

CHESHIRE EAST COUNCIL

REPORT TO: LICENSING ACT SUB-COMMITTEE

Date of Meeting:	Thursday 12th November 2015 at 11am
Report of:	Mrs N Cadman, Licensing Officer
Subject/Title:	Application for a Premises Licence at The Tonic Lounge, 33 Nantwich Road, Crewe, CW2 6AF

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 John Paul Burgis, in respect of:

The Tonic Lounge
33 Nantwich Road
Crewe
CW2 6AF

- 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 Crewe South

5.0 Local Ward Members

Councillor Dorothy Flude
Councillor Steven Hogben

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 representation relates to the Prevention of Public Nuisance Objectives. The Licensing Authority sets out at paragraph 9 of its Statement of Licensing Policy how it will deal with representations under these objectives.

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 23rd September 2015. 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 Provision of recorded music Performances of dance

10.3 The hours applied for are as follows:

Sale and supply of alcohol (for consumption on the premises only)

Sunday to Wednesday 12.00 to 02.30
Thursday to Friday 12.00 to 03.00
Saturday 11.00 to 03.00

Recorded Music (to take place indoors only)

Sunday to Wednesday 19.00 to 03.00
Thursday to Saturday 19.00 to 03.30
Non Standard timings: Xmas Eve, Boxing Day and New Years Eve – extend hours to 03:30 hours.

Performance of Dance (to take place indoors only)

Sunday to Wednesday 19.00 to 03.00
Thursday to Saturday 19.00 to 03.30
Non Standard timings: Xmas Eve, Boxing Day and New Years Eve – extend hours to 03:30 hours.

Hours Premises are Open to the Public

Sunday to Wednesday 12.00 to 03.00
Thursday to Friday 12.00 to 03.30

Saturday 11.00 to 03.30
Non Standard timings: Xmas Eve, Boxing Day and New Years Eve – extend hours to 03:30 hours.

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

10.5 Relevant Representations

Responsible Authorities:

10.5.1 The Police wish to approve the application with amendments to the timings to reduce the terminal hour for licensable activities and opening hours by 30 minutes and to add conditions. A copy of the Police representation is attached as Appendix 2 of this report.

10.5.2 The Environmental Health Officer wishes to approve the application with added conditions. A copy of the Environmental Health Officer's representation is attached as Appendix 3 of this report.

The applicant has agreed the amended timings and conditions recommended by the Police. The applicant has also agreed to the Environmental Health Officer's recommended conditions.

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

Other Persons:

10.5.4 Written objections have been received from two other persons. A copy of these representations are attached as Appendices 4 and 5 of this report. The other persons have been made aware of the applicant's agreement to the Police amended timings and conditions and Environmental Health conditions. At the time of writing this report, no response has been received from these persons in relation to the agreed amendments to the application.

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 – Police representation
Appendix 3 – Environmental Health representation
Appendix 4 – 5 Objections from other persons
Appendix 6 Map

