

CHESHIRE EAST COUNCIL

LICENSING ACT SUB-COMMITTEE

Date of meeting: 8th December 2010
Report of: CAROLE KERR, LICENSING OFFICER
Title: APPLICATION FOR VARIATION TO PREMISES LICENCE.
WM MORRISONS SUPERMARKET, STATION ROAD,
NANTWICH

1.0 Report Summary

- 1.1 The report provides details of an application to vary the Premises licence for Wm Morrison Supermarket, Station Road, Nantwich. Representations to the variation have been received from three residents in the vicinity of the application site.

2.0 Recommendations

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

3.0 Reasons for Recommendations

- 3.1. The Licensing 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 Councils Statement of Licensing Policy and Guidance published under section 182 of the Licensing Act 2003.

4.0 Wards affected

- 4.1. Nantwich Ward

5.0 Local Ward Members

- 5.1. Cllrs A.Moran, A Martin and B.Dykes

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 2010/2011 and beyond (Authorised by the Borough Treasurer)

7.1 None.

8.0. Legal Implications (Authorised by the Borough Solicitor)

- 8.1. In accordance with the provisions of section 35 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 35(4) provides that the steps the authority may take are:
- (a) to modify the conditions of the licence;
 - (b) to reject the whole or part of the application.

9.0 Risk Management

- 9.1 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 Licensing Authority.

10.0 Background and Options

- 10.1 Morrisons Supermarket is licensed for the sale of alcohol as follows:-

08:00am to 23:00 – (Mon – Sat)

10:00am to 22:30 - (Sun)

The opening hours of the premises are as follows:-

08:00am to 20:00 – (Mon-Wed and Sat)

08:00am to 21:00 - (Thurs/Fri)

08:00am to 16:00 - (Sun)

A copy of the current licence is attached at **Appendix A** .

- 10.2 The application is to vary the licence to permit the sale of alcohol from 06:00 to 23:00 Monday to Sunday inclusive and to permit the premises to open from 06:00 to 23:00 Monday to Sunday inclusive.
- 10.3 There are no additional steps detailed in the operating schedule forming part of the application in relation to the promotion of the four Licensing objectives.
- 10.4 The supermarket is situated in a residential area bounded on all sides by residential properties, with a large car park to the front directly opposite a row of terraced properties. A location plan is attached at **Appendix B**.

**10.5 Relevant Representation
Responsible Authorities.**

10.5.1 The Police do not object to the application.

10.5.2 Environmental Health do not object to the application.

10.5.3 There are no other comments from any of the other responsible authorities.

10.5.4 Public Objections.

Written representations have been received from three residents in the vicinity of the application site. The letters of objection are attached at **Appendices C – E.**

The writers state that longer opening hours at the store will mean higher levels of pollution, an increase in traffic and disturbance both late night and early morning.

The representations have been made under the prevention of public nuisance.

10.6 In making its decision, the Sub-Committee must have regard to comments from received from interested parties.

11.0 Overview of year one and Term one issues.

11.1 Not applicable.

12.0 Access to Information.

There are no background papers associated with this report.

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