

# CHESHIRE EAST COUNCIL

## REPORT TO: LICENSING ACT SUB-COMMITTEE

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<b>Date of Meeting:</b>	<b>Thursday 7<sup>th</sup> April 2011 at 09.30am</b>
<b>Report of:</b>	Mrs N Cadman, Licensing Officer
<b>Subject/Title:</b>	<b>Application for a Premises Licence Gawsworth Community Shop, 2-4 Longbutts Lane, Gawsworth, Macclesfield, SK11 9QU</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 Gawsworth Community Shop Ltd in respect of Gawsworth Community Shop, 2-4 Longbutts Lane, Gawsworth, Macclesfield.

### **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 Macclesfield Forest Ward

### **5.0 Local Ward Members**

Cllr M Asquith  
Cllr H Gaddum  
Cllr L Smetham

### **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 2011/12 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 under section 17 of the Licensing Act 2003.

10.2 The operating schedule indicates that the relevant licensable activities applied for are:  
Sale and supply of alcohol (for consumption both on and off the premises).

10.3 The hours applied for are as follows:

Monday to Saturday 07.00 to 22.00  
Sunday 08.00 to 18.00

Other times the premises are proposed to be open:

Monday to Saturday 07.00 to 22.00  
Sunday 08.00 to 18.00

10.4 Designated Premises Supervisor: Carole Crowder-Trueman

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

### (a) Prevention of crime and disorder

The premises shall be alarmed and part of the Neighbourhood Watch scheme.

There shall be a refusals book in operation at the premises.

All staff shall be trained relating to the Licensing law.

(b) Public safety

There shall be fire extinguishers which shall be regularly maintained.

All electrical equipment shall be regularly maintained.

Health & Safety procedures shall be followed.

(c) Prevention of public nuisance

Notices shall be displayed requesting customers to leave the premises quietly at night.

Waste disposal shall be removed during the day.

(d) Protection of children from harm

All staff shall be trained to prevent the sale of alcohol to children and will always ask for photographic identification.

All staff shall endeavour to ensure that no person buys alcohol for anyone under the age of 18 years.

Challenge 25 shall be in operation at the premises.

## 10.6 Relevant Representations:

### Responsible Authorities

10.6.1 The Police state in their response: Application received 14 February 2011, from Gawsworth Community Shop Limited, for a Premises Licence at 2 Longbutts Lane, Gawsworth.

This application is made as a direct result of the former Premises Licence Holder surrendering the previous Premises Licence on 07/09/2010, which had been in place since 2004.

The shop is owned by the community and run mainly by volunteers. The proposed Designated Premises Supervisor will be Carole Crowder-Trueman. She is currently in the process of obtaining a Personal Licence and will be the only paid member.

Whilst the terminal hour is shown as 22.00 hours, this will be a maximum of 12 times a year as they intend to operate a Wine Club with special promotions, serving food prepared by a Local Chef who

will recommend wine to accompany it. In general the shop will close between 17.00 and 18.00 hours. There are no Police objections.

(Since making this application, Carole Crowder-Trueman has now been granted a Personal Licence by Cheshire East Council).

10.6.2 Environmental Health – no response received.

10.6.3 Cheshire Fire Service – No comments.

10.6.4 Local Planning Authority – No response received.

10.6.5 Local Safeguarding Children Board – As Police response.

10.6.5 Health and Safety Officer – No comments.

10.6.6 Trading Standards – No response received.

### Interested Parties

The Licensing Authority has received a representation from a neighbour objector. Details of this are appended to this report.

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

12.1 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 – Neighbour written objection.

Appendix 2 – Plan of Area.