

CHESHIRE EAST COUNCIL

REPORT TO: LICENSING ACT SUB-COMMITTEE

Date of Meeting:	Tuesday 8th December 2015 at 09.30am
Report of:	Mrs N Cadman, Licensing Officer
Subject/Title:	Application to Vary a Premises Licence at Morrisons, Station Road, Nantwich, Cheshire, CW5 5SP

1.0 Report Summary

- 1.1 The report provides details of an application to vary a 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 to vary a Premises Licence by Wm Morrison Supermarkets PLC, Hilmore House, Gain Lane, Bradford, BD3 7DL in respect of:

Morrisons
Station Road
Nantwich
Cheshire
CW5 5SP

- 2.2 The premises currently benefits from a Premises Licence, the summary of which is set out at Appendix 1 of this report.
- 2.3 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
- 2.4 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 current and proposed operating schedules.
- 2.5 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.

2.6 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 Nantwich South & Stapeley

5.0 Local Ward Members

5.1 Cllr Peter Groves
Cllr Andrew Martin

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 received relate to the Prevention of Public Nuisance. The Licensing Authority sets out a paragraph 9 of its Statement of Licensing Policy how it will deal with representations under this objective.

6.2.2 The Statement of Licensing Policy also deals with issues of Anti-social behaviour at paragraph 6.

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 35 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. Subsections 35(3) and 35(4) provide that the authority may:

- (a) Grant the application for the variation
- (b) Reject the whole or part of the application to such extent as the Authority considers appropriate for the promotion of the Licensing Objectives
- (c) Modify the conditions of the licence to such extent as the Authority considers appropriate for the promotion of the Licensing Objectives

8.2 Modification of conditions can be by omission, alteration or the addition of further conditions. 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, received on the 15th October 2015, is an application for the variation of a Premises Licence under section 34 of the Licensing Act 2003.

10.2 The variation seeks to extend the terminal hour for the sale by retail of alcohol and the opening hours of the premises to midnight every day of the week. The variation also includes added volunteered conditions.

The existing Premises Licence authorises the sale by retail of alcohol and opening hours to 23.00hrs every day of the week. The existing Premises Licence Summary, plan and conditions are attached as Appendix 1.

10.3 The hours applied for are as follows:

Sale by Retail of Alcohol (for consumption off the premises only)

Monday to Sunday 06.00 to Midnight

Opening Hours of Premises

Monday to Sunday 06.00 to Midnight

10.4 A copy of the application form is attached as Appendix 2.

10.5 Relevant Representations

Responsible Authorities:

10.6 The Police state in their response: Can I take this opportunity to acknowledge receipt of the Application to Vary a Premises Licence relating to Morrisons, Station Road, Nantwich and say that the conditions offered on the operating schedule are acceptable to the Police and providing these are met there are no Police representations.

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

Other Persons:

10.6 The Council has received a written objection from a neighbouring resident. The Council has received a representation from Nantwich Town Council. Copies of these representations are attached as Appendix 3 and 4 of this report.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Mrs N Cadman
Designation: Senior Licensing Officer
Tel No: 01270 685957
Email: nikki.cadman@cheshireeast.gov.uk

APPENDICES

- Appendix 1 – Existing Premises Licence Summary, plan and conditions
- Appendix 2 - Premises Licence Variation application form
- Appendix 3 - Written objection from a neighbouring resident.
- Appendix 4 - Representation from Nantwich Town Council
- Appendix 5 - Map of area