached as **Appendix B**.

11.5 In making its decision, the Sub-Committee must have regard to both the evidence submitted by the applicant in support of the application and that of interested parties relating to the representation.

12.0 Overview of Year One and Term one issues.

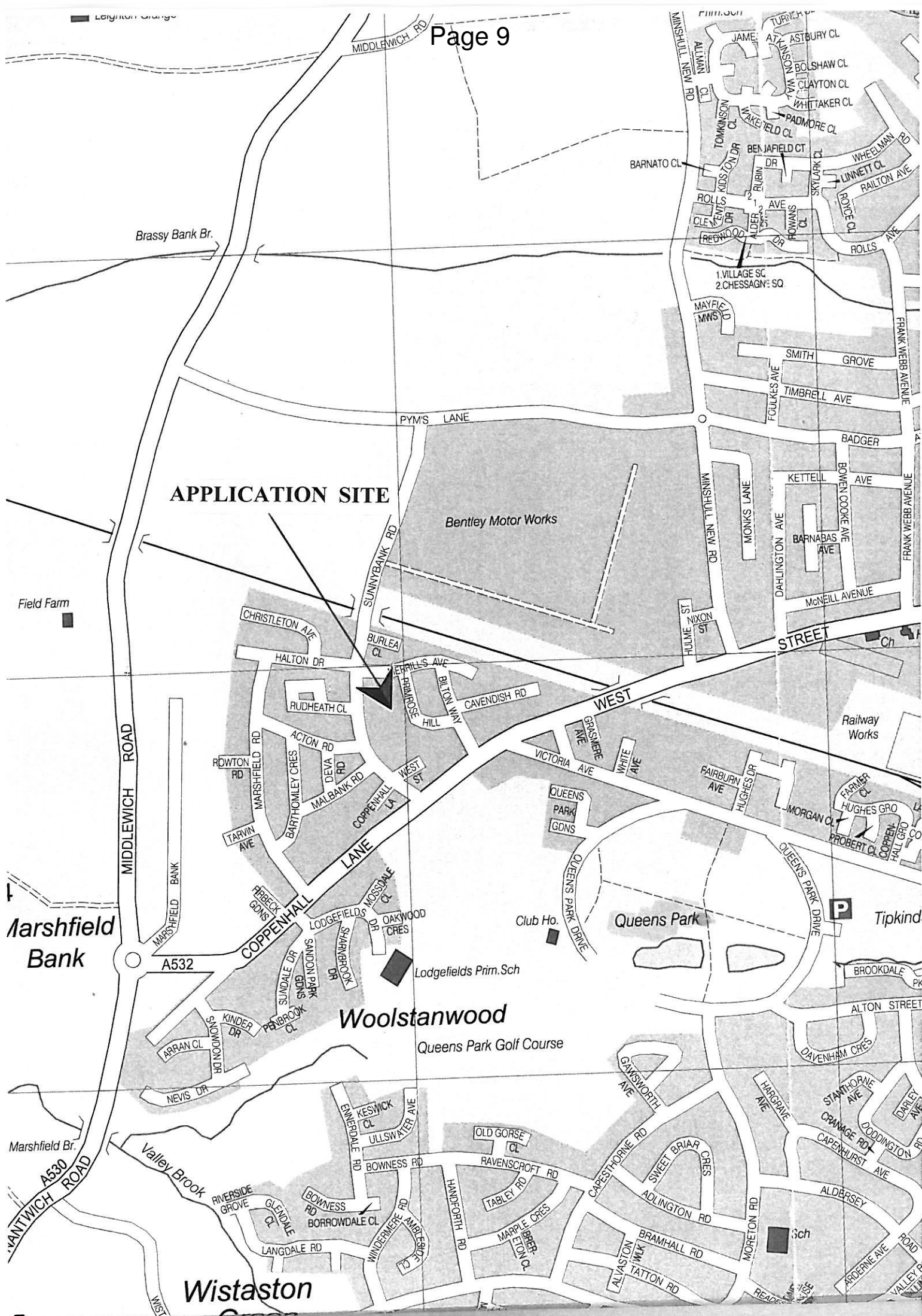
12.1 Not applicable.

13.0 Access to Information.

There are no background papers associated with this report.

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Cheshire East Borough Council
Licensing Section
Municipal Buildings
Earle Street
Crewe
Cheshire
CW1 8TT

Date: 20th of July 2010.

To whom it may concern,

I wish to object on behalf of 38 residents and myself on this licensing application which I am lead to believe is 06:00 to 23:00.

At resent public consultation on this planning application on the 19th of March 2010 at which the local residents requested 07:00 to 21:00 hours opening hours which they feel are adequate considering other stores of similar size are near to hours residents are requesting!

Also reported underage drinking and antisocial behaviour are problem that are being addressed by the local community via activities for young people.

the residents feel that the opening hours will only undermine these efforts and allow these unsavoury behaviour patterns to continue after youth session have finished at the Marshfield Community Centre undoing all the benefits of trying to achieve a quite residential area to flourish and have a area that is not blighted by fear of being a victim of crime and anti-social behaviour / over domination within the hours of business this application must be restrained for that reason alone

therefore I wish to object to the hours published and request that 07:00 to 21:00 hours and Sunday be 08:00 to 20:00 be adhered to on this new store and the smaller retail outlet attached to the new Co-op food store on West Street the former George public house site West Street / Sunnybank Road area.

The potential significant impact of these hours would have on other retail outlets within the area, and the very nature of close proximity to residential properties unlike

The Total Petrol Station and Spar food outlet on Victoria Avenue some 800 yards away is a 24hours opening and serves a large area and gives flexibility to shoppers from around the surrounding housing estates.

And does not have any impact on the increased noise levels to local residents
Can you please confirm the receipt of this letter thank you.

Yours sincerely

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