

CHESHIRE EAST COUNCIL

REPORT TO: LICENSING ACT SUB-COMMITTEE

Date of Meeting:	17 March 2011
Report of:	Mr J Hopper, Licensing Officer
Subject/Title:	<u>Application for a Premises Licence – Mo's Store, 28 Plumley Road, Handforth, Cheshire.</u>

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 Mr Yasar Hussain in respect of Mo's Store, 28 Plumley Road, Handforth, 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 Wilmslow North

5.0 Local Ward Members

Cllr Paul Whiteley
Cllr Jim Crockatt
Cllr Don Stockton

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 2010/11 and beyond (Authorised by the Borough Treasurer)

- 7.1 Not applicable.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 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.

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 Premises Licence granted under Section 17 of the Licensing Act 2003.

- 10.2 The operating schedule indicates that the relevant licensable activities applied for are:
Sale of alcohol

- 10.3 The hours applied for are as follows:

Sale and supply of alcohol

Monday to Sunday 08.00 to 22.00

The sale of alcohol will be for consumption off the premises.

- 10.4 Designated Premises Supervisor: Mr Yasar Hussain

10.5 Hours Premises are open to the public

Not known

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

(a) Prevention of crime and disorder

Challenge 25. No ID no sale.

(b) Public safety

Keep the premises tidy and make sure display the wet sign when required.

(c) Prevention of public nuisance

Do not serve anybody who seems to be drunk as this will cause public nuisance.

(d) Protection of children from harm

Do not sell any products such as glue or other products to kids.

(e) General

Food store / convenience with off licence.

10.7 Relevant Representations:

Responsible Authorities

10.07.1 The Police state in their response:

Application received 20th January 2011 for a Premises Licence at Mo's Store, 28 Plumley Road, Handforth.

The shop is currently owned by Nawid Mohamed, b: 14/10/1971, and is situated on a well established housing estate. It currently operates as a convenience store selling food items, cigarette's etc, and neighbours with a Bargain Booze which is licensed from 08:00 to 23:00 hours, Monday to Saturday, and Sunday 10:00 to 22.30 hours.

Concerns over the running of the Convenience Store were raised in 2010 over the illegal sale of alcohol, cigarettes and BB guns. As a result, multi-agency checks were made which proved negative although there were issues in relation to the storage of fireworks which was subsequently addressed by Trading Standards.

The Initial application made by Yasar Hussain, b: 11/02/1985, was refused due to administrative errors, but did specify that CCTV was to be fitted.

Mr. Hussain is in the process of becoming the Proprietor and the Designated Premises Supervisor on the proviso that a Premises Licence is granted.

This revised application makes no mention of CCTV and, as a result, Police concerns were raised and, as such, have come to an agreement with the applicant Yasar Hussain that should the application be successful, a suitable CCTV system will be installed and recordings kept for a minimum of 28 days in line with the Crime & Disorder Objective, prior to any sales of alcohol.

At 11:30 am on Tuesday 1st February 2011 I visited the store and observed the Blue obligatory notice was correctly displayed in full view on the shop door. A digital photograph of the notice was taken and can be produced if necessary

10.7.2 Environmental Health – No response received.

10.7.3 Cheshire Fire Service – No comment.

10.7.4 Local Planning Authority – No response received.

10.7.5 Local Safeguarding Children Board – As Police response.

10.7.6 Health and Safety Officer – No comment.

10.7.7 Trading Standards – No comment.

Interested Parties

The Licensing Authority has received representation from four neighbour objectors. Details of these representations are appended to this report.

11.0 Overview of Year One and Term One Issues

11.1 Not applicable

12.0 Access to Information

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

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APPENDICES

Appendix 1- 4 Neighbour Objections

Appendix 5 Plan of area