

CHESHIRE EAST COUNCIL

REPORT TO: LICENSING ACT SUB-COMMITTEE

Date of Meeting:	Friday 22nd July 2011 at 09.30hrs
Report of:	Mrs N Cadman, Licensing Officer
Subject/Title:	Application for a Premises Licence Fusion Super Deli, 2 Moor Lane, Wilmslow, SK9 6AG

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 Fusion Super Deli Ltd in respect of Fusion Super Deli, 2 Moor Lane, Wilmslow, 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 West and Chorley

5.0 Local Ward Members

Cllr G P Barton
Cllr W Fitzgerald

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 off the premises only.
- 10.3 The hours applied for are as follows:

Monday to Sunday 08.00 to 23.00

The hours the premises are open to the public:

Monday to Sunday 08.00 to 23.00
- 10.4 Designated Premises Supervisor: Lawrence Lee
- 10.5 The operating schedule includes the following steps to promote the licensing objectives:
- (a) Prevention of crime and disorder
- The premises shall be covered by CCTV and recordings shall be kept for 45 days and made available to the Police on request.
- Any person appearing to be drunk or acting in an aggressive manner shall be asked to leave the premises.
- There shall be a code locked door to the store kept locked at all times.
- (a) Public safety
- Staff shall be made fully aware of the Licensing laws.
- Floor areas and fire exits shall be kept clear at all times.
- There shall be regular electrical and gas safety checks made by approved contractors.
- (b) Prevention of public nuisance
- Notices shall be displayed asking customers to be quiet and considerate for local residents.

There shall be no irresponsible alcohol promotions.

There shall be no sale of alcohol for consumption on the premises.

(c) Protection of children from harm

The Challenge 25 Scheme shall be adopted at the premises with clear display signage within the store. ID shall be required if a customer appears to be under the age of 25 (only photo type driving licence, passport or accredited proof of age cards).

10.6 Relevant Representations:

Responsible Authorities

10.6.1 The Police state in their response: Application received 1st June 2011, for a Premises Licence at Fusion Super Deli, 2 Moor Lane, Wilmslow, SK9 6AG. The premises were formerly Wine Rack which went into Administration and on 18 February 2010 surrendered the Premises Licence. The application is for the sale and supply of alcohol from 08:00 to 23:00 hours daily. I visited the premises on Monday 13th June 2011, and observed the Blue Notice was correctly displayed. I took pictures which I can produce if required. This application meets the four licensing objectives to the satisfaction of the Police and providing these are met there are no Police representations.

10.6.2 The Environmental Health Officer – No response received.

10.6.3 Cheshire Fire Service – No response received.

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 response received.

10.6.6 Trading Standards – No response received.

Interested Parties

The Licensing Authority has received representations from neighbour objectors. Details of these 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 – 2 Representations from neighbour objectors.

Appendix 3 – Letter from applicant.

Appendix 4 - Plan of area.