

Appendix 1

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I **Brioni Turner**

(Insert name of applicant)

apply for the review of a premises licence under section 51 / ~~apply for the review of a club premises certificate under section 87~~ of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Swish Lounge 31 Mill Street	
Post town Crewe	Post code (if known) CW2 7AJ

Name of premises licence holder or club holding club premises certificate (if known) Abdullah Anik
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Number of premises licence or club premises certificate (if known)

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Brioni Turner Senior Enforcement Officer Commercial Services Regulatory Services and Health Cheshire East Council Municipal Buildings Earle Street Crewe CW1 2BJ
Telephone number (if any) 07785747849
E-mail address (optional) brioni.turner@cheshireeast.gov.uk

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
 - 2) public safety
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 2)

The prevention of crime and disorder

The premises has been breaking the following legislation; Section 8 of Health Act 2006 Offence of failing to prevent smoking in a smoke-free place. It is the duty of any person who controls or is concerned in the management of smoke-free premises to cause a person smoking there to stop smoking. A smokefree premises is classed as a structure that has a roof and has enclosed walls accounting for more than 50% of the total area. A 'room' that does not have a roof for example a courtyard, can have full walls around all sides. The premises in this situation has a room to the rear of the premises with a retractable roof. If the roof is open it is not classed as an enclosed premises, so does not have to have any of the sides open. Once the roof is closed it is classed as a smokefree premises and has to have 50% of the sides of the structure open. The premises has been seen to allow people to smoke shisha pipes and cigarettes in the rear of the premises.

The owner and the manager have been told on numerous occasions detailed below that these smoking activities are allowed as long as the retractable roof is open.

Public safety

Second-hand smoke (also known as passive smoke) from breathing in the smoke in the air from someone else's shisha pipe and the smoke they breathe out, will occur in this premises, particularly when the roof is closed. Second-hand smoke from shisha pipes is dangerous because it contains harmful substances like carbon monoxide, toxic chemicals, and toxic particles. The use tobacco-free shisha, the smoke still produces harmful levels of toxins which can be just as bad for your health or even more harmful than smoke from tobacco-based shisha. This area is also used for dining of customers who are not necessarily smoking shisha, who wish to be in a more relaxed area than the restaurant area to the front of the premises. As such they are being exposed to these harmful substances much more in the enclosed area.

The protection of children from harm

The issues mentioned in the previous 2 licencing objectives there is also the potential to cause harm to children as the area can also be used for families including those with young children. There is no information detailing this area as not being suitable for young children or a time at which the smoking of shisha pipes will not be allowed in the area, due to it being used for families. As such there is the possibility of families being in the area, when another customer requests a shisha pipe, which stated the objective of public safety is a risk, particularly to the young.

Due to the premises not complying with the above objectives, in particular the prevention of crime and disorder under Section 8 Health Act 2006. As this premises has broken the above legislation on numerous occasions, despite being informed on several occasions the requirements needed to comply with the legislation as detailed below. Due to the repeated lack of compliance of the above conditions I have little confidence in the management to comply with any additional conditions such as the reduction in times or licensable activities would not in my opinion achieve compliance. The management of the premises have disregarded advice and guidance on multiple occasions and it is likely that the Licensing Objectives will continue to be undermined. As a result of this I am asking for the premises licence to be revoked in this instance.

Please provide as much information as possible to support the application (please read guidance note 3)
See please see attached document and appendices.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to the premises please state what they were and when you made them

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Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature Brioni Turner

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Date 12/10/2022

.....

Capacity Senior Enforcement Officer

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Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

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Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.