

Licensing Act Sub-Committee

Agenda

Date: Monday, 15th August, 2011
Time: 9.30 am
Venue: West Committee Room - Municipal Buildings, Earle Street,
Crewe, CW1 2BJ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Appointment of Chairman**

To appoint a Chairman for the meeting.

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests and for Members to declare if they have pre-determined any item on the agenda.

3. **Application for a Premises Licence - 2-3 Weston Court, Crewe Road, Shavington, Crewe CW2 5AL** (Pages 5 - 20)

To consider an application for a Premises Licence for 2-3 Weston Court, Crewe Road, Shavington, Crewe.

PART 2 – THERE ARE NO PART 2 ITEMS

For requests for further information

Contact: Julie Zientek
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E-Mail: julie.zientek@cheshireeast.gov.uk

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CHESHIRE EAST COUNCIL

PROCEDURE FOR HEARINGS – LICENSING ACT 2003

The Licensing Committee

The full Licensing Committee consists of fifteen elected Members of the Council. From this full Committee will be drawn sub-committees of three members to deal with licensing functions under the Licensing Act 2003. The Chairman and Vice Chairman of the Licensing Committee shall have the discretion to refer a matter up to a hearing of the full Licensing Committee.

Officers at Hearings

- **The Committee Officer** introduces all parties and records the proceedings
- **The Legal Adviser** provides independent advice to the Members on legal matters and procedure.
- **The Licensing Officer** will introduce the matter and outline the application; the officer will also answer any questions Members may have.

PROCEDURE

NOTE: If the Sub-Committee has not already elected a Chairman, that will be the first item of business.

1	Chairman	The Chairman will: (i) call the matter to be considered; (ii) call for any declarations of interest; (iii) ask all parties to introduce themselves; (iv) summarise the procedure to be followed at the hearing; (v) will consider any request made by a party for another person to appear at the hearing; (v) will advise the parties of any maximum period of time in which it has to present its case (if a maximum is imposed this shall be equal for all parties).
2	Licensing Officer	Will introduce and summarise the application, highlighting areas of contention or dispute.
3	Committee Members	May ask questions of the Licensing Officer
4	Applicant	Will present his/her case, calling witnesses, as appropriate. <i>(If necessary, applicant will produce any notices required by law. Legal Adviser will draw attention to this if required.)</i>
5	Responsible Authorities (who have made representations)	Each in turn may ask <u>questions</u> of the applicant, by way of clarification.

6	Local residents (ie. defined as “interested parties”)	To be invited to ask <u>questions</u> of the applicant, by way of clarification. <i>It is normal practice for a spokesperson only to speak on behalf of a group of residents.</i>
7	Committee Members	Each in turn may ask <u>questions</u> of the applicant.
8	Applicant	May make a <u>statement</u> or ask his witnesses to clarify any matters which he feels are unclear, or may have been misunderstood.
9	Responsible Authorities	Will make their representations.
10	Applicant	Or his representative or witnesses to ask <u>questions</u> of Responsible Authorities represented at the meeting, by way of clarification.
11	Local residents (ie. defined as “interested parties”)	May ask <u>questions</u> of the Responsible Authorities represented at the meeting, by way of clarification. (Note: This is not the point at which local residents should be stating their objections.)
12	Committee Members	May ask <u>questions</u> of the Responsible Authorities represented at the meeting
13	Local residents (ie. defined as “interested parties”)	The local residents who are objecting to the application will be invited <u>to make observations on the application</u> and present the bases of their objections.
15	Applicant	Or his representative or witnesses may ask <u>questions</u> of the Local Residents, by way of clarification.
16	Committee Members	May ask <u>questions</u> of the Local Residents.
17	Chairman	To invite both Responsible Authorities and Local Residents to make their closing addresses.
18	Applicant	Or his representative will <u>briefly summarise the application</u> and comment on the observations and any suggested conditions.
19	Committee	<u>Will retire</u> to consider the application. The Committee may request the Legal Advisor to advise on legal issues.
20	Committee	Will return to <u>give its decision</u> , with reasons, which will be announced by the Chairman and subsequently confirmed in writing to the applicant and to all the parties that made representations.

		In cases where a decision cannot be given at the end of the hearing, parties will be advised of the decision within five working days.
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Notes

1. The hearing shall normally be held in public. There may be occasions on which the Committee find it necessary to exclude members of the press and public; any such decision will be taken on the basis that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing taking place in public.
2. The Chairman may require any person behaving in a disruptive manner to leave the hearing and may (a) refuse to permit that person to return, or (b) permit him/her to return only on such conditions as the authority may specify, but any such person may submit in writing any information which they would have been entitled to provide orally if they had not been required to leave.
3. Prior to the hearing each party shall have given notification and served documentation (eg statements of witnesses or reports of experts) as required. Late representations and evidence will only be considered with the agreement of all parties.
4. Anyone entitled to be heard may be represented by any person, whether or not that person is legally qualified.
5. Hearsay will be permitted but the Sub-Committee will be reminded to give it appropriate weight.
6. Due note shall be taken of the provisions of the Hearings Regulations 2005.
7. The Chair may, in the interests of expediency or convenience of the parties, vary the procedure from time to time, provided notice is given to the parties and the rules of natural justice are observed.

SUMMARY OF PROCEDURE

- 1 Chairman appointed (if this has not been done previously).
- 2 Chairman to call for declarations of interest and request that all parties introduce themselves.
- 3 Chairman summarises the procedure for the hearing
- 4 The Licensing Officer summarises the application
- 5 Applicant to present his/her case.
- 6 Applicant to be questioned by all parties (to clarify points only) following which, he/she can clarify any other matters which he/she feels may have been misunderstood when the application was presented.
- 7 Applicant to be questioned by the Committee.
- 8 Responsible Authorities to make their representations following which they can be questioned by all parties by way of clarification.
- 9 **Local residents** (defined as interested parties) will be invited to present the bases of their objections, following which they can be questioned by all parties by way of clarification.
- 10 The applicant will be invited to sum up his/her case
- 11 Committee/Sub-Committee withdraws to make its decision
- 12 Committee/Sub-Committee returns to announce its decision to all present.

CHESHIRE EAST COUNCIL

LICENSING ACT SUB-COMMITTEE

Date of meeting: 15th August 2011
Report of: CAROLE KERR, LICENSING ADMINISTRATION OFFICER
Title: APPLICATION FOR PREMISES LICENCE.
2-3 WESTON COURT, CREWE ROAD,
SHAVINGTON, CREWE, CW2 5AL

1.0 Report Summary

- 1.1 The report provides details of an application for a Premises licence submitted by M H and N Services Ltd for numbers 2-3 Weston Court, Crewe Road, Shavington, Crewe.

Representations to the application have been received from eight interested parties.

2.0 Recommendations

- 2.1 The Licensing Act Sub-Committee is requested to:
- 2.1.1. consider the representations received; and
- 2.1.2. determine the application for the grant of the Premises licence.

3.0 Reasons for Recommendations

- 3.1. The Licensing Sub-Committee has the power to determine this application. The Sub-Committee is asked to make the decision within 2.1 above taking into consideration the promotion of the licensing objectives and must also have regard to the Councils Statement of Licensing policy and Guidance published under section 182 of the Licensing act 2003.

4.0 Wards affected

- 4.1. Shavington Ward

5.0 Local Ward Members

- 5.1. Cllr D Brickhill .

6.0 Policy Implications

- 6.1 The Council has adopted a Statement of Licensing Policy under the 2003 Act relating to its functions as a Licensing Authority under the Act.

7.0. Financial Implications for transition Costs (Authorised by the Borough Treasurer)

7.1. None.

8.0. Financial Implications 2011/2012 and beyond (Authorised by the Borough Treasurer)

8.1 None.

9.0. Legal Implications (Authorised by the Borough Solicitor)

- 9.1. In accordance with the provisions of section 35 of the licensing Act 2003, in determining the application, 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 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 application relates.
 - (c) refuse to specify a person on the licence as the Premises Supervisor.
 - (d) reject the application.

10.0 Risk Management

- 10.1 The Licensing Sub-Committee will hear representations made on behalf of both the applicant and the objectors and will make a decision on the basis of the evidence presented to it. The act provides a right of appeal to the Magistrates Court against the decision of the Local Authority.

11:0 Background and Options

- 11.1 The premises which are the subject of the application, are a single storey retail unit and have previously been operated as a convenience store and more recently a furniture showroom.

- 11.2 The application is for a licence for the sale of alcohol for consumption off the premises from **06:00am to 23:00 (Mon – Sun)**.

The opening hours of the premises are from **06:00am to 23:00 (Mon –Sun)**
The person specified on the application as the Designated Premises Supervisor is Mark Sutherland.

- 11.3 The premises are situated in a residential area with a frontage onto Crewe Road, Shavington and are close to the turning into Weston Lane.

Immediately to the left and right hand side of the premises are approximately 11 apartments with two properties situated directly above the proposed convenience store. These dwellings were originally retail units which formed a

small parade of shops

Along Crewe Road to either side and opposite Weston Court are a large number of residential properties.

- 11.4** Parking is provided at Weston Court for residents only and is situated well to the rear of the premises. No parking is provided for either customers or staff belonging to the hair salon or the proposed store.
Location plan attached at **Appendix A**.

**11.5 Relevant Representation
Responsible Authorities**

- 11.5.1** The Police do not object to the application but have stated that the following conditions be attached to the licence;
- The proof of age scheme Challenge 25 will be operated for all sales of alcohol.
 - A CCTV system is to be maintained at the premises to the satisfaction of the Police Licensing Officer and it must record at all times the premises are open to the public. Unedited images must be securely retained for at least 14 days and copies made freely available upon request to a constable or an employee of the Police Authority, Local Authority or Security Industry Authority.
- 11.5.2** Environmental Health do not object to the application.
- 11.5.3** No observations have been received from Trading Standards, Planning or the fire Service.

11.6 Public Objections.

Written representations have been received from eight interested parties.

The writers state that they feel that the proposed opening hours of the premises are excessive and inappropriate in this area, bearing in mind the proximity of residential properties .

Problems which are likely to arise from the lack of any specific parking for the shop are also identified.

Several letters indicate that during the time that an Off Licence was formerly located in the parade of shops, problems were experienced concerning anti- social behaviour.

Letters of objection are appended to the report at **Appendix B**.

- 11.7** In making its decision, the Sub –Committee must have regard to comments received from interested parties, Environmental Health and the Police.

12.0 Overview of year one and Term one issues.

- 12.1** Not applicable.

13.0 Access to Information.

There are no background papers associated with this report.

Name: Carole Kerr

Designation: Licensing Administration Officer

TEL: 01270 537124

Email: carole.kerr@cheshireeast.gov.uk

Appendix A- Location Plan

Appendix B- Objections from interested parties.

MEADOW CLOSE

RICHARDSON CLOSE

RESIDENTS PARKING

HAIR SALON

2-3 WESTON COURT

CREWE ROAD

WESTON LANE

TO SHAVINGTON

CREWE

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6 July 2011

The Licensing Department
Cheshire East Council
Municipal Buildings
Earle Street
Crewe
Cheshire CW1 2BJ

Dear Sirs

I am writing in connection with the Application Notice for a proposed convenience store at 2-3 Weston Court, Crewe Road, Shavington, CW2 5AL.

and I am not happy about this application. I do not think it is a good idea to have a shop there opening up at 06.00am and closing at 11.00pm 7 days a week and obviously if it is going to open up at 06.00am, the person/persons opening up the shop will be here even earlier and will be in the shop even later than 11.00pm when it has closed.

The shop used to be a furniture shop up until December 2010, which was fine. I did hear noise from the shop with the comings and goings etc, but it was open at reasonable times (9.00am-17.00-17.30pm and they opened later and closed earlier on a Sunday, as most shops do on a Sunday).

If this application gets approved, there will be alot of noise and disturbance to people at such an early hour and late hour of every day, not only from people working in the shop at those times, but from people going in and out of the shop and people driving in and out of the car park.

Parking here will become non-existent, because customers going to the hairdressers park in the car park as well as tenants of the flats and at times it does become precarious to park as the hairdressers have late night opening and are open on a Saturday, but it will be

impossible to even get a space at all if people are parking to go to the convenience store as well and as everyone knows, convenience stores are always busy.

I think the main road is too busy to have a convenience store there and it will cause a great deal of congestion with people wanting to get in and out of the car park and with deliveries arriving etc - I envisage far more accidents occurring.

A convenience store selling alcohol and open until 11.00pm 7 days a week will be sure to encourage more people to hang around the area/outside the shop either drinking or creating noise until all hours.

Shavington is a nice, quiet, respectable village and it should be kept that way, but if you let a shop open at 06.00am every morning until 11.00pm every night in a village, it is going to turn it the opposite way.

There are a lot of people living within the vicinity of the shop and it will cause a huge amount of disturbance and inconvenience to everyone.

I am not sure who's responsibility it is in these situations, but no one living in the vicinity of the shop received any notification of this Application Notice and they should have done. I was told by someone else and even though there is a small notice in the shop window, as I have now been told, I would never have known it was there, because I never walk past the shop.

Yours faithfully

The Licensing Department

Cheshire East Council

Municipal Buildings

Crewe

Cheshire

CW1 2BJ

To whom it may concern

RE - 2-3 Weston Court, Shavington. CW1 2BJ

I write to raise our concerns about the proposed licence for the opening of a store at the above address to sell alcohol.

We wonder why the village needs yet another store selling alcohol when it already has two that does so.

Other concerns centre on the people who are already living in very close proximity to the premises, both adjoining them, across from them, above them and alongside them. The proposed hours of opening (6.00.a.m.-11.00.p.m.) feel excessive, what kind of impact will it have on these homes and the people who live there?

We would ask you to re- consider the proposed hours and the potential impact they could have on the community.

Yours sincerely

To the Licensing Officer Cheshire East Council,

I have recently seen the application by MH&N Services for a Premise Licence at the vacant property at Weston Court in Shavington. The address is Unit 2-3 Weston Court.

I would like to strongly object to this application.

As a Resident at Weston Court for the last ten Years, I can remember all the problems that were encountered the last time that an Off Licence was located at Weston Court. The Hair Boutique (Hairporium) was originally an Off Licence, and the Residents at Weston Court experienced a multitude of problems. These include problems with Resident Car Parking at the rear of the premises, Littering and dangerous parking at the front of the property on Crewe Road. On many occasions the entrance to the car park was blocked by Customer Vehicles. Vehicle traffic became a nightmare for Residents. There was damage to vehicles and groups of teenagers congregating around the rear of the premises. Doorways to flats were used as toilets. I would Not like to see a return to those Times.

Whilst I have no objection to the premises being a Retail unit; opening normal retail hours, I think that allowing this Licence to proceed would cause untold problems in the future.

Many thanks

6th July 2011

Planning/License Applications Dept
Cheshire East Borough Council
Delamere House
Delamere Street
Crewe

Dear Sirs

Re: Alcohol License Application for Nisa, Application No 11/2326N
Unit 2-3 Weston Court, Shavington, Crewe

I write to express my objection to the above application for a license to serve alcohol.

Although I have no objections to a "convenience store" at this location, I feel the planned opening hours and license to serve alcohol would be detrimental to the locality.

I understand the planned opening hours are 6am to 11pm. There are a lot of older people residing in the immediate vicinity and when an Off-License was trading close by a few years ago, there were many problems with noise, gangs of youths etc. There are already problems in the village due to alcohol in the vicinity of Bargain Booze and The Cooperative. I feel this would only add to the problem in Shavington. There is a problem with under-age drinking in Shavington and all the problems this brings with it, eg. criminal damage, and I do not feel we warrant 3 stores selling alcohol in the village.

Another store would also produce more traffic – there is a car park at the rear of the store but this is used by residents of the flats and people would just park on the main road, again this was another problem previously with drivers blocking driveways etc. It would also mean more delivery lorries etc coming through the village, when the purpose of the by-pass was to avoid this.

I feel 6am to 11pm is not appropriate for this area. The Cooperative closes at 10pm and Bargain Booze at 9.30pm (I understand this is sometimes 9pm). The extra noise, traffic and other associated problems all need to be taken into account when considering this application, as the area is one of mainly elderly people and young families.

Yours sincerely

4th July 2011

Dear sir/madam.

I am writing to you regarding the application that has been submitted to you by N h & n services at the premises of 2-3 Weston court, shavington.

I would like to object to this application on the following:

- 1.
2. I work shifts which inc nights.
3. Parking will terrible as you are directly on a busy & a bend. We already have the hairdressers staff, customers & the tenants that aren't in work.
4. Opening hours 6 till 11 Monday to Sunday.
Last shop 9 till 5 & 11 till 4 on a Sunday.
Don't you think us tenants are allowed some peace & quiet.

As I am writing this I have not received any notification about the preposed application for the shop.

Yours sincereley

Dear Sir /madam.

I am writing to you about the APPLICATION for a Premises Licence for MH + TV Services 2.3 Weston Court Shavington.

I have lived in Weston Court for 9 years now and it has always been a nice quiet area to live and I think this will change should you grant this licence.

There is a small car park at the rear of Weston Court and I think this will become a place where customers from the shop will come to too drink there alcohol. And also Weston Court is too small to handle the volume of traffic this shop will generate.

I have spoken to 90% of the people on Weston Court and nobody is happy about MH + TV services like moving in.

A very upset resident

The Licensing Department
Cheshire East Council
Municipal Buildings
Earle Street
Crewe
Cheshire
CW1 2BJ

Dear Sir,

I refer to the licensing application being submitted by MH & N Services to sell alcohol 7 days a week between 6.00am and 11pm at 2-4 Weston Court Shavington Crewe CW2 5AL and strongly object to this licence being granted.

Shavington is a small village which already has two shops selling alcohol which already is one shop too many, so to add a third is totally unnecessary.

The Co-op store sells alcohol Monday - Saturday between the hours of 6am and 10 pm and on a Sunday between 7am and 10 pm. We also have a Bargain Booze store which is also open 7 days a week Mon - Sat 10.30am - 9pm and Sunday 10.30 - 6pm which is more than adequate to meet the needs of a small village like Shavington.

Another shop selling alcohol may also bring back anti-social behaviour to the area which has suffered problems in the past resulting in the attention of our already overstretched police force.

Thought should also be given to residents who live in close proximity to these premises as this is primarily a residential area apart from a hairdresser which is open 5 days of the week during the day. Not only are people living opposite these premises but also actually in Weston Court which is primarily a residential complex.

I trust that you will take all the points raised into account and refuse the licence.

Yours faithfully

KERR, Carole

From: BRICKHILL, David (Councillor)
Sent: 11 July 2011 17:02
To: KERR, Carole
Cc: shavington@btinternet.com
Subject: RE: Planning Application 11/2326N

Hi Carole

I think I am now allowed to object on behalf of residents and I do so below:-

My objections are two fold:-

First to a licence at all as there are already two off licences in the village and a third is unnecessary. Second the location is on a dangerous bend with a history of crashes. There is very limited parking three spaces at the most on the road and these are not reserved just for this shop. The parking to the rear is reserved for residents of the homes in the block and is not available for shoppers. So there are just three parking spaces leading directly onto a main road on a blind bend with a T junction also with a steep hill and history of road traffic collisions.

Secondly if a licence is granted and I hope it will not be, then the hours must be restricted because of the housing above and in close proximity. No one needs booze before 11 am in the morning and sales should finish at 8 pm giving nine hours to retail alcohol, which is a dangerous drug and ought to be classified as class B.

Given that there will be a hearing before the committee I will gladly appear. However I do hope the committee will visit the premises before meeting in order to verify the above statements for themselves. I would also suggest that the Highways department be asked for a record of accidents on Crewe road and the adjoining Weston Lane

Regards

David Brickhill

Independent Borough Councillor for Shavington.

Member of the Cheshire Fire Authority.

Phone 01270 842518

Please drive carefully and arrive alive

From: KERR, Carole
Sent: 11 July 2011 16:38
To: BRICKHILL, David (Councillor)
Subject: RE: Planning Application 11/2326N

Councillor Brickhill,

If there are objections, the matter will have to go before the Licensing Committee. The closing date for receipt of objections is 25th July. Following expiry of the objection period, if required, we would quickly sort out a time, date and venue for the meeting and let all concerned have the details.

Would you be objecting on behalf of residents in the area, adding your voice to theirs or making an objection as a resident yourself?

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