

# **Licensing Act Sub-Committee**

## **Agenda**

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**Date:** Thursday, 25th October, 2012  
**Time:** 10.00 am  
**Venue:** The Tatton Room - Town Hall, Macclesfield SK10 1EA

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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 disclosable pecuniary and non-pecuniary interests in any item on the agenda and for Members to declare if they have pre-determined any item on the agenda.

3. **Application for a Premises Licence: One Stop Stores, 27 Cross Street, Macclesfield, Cheshire, SK11 7PG** (Pages 5 - 12)

To consider an application for a Premises Licence by One Stop Stores Ltd in respect of One Stop Stores, 27 Cross Street, Macclesfield, Cheshire.

### **THERE ARE NO PART 2 ITEMS**

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For requests for further information

**Contact:** Julie Zientek  
**Tel:** 01270 686466  
**E-Mail:** [julie.zientek@cheshireeast.gov.uk](mailto: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.**

<b>1</b>	<b>Chairman</b>	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).
<b>2</b>	<b>Licensing Officer</b>	Will introduce and summarise the application, highlighting areas of contention or dispute.
<b>3</b>	<b>Committee Members</b>	May ask questions of the Licensing Officer
<b>4</b>	<b>Applicant</b>	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>
<b>5</b>	<b>Responsible Authorities (who have made representations)</b>	Each in turn may ask <u>questions</u> of the applicant, by way of clarification.

6	<b>Local residents</b> (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	<b>Committee Members</b>	Each in turn may ask <u>questions</u> of the applicant.
8	<b>Applicant</b>	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	<b>Responsible Authorities</b>	Will make their representations.
10	<b>Applicant</b>	Or his representative or witnesses to ask <u>questions</u> of Responsible Authorities represented at the meeting, by way of clarification.
11	<b>Local residents</b> (ie. defined as “interested parties”)	May ask <u>questions</u> of the Responsible Authorities represented at the meeting, by way of clarification.  <b>(Note: This is not the point at which local residents should be stating their objections.)</b>
12	<b>Committee Members</b>	May ask <u>questions</u> of the Responsible Authorities represented at the meeting
13	<b>Local residents</b> (ie. defined as “interested parties”)	The local residents who are objecting to the application will be invited <b><u>to make observations on the application</u></b> and present the bases of their objections.
15	<b>Applicant</b>	Or his representative or witnesses may ask <u>questions</u> of the Local Residents, by way of clarification.
16	<b>Committee Members</b>	May ask <u>questions</u> of the Local Residents.
17	<b>Chairman</b>	To invite both <b>Responsible Authorities</b> and <b>Local Residents</b> to make their closing addresses.
18	<b>Applicant</b>	Or his representative will <u>briefly summarise the application</u> and comment on the observations and any suggested conditions.
19	<b>Committee</b>	<u>Will retire</u> to consider the application. The Committee may request the Legal Advisor to advise on legal issues.
20	<b>Committee</b>	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

**REPORT TO: LICENSING ACT SUB-COMMITTEE**

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<b>Date of Meeting:</b>	Thursday 25 <sup>th</sup> October 2012 at 10.00am
<b>Report of:</b>	Mrs N Cadman, Licensing Officer
<b>Subject/Title:</b>	<b>Application for a Premises Licence</b> <b>One Stop Stores, 27 Cross Street, Macclesfield,</b> <b>Cheshire, SK11 7PG.</b>

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**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 One Stop Stores Ltd in respect of One Stop Stores, 27 Cross Street, Macclesfield, Cheshire, SK11 7PG.

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.

Members of the Licensing Sub-Committee are reminded that they may not exercise discretion in any case, merely because it considers it desirable to, and should provide reason(s) for any decision taken, or where they might consider departing in any way from the Policy or Guidance.

**Licensing Objectives / Guidance / Policy Considerations**

The relevant representations engage the licensing objectives. The Sub-Committee in respect of this application is referred to the Guidance issued under Section 182 of the Licensing Act 2003, specifically those sections relating to the licensing objective, premises licenses and hearings.

**Statement of Licensing Policy**

Members should carefully consider the relevant sections of the Council's Statement of Licensing Policy.

Members are reminded that should any conditions be added, they should be practical, enforceable and appropriate to promote the Licensing Objectives.

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.

**4.0 Wards Affected**

- 4.1 Macclesfield South

**5.0 Local Ward Members**

- 5.1 Cllr Laura Jeuda  
Cllr Damien Druce

**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 (Authorised by the Director of Finance and Business Services)**

- 7.1 Not applicable.

**8.0 Legal Implications (Authorised by the Borough Solicitor)**

- 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 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.

**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 is for 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 (for consumption off the premises only)

- 10.3 The hours applied for are as follows:

**Sale and Supply of Alcohol (for consumption on the premises only)**  
Monday to Sunday 06.00 to 23.00



The hours the premises shall be open to the public  
Monday to Sunday 06.00 to 23.00

10.4 Designated Premises Supervisor: Nigel Prendergast

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

**Prevention of Crime & Disorder**

A close circuit television system offering sufficient coverage of the store will be in operation during trading hours with all equipment being maintained in good working order.

CCTV images will be retained for a maximum of 28 days and made available to any of the Responsible Authorities upon reasonable request.

A register of all major incidents of crime and disorder will be kept.

The premises will be fitted with an industry standard approved intruder alarm system.

**Public Safety**

The requirements of the Fire Officer will be complied with.

A Fire Risk Assessments will be undertaken prior to the premises trading.

**Prevention of Public Nuisance**

A regular litter pick of the store's external areas will be carried out.

**Protection of Children from Harm**

All staff will be trained in relation to the sale of age restricted goods.

An age recognition scheme such as Challenge 25 will be in place.

A system of prompts will be in place to ensure staff undertake age checks on age restricted products.

A register of all challenged and refused sales will be maintained.

10.6 Relevant Representations:

Responsible Authorities

10.6.1 The Police – No response.

10.6.2 The Environmental Health Department - No response.

10.6.3 The Cheshire Fire Service – No response.

10.6.4 Local Planning Authority – No response.

10.6.5 Local Safeguarding Children Board – As Police response.

10.6.5 Health and Safety Officer – No response.

10.6.6 Trading Standards – No response.

#### Interested Persons

10.6.7 The Licensing Authority has received 2 letters of representation from neighbour objectors, and a letter of support from Cllr Laura Jeuda as appended to 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: Licensing Officer  
Tel No: 01270 685957  
Email: Nikki.cadman@cheshireeast.gov.uk

### **APPENDICES**

Appendices 1 – 3 Letters from interested persons.

Appendix 4 – Map of area.

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I am writing to you to object to the application for a premises licence for 27 Cross Street Macclesfield,

After visiting my local planning office at the Town Hall I was told that no plans had been submitted for change of use to the building, or any other plans to open a one stop store, this is now being looked into by the planning office.

My objections for a store/off licence in this location are as follows:

The premises are on one of the busiest smallest roads.

Parking is difficult for residents as it is without people taking up parking spaces in the side streets where residents living in Cross Street and surrounding Streets have to park.

We already have 3 convenience stores within less than ½ a mile radius, plus a wine store and a local Co-op, 2 stores are within a 2min walk from the proposed premises.

What about drink awareness ????? DON'T YOU CARE !!!!!

We don't want to be awakened at 6 o'clock in a morning or kept awake at 11pm at night 7 days a week by cars and other larger vehicles parking and slamming car doors whilst visiting the store.

It is an invasion of privacy as the premises overlook my house, I presume there would be clear glass to display goods.

I would be grateful if you would respond to my concerns, and keep me updated on any further developments, we as residents were given no notification as to what the building was to be used for, until a small notice was stuck on the front door of the pub a couple of days ago.

Sincere Regards

21/09/12

**PROPOSED OFF LICENCE FOR ONE STOP AT 27 CROSS ST SK117PG**

*Dear Sir,*

*I have evidence that there is a proposal for a one stop store at 27 Cross Street Macclesfield SK11 7PG ( The old Travellers Rest Pub ) being put forward for an application to trade to sell Alcohol etc on the premises mentioned above.*

*I am fully against this proposal and do not back this up for any approval at all the opening and closing hours will enhance noise and litter and for that reason I am fully against it so please register my disapproval and put my letter forward to the planning officials when they hold their meetings please.*

*Yours sincerely,*

**HINTON, Amanda**

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**From:**  
**Sent:** 19 September 2012 13:47  
**To:** HINTON, Amanda  
**Subject:** Proposed One Stop Shop -27 Cross Street Macclesfield-23021

Dear Amanda,

Further to our discussion on Monday regarding the application for a One Stop Shop at 27 Cross Street Macclesfield. I am writing in support of [redacted] who lives [redacted] the proposed site. She and her neighbours are totally opposed to the application because firstly, the amount of traffic stopping on what is already an incredibly busy road, which has double yellow lines on both sides. Secondly, the proposed hours of opening, 6.00am to 11pm, this will create, it is believed extra noise, traffic and possibly anti-social behaviour, particularly in the evenings.

I do hope that you will consider the concerns of the residents who live in the immediate vicinity of the proposed premises.

Regards

Councillor Macclesfield South Ward

