

CHESHIRE EAST COUNCIL

REPORT TO: LICENSING ACT SUB-COMMITTEE

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| Date of Meeting: | Monday 1 st November 2010 at 09.30am |
| Report of: | Mrs N Cadman, Licensing Officer |
| Subject/Title: | Application for a Premises Licence Livesey's Delicatessen & Coffee House, 15 High Street, Bollington, Macclesfield, Cheshire. |

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 Miss Joanne Weselby in respect of Livesey's Delicatessen & Coffee House, 15 High Street, Bollington, Macclesfield, 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 Bollington & Disley

5.0 Local Ward Members

Cllr Mrs D Thompson
Cllr H Davenport
Cllr M Davies

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 for Transition Costs (Authorised by the Borough Treasurer)

- 7.1 Not applicable.

8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)

- 8.1 Not applicable.

9.0 Legal Implications (Authorised by the Borough Solicitor)

- 9.1 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.

10.0 Risk Management

- 10.1 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.

11.0 Background and Options

- 11.1 The application is for Premises Licence under section 17 of the Licensing Act 2003.
- 11.2 The operating schedule indicates that the relevant licensable activities applied for are:
Recorded Music
Sale and supply of alcohol
- 11.3 The hours applied for are as follows:

Recorded Music (to take place indoors only)

Monday to Saturday 08.00 to 22.30

Sunday 10.00 to 18.30

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

Monday to Saturday 08.00 to 22.00

Sunday 10.00 to 18.00

Other times the premises are proposed to be open:

Monday to Saturday 08.00 to 22.30

Sunday 10.00 to 18.30

- 11.3.1 Designated Premises Supervisor: Miss Joanne Weselby

- 11.4 The operating schedule includes the following steps to promote the licensing objectives:

(a) Prevention of crime and disorder

There shall be a security camera system and the CCTV recording unit shall record continuously for 28 days.

There shall be an age verification policy and staff shall sign to confirm that they have read and understood the policy.

There shall be a PASS symbol poster, imposing no pass, no sale for anyone who appears to be under 21 years of age.

(b) Public safety

Health & Safety regulations shall be adhered to, checks shall be made and notification of hazards shall be displayed and incidents recorded.

Entrances and exits shall be maintained unobstructed.

(c) Prevention of public nuisance

Staff shall conduct litter searches in the surrounding location on a daily basis.

Consideration shall be given to the public during loading and unloading at the premises.

(d) Protection of children from harm

All staff shall be trained in the use of PASS cards.

(e) General – all four licensing objectives

Staff shall be trained in licensing issues, all areas of customer protection including Health & Safety and Food Hygiene.

There shall be a refusal of sale log maintained at the premises.

There shall be a staff training log maintained at the premises.

The Designated Premises Supervisor shall be available at all times during opening hours, either in person or contactable by phone.

11.6 Relevant Representations:

Responsible Authorities

11.6.1 The Police state in their response: Application received 13th September 2010, for a Premise Licence at Livesey's Delicatessen & Coffee House, 15 High Street, Bollington, SK10 5PH. The premises were formerly a Travel Agents and are currently undergoing conversion in line with the application. The applicant Joanne Weselby, intends to be the Designated Premises Supervisor and is in the process of obtaining a Personal Licence. The shop intends to open its doors on Sunday 3rd October 2010, and will operate initially with a Temporary Event Notice in place. CCTV is to be installed and Police would require it to record for a minimum of 28 days, which the applicant verbally agreed to. All other recommendations in line with the Licensing Objectives are acceptable. If the above is agreed then there are no Police objections.

(Since the Police made this representation, the applicant has formally agreed in writing to the Police recommendations relating to CCTV requirements as in the operating schedule, the applicant, Miss Weselby is now a Personal Licence Holder).

11.6.2 The Environmental Health Officer – No response received.

11.6.3 Cheshire Fire Service state in their response: I have no objection to this licence, although a full written fire risk assessment will be required. I will program to audit it in the future.

11.6.4 Local Planning Authority – No response received.

11.6.5 Local Safeguarding Children Board – As Police response.

11.6.5 Health and Safety Officer – No response received.

11.6.6 Trading Standards – No response received.

Interested Parties

Bollington Town Council state in their response: Premises Licence Application - Livesey's Delicatessen & Coffee House, 15 High Street, Bollington - At the Council meeting on the 5th October the Council was supportive of this application and recommends approval.

The Licensing Authority received 3 representations from interested parties, however two of the objectors have withdrawn their objections. Details of the remaining 1 objection are appended to this report.

12.0 Overview of Year One and Term One Issues

12.1 Not applicable

13.0 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 - Representation from interested party.

Appendix 2 - Plan of area.