

CHESHIRE EAST COUNCIL

LICENSING ACT SUB-COMMITTEE

Date of meeting **Friday 23rd September 2011** **10:30 a.m.**

Report of: **Jane Cornes, Licensing Administration Officer**
Title: **Application for Variation of a Premises Licence**
 Hotspot, 11 High Street, Sandbach, Cheshire. CW11 1AH

1.0 Report Summary

1.1 The purpose of the report is to provide details of an application for the variation of an existing Premises Licence under section 34 of the Licensing Act 2003 ('the 2003 Act'). It outlines the current licence authorisations together with the evidence presented by the parties in relation to the application.

2.0 Recommendations

2.1 The Licensing Act Sub-Committee is requested to:

2.1.1 consider the variation application and any relevant representations received; and

2.1.2 determine what steps, if any it considers are necessary for the promotion of the licensing objectives.

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 2003 Act.

4.0 Wards Affected

4.1 Sandbach Town

5.0 Local Ward Members

Councillor Barry Moran

6.0 Policy Implications

6.1 The Licensing Authority has adopted a Statement of Licensing Policy in accordance with section 5 of the 2003 Act and Guidance issued under section 182 of the 2003 Act.

7.0 Financial Implications 2011/12 and beyond

7.1 None

8.0 Legal Implications

8.1 Where relevant representations are received in relation to an application for the variation of a Premises Licence under section 34, the Licensing Authority must hold a hearing within 20 working days (of the end of the consultation period) to consider both the application and the relevant representations.

8.2 Section 35 of the 2003 Act provides that before determining the application, the authority must hold a hearing to consider it and any relevant representations. In accordance with the provisions of section 35 of the 2003 Act, the authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives. Sub-section 35(4) provides that the authority may: (a) modify the conditions of the licence; or (b) reject the whole or part of the application;

9.0 Risk Assessment

9.1 Section 181 and Schedule 5 of the 2003 Act make provision for appeal to the Magistrates' Court of any decision made by the Licensing Authority.

10.0 Background and Options

10.1 On 4th August 2011 Mr Atif Arslan Mirza made application to vary the Premises Licence relating to premises known as Hotspot, 11 High Street, Sandbach. The variation application seeks authorisation for extended hours in relation to both recorded music and late night refreshment, to enable these licensable activities to be provided until 03.30 on Fridays and Saturdays. The application also seeks an extension of the hours of opening until 03.30 on Fridays and Saturdays.

10.2 The Premises Licence, a copy of which is attached as **Appendix A**, currently authorises the provision of recorded music and late night refreshment for the following hours:

Recorded music

Sunday to Thursday 11:00 – 01:00
Friday and Saturday 11:00 – 02:30

Late night refreshment

Sunday to Thursday 23:00 – 01:00
Friday and Saturday 23:00 – 02:30

10.3 The Premises Licence Holder is Mr Atif Arslan Mirza

10.4 The application states that the following steps will be taken to promote the four licensing objectives as a result of the proposed variation:

10.4.1 General – all four licensing objectives

1. We will implement policies that will promote the prevention of crime and disorder;
2. Public safety will be paramount;
3. Anyone who becomes a public nuisance will be asked to leave quietly;
4. We would ask children to be accompanied by adults.

10.4.2 The prevention of crime and disorder

1. Our premises is alarmed and all our external doors are fitted with security locks;
2. We also have CCTV which is recorded to HDD.

10.4.3 Public safety

1. We have our electricity and gas equipment maintained on legal service schedules, also operate Health and Safety;
2. We have public liability insurance;
3. Our premises is in excellent condition and all glass is safety glass. Everything is recorded to CCTV.

10.4.4 The prevention of public nuisance

1. To provide litter bins for our customers to use.
2. Our premises is clearly marked indicating CCTV coverage on the premises.

10.4.5 The protection of children from harm

1. Children are always accompanied by an adult, early evening. Late nights we don't get any children.

10.5 Within the prescribed consultation period in relation to the application, the Licensing Authority received fifteen letters of representation from interested parties; copies of the letters received are attached to the report (**Appendix B 1 to 15**)

10.6 During the consultation period a representation was also received from Mr David Smethurst, Police Licensing Officer (**Appendix C**). No other representations have been received from any of the other responsible authorities.

10.7 A location plan is also attached (**Appendix D**) showing Hotspot in Sandbach.

10.8 In determining the application, the Licensing Act Sub-Committee must have regard to representations made by the applicant and any representations received from responsible authorities or interested parties. The Sub-Committee

is required to take such steps (if any) as it considers necessary for the promotion of the licensing objectives.

11.0 Access to Information

There are no background papers associated with this report.

For further information:

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