

# CHESHIRE EAST COUNCIL

## REPORT TO: LICENSING ACT SUB-COMMITTEE

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<b>Date of Meeting:</b>	<b>Friday 27<sup>th</sup> March 2015 at 9.30am</b>
<b>Report of:</b>	Mrs N Cadman, Licensing Officer
<b>Subject/Title:</b>	<b>Application for a Premises Licence at Park News, 71-73 Brown Street, Macclesfield, SK11 6RY</b>

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### 1.0 Report Summary

- 1.1 The report provides details of an application for premises licence and the proposed operating schedule together with details of relevant representations received in relation to the application.

### 2.0 Recommendations

- 2.1 The Licensing Act Sub-Committee is requested to determine the application for a Premises Licence by Mr Rajenthiran Selliah, in respect of:

Park News  
71-73 Brown Street  
Macclesfield  
Cheshire  
SK11 6RY

- 2.2 Acting in the capacity of Licensing Authority, Members must seek to promote the Licensing Objectives, and where Members consider matters have engaged one or more of the objectives, they may exercise their discretion. The licensing objectives are:

- (a) The prevention of crime and disorder
- (b) Public safety
- (c) The prevention of public nuisance
- (d) The protection of children from harm

- 2.3 Members of the Licensing Sub-Committee are reminded that they may not exercise discretion in any case, merely because it considers it desirable to do so. Careful consideration should be given to application and relevant representations in light of the proposed operating schedules.

- 2.4 The Sub-Committee in respect of this application must have regard to the Guidance issued under Section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy.

- 2.5 Finally, Members are also reminded that in determining the application in accordance with the Licensing Act 2003, Members must also have regard to:

§ The rules of natural justice

§ The provisions of the Human Rights Act 1998

### **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 and the Council's Constitution.

### **4.0 Wards Affected**

4.1 Macclesfield Central

### **5.0 Local Ward Members**

Councillor Janet Jackson  
Councillor Ken Edwards

### **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.

6.2 Whilst having regard to the general principles within the Statement, Members may wish to consider the following:

6.2.1 The representations relate to the Prevention Crime and Disorder and the Prevention of Public Nuisance Objectives. The Licensing Authority sets out at paragraphs 7 and 9 of its Statement of Licensing Policy how it will deal with representations under these objectives.

When exercising its licensing functions, the Licensing Authority will not be influenced by questions of need. The issue of whether or not there is a need for a particular premises is a commercial matter, which is not relevant to the Licensing Authority's considerations.

6.3 Members should provide reason(s) for any decision taken and should set out their reasoning where they determine to depart in any way from the Policy or Guidance.

### **7.0 Financial Implications**

7.1 Not applicable.

### **8.0 Legal Implications**

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 appropriate for the promotion of the licensing objectives. Section 18(4) provides that the authority may:

- (a) Grant the licence subject to the relevant mandatory conditions and conditions consistent with the operating schedule
- (b) Modify the application to such extent as the Authority considers appropriate for the promotion of the Licensing Objectives
- (c) Exclude from the scope of the licence any of the Licensable Activities to which the application relates
- (d) Refuse to specify a person in the licence as the Premises Supervisor
- (e) Reject the application.

8.2 Members are reminded that should any conditions be added, they should be practical, enforceable and appropriate to promote the Licensing Objectives.

8.3 Members are also reminded of the statutory obligation placed on the Local Authority under section 17 of the Crime and Disorder Act 1998 to through all of its various functions, and Licensing is one of those functions to do all that it can to prevent Crime and disorder, Anti-social Behaviour, behaviour adversely affecting the environment and re-offending.

## **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 was received on the 30<sup>th</sup> January 2015, but the statutory consultation period was re-started on 6<sup>th</sup> February 2015, due to the application initially not being advertised in accordance with the Licensing Act 2003 at the premises. The application is for the grant of a 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:

### **Sale and supply of alcohol (for consumption off the premises only)**

Monday to Sunday 08.00 to 22.00

### **Hours Premises are Open to the Public**

Monday to Sunday 06.00 to 22.00

10.4 A copy of the application form is attached as Appendix 1.

10.5 Relevant Representations

Responsible Authorities:

10.5.1 The Police in their response state: Application received 29<sup>th</sup> January 2015 from Rajenthiran Selliah for a Premises Licence at Park News, 71-73 Brown Street, Macclesfield, SK11 6RY. The application is for the sale and supply of alcohol only, Sunday – Monday 08.00 hours to 22.00 hours. The proposed Designated Premises Supervisor is Rajenthiran Selliah, Personal Licence details 08/01/722 by Cheshire East Council. There are no Police objections.

There were no responses from any of the other Responsible Authorities.

#### Other Persons:

10.5.4 One hundred and eighty five separate written objections have been received from interested persons by template letter, one of these letters included a letter from Crown Liquor Store. A copy of the template letter and the letter from Crown Liquor Store is attached as Appendix 2 of this report. Three individually written objections have also been received, copies of these are attached at Appendix 3 of this report.

A letter from Crown Liquor Store with a standard letter of objection attached, which would appear to have been circulated in Macclesfield, was received by Licensing with comments from an anonymous person as follows: *'I would suggest this is vexatious on the grounds of competition and irrelevant. It has been put through the doors of a hugely wide radius'*. This letter is attached as Appendix 4 of this report.

## **11.0 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 – Premises Licence application form

Appendix 2 - Written template letter of objection used by interested persons and letter from Crown Liquor Store which was attached to one of them.

Appendix 3 – Individual written letters of objection from interested persons.

Appendix 4 – Letter from Crown Liquor Store forwarded to Licensing with comments.

Appendix 5 – Map