

Licensing Act Sub-Committee

Agenda

Date: Wednesday, 4th September, 2013
Time: 10.00 am
Venue: Council Chamber - Town Hall, Macclesfield, SK10 1EA

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 - Tesco Express, West Road, Congleton CW12 4HB** (Pages 5 - 30)

To consider an application for a Premises Licence by Tesco Stores Ltd in respect of Tesco Express, West Road, Congleton, Cheshire CW12 4HB.

THERE ARE NO PART 2 ITEMS

For requests for further information

Contact: Julie Zientek
Tel: 01270 686466
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

REPORT TO: LICENSING ACT SUB-COMMITTEE

Date of Meeting: Wednesday 4th September 2013 at 10.00am
Report of: Mrs N Cadman, Licensing Officer
Subject/Title: Application for a new Premises Licence at
Tesco Express, West Road, Congleton, CW12 4HB

1.0 Report Summary

- 1.1 The report provides details of an application for 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 for a new Premises Licence by Tesco Stores Ltd in respect of:

Tesco Express
West Road
Congleton
Cheshire
CW12 4HB

- 2.2 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.
- 2.3 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.

2.4 Licensing Objectives / Guidance / Policy Considerations

- 2.4.1 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. The licensing objectives are (a) the prevention of crime and disorder; (b) public safety; (c) the prevention of public nuisance; and (d) the protection of children from harm.

2.5 Statement of Licensing Policy

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

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

2.7 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 Congleton West

5.0 Local Ward Members

5.1 Cllr G Baxendale
Cllr R M Domleo
Cllr D Topping

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 the relevant mandatory conditions and conditions consistent with the operating schedule
- (b) Modified the application to such extent as the Authority considers appropriate for the promotion of the Licensing Objectives
- (c) Exclude from the scope of the licence any of the Licensable Activities to which the application relates
- (d) Refuse to specify a person in the licence as the Premises Supervisor
- (e) 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, received on the 16th July 2013, is for the grant of a new 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 by retail of alcohol

- 10.3 The hours applied for are as follows:

- **Sale by retail of alcohol**
Monday to Sunday 06.00hrs to 23.00hrs

The sale by retail of alcohol is for consumption off the premises only.

- **Opening Hours of the Premises**
Monday to Sunday 06.00hrs to 23.00hrs

- 10.4 A copy of the application form is attached as Appendix 1.

The premises is currently authorised for the sale by retail of alcohol for consumption off the Premises only, Monday to Sunday 07.00hrs to 22.00hrs by Premises Licence number PREM834 which was granted on 20th April 2013.

10.5 Relevant Representations

Responsible Authorities:

- 10.6.1 There were no objections from any of the Responsible Authorities.

Other Persons:

- 10.6.3 The Council has received written objections from 3 local residents and a written objection from Cllr G Baxendale, Ward Councillor for Congleton West Ward. Copies of these representations are attached as Appendices 2 to 5 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: Licensing Officer

Tel No: 01270 685957

Email: nikki.cadman@cheshireeast.gov.uk

APPENDICES

Appendix 1 – Premises Licence application form

Appendixes 2 – 5 Letter of objection

Appendix 6 – Current Premises Licence Summary & Conditions

Appendix 7 – Map of area.



Cheshire East
Application for a premises licence
Licensing Act 2003

For help contact
licensing@cheshireeast.gov.uk
Telephone: 0300 123 5015

* required information

Section 1 of 19

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ Applying as a business or organisation, including as a sole trader

☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is your business registered in the UK with Companies House? ☒ Yes ☐ No

* Registration number

* Business name

* VAT number

* Legal status

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Section 2 of 19**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 19**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- ☐ An individual or individuals
☒ A limited company
☐ A partnership
☐ An unincorporated association
☐ A recognised club
☐ A charity
☐ The proprietor of an educational establishment
☐ A health service body
☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
☐ The chief officer of police of a police force in England and Wales
☐ Other (for example a statutory corporation)

Confirm The Following

- ☒ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
☐ I am making the application pursuant to a statutory function
☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 19**NON INDIVIDUAL APPLICANTS**

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Tesco Stores Ltd

Details

Registered number (where applicable)

519500

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

Contact Details

E-mail

Telephone number

Other telephone number

Add another applicant

Section 5 of 19

OPERATING SCHEDULE

When do you want the premises licence to start?

02 / 09 / 2013
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end

/ /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

Retail Premises (supermarket) selling a range of goods and services. This includes the sale of alcohol for consumption off the premises. Sales of alcohol for consumption off the premises are made from the supermarket sales floor as shown on the enclosed plan.

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

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Continued from previous page...

Section 6 of 19**PROVISION OF PLAYS**

Will you be providing plays?

☐ Yes☒ No**Section 7 of 19****PROVISION OF FILMS**

Will you be providing films?

☐ Yes☒ No**Section 8 of 19****PROVISION OF INDOOR SPORTING EVENTS**

Will you be providing indoor sporting events?

☐ Yes☒ No**Section 9 of 19****PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

Will you be providing boxing or wrestling entertainments?

☐ Yes☒ No**Section 10 of 19****PROVISION OF LIVE MUSIC**

Will you be providing live music?

☐ Yes☒ No**Section 11 of 19****PROVISION OF RECORDED MUSIC**

Will you be providing recorded music?

☐ Yes☒ No**Section 12 of 19****PROVISION OF PERFORMANCES OF DANCE**

Will you be providing performances of dance?

☐ Yes☒ No**Section 13 of 19****PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes☒ No**Section 14 of 19****LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

Continued from previous page...

☐ Yes☒ No**Section 15 of 19****SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

☒ Yes☐ No**Standard Days And Timings****MONDAY**Start End Start End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAYStart End Start End **WEDNESDAY**Start End Start End **THURSDAY**Start End Start End **FRIDAY**Start End Start End **SATURDAY**Start End Start End **SUNDAY**Start End Start End

Will the sale of alcohol be for consumption:

☐ On the premises☒ Off the premises☐ Both

If the sale of alcohol is for consumption on
the premises select on, if the sale of alcohol
is for consumption away from the premises
select off. If the sale of alcohol is for
consumption on the premises and away
from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Adrian Lee

Family name

Postlethwaite

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number
(if known)

Issuing licensing authority
(if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ☐ Electronically, by the proposed designated premises supervisor
- ☒ As an attachment to this application

Reference number for consent
form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Continued from previous page...

Section 16 of 19**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Section 17 of 19**HOURS PREMISES ARE OPEN TO THE PUBLIC****Standard Days And Timings****MONDAY**Start End Start End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAYStart End Start End **WEDNESDAY**Start End Start End **THURSDAY**Start End Start End **FRIDAY**Start End Start End **SATURDAY**Start End Start End **SUNDAY**Start End Start End

State any seasonal variations

Continued from previous page...

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 18 of 19

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

We are a national retailer that sells alcohol as part of a broad offering of goods and services. We have held off-licences in our stores for many years and are an approved British Institute of Inn-keeping examination centre. We have written training policies and formal training programmes are in place, which ensure our people are equipped to meet all licensing objectives. All training and revision/refresher materials are reviewed regularly. All stores currently comply with our 'Think 25' policy, this is brought to customer's attention through point of sale material within the store. We take legal compliance very seriously and in addition to local training we employ a central alcohol licensing compliance manager and have a compliance committee.

b) The prevention of crime and disorder

The premises will have digital CCTV system that covers many areas of the shop floor, including the proposed area which will be used for beer and wine, should we be successful with our application.

Images will be retained for a minimum of 21 days and made available on enforcement request.

Ordinarily, a member of the Management team will be on the premises all the time the store is open. A person will have responsibility for the premises whilst the premises are open.

c) Public safety

A person will have responsibility for the premises whilst the premises are open. Management will be trained to support the running of the premises including looking after our customers and staff. The store will adhere to all rules and regulations relating to public safety.

d) The prevention of public nuisance

We intend to be an active member of the community.

We welcome the opportunity to liaise with Police and enforcement authorities should the need arise.

Continued from previous page...

e) The protection of children from harm

All staff will be trained and regularly refreshed in the corporate 'Think 25' Policy. Staff will be trained to look at the customer and 'Think 25' when selling alcohol.

A till prompt will appear on the initial sale of alcohol that will remind the seller of their responsibilities including not to sell alcohol to anyone under the age of 18.

The store will display signage around the premises informing both staff and customers of our 'Think 25' policy on alcohol.

Section 19 of 19

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

* Fee amount (£) 315.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Continued from previous page...

Address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

☐ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name	<input type="text"/>
* Capacity	<input type="text"/>
Date (dd/mm/yyyy)	<input type="text"/>

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking to file/save as...
2. Go back to [https://www.gov.uk/apply-for-a-licence/premises-licence/cheshire-east/Application for a premises licence-1](https://www.gov.uk/apply-for-a-licence/premises-licence/cheshire-east/Application%20for%20a%20premises%20licence-1) to upload this file and continue with your application

Don't forget to make sure you have all your supporting documentation to hand.

CORNES, Jane

From: BAXENDALE, Gordon (Councillor)
Sent: 09 August 2013 11:56
To: LICENSING (Cheshire East)
Subject: RE: New and Variation of Premise Licenses Under Consultation

Reference to Tesco application for increased hours for West Road premises

I wish to object to the application for the extended hours on these premises on the grounds of excessive noise pollution and disruption of neighbourhood houses rights of quietness within the area. There have been at least two reports of police activity within the local area since the 3rd August and even more may ensue with extended hours of selling alcohol to already inebriated customers. I am submitting this request on behalf of constituents .

Best regards Gordon Baxendale
Councillor Congleton West Ward

Sent with Good (www.good.com)

CORNES, Jane

From:
Sent: 09 August 2013 13:52
To: LICENSING (Cheshire East)
Subject: Tesco, West Road, Congleton, Cheshire, CW12 4HB

To whom it may concern:

I wish to object in the strongest possible terms to the alcohol sale licensing hours of the Tesco Express on West Road, Congleton, Cheshire, CW12 4HB being extended.

Currently, the hours are capped at 2200hrs at night due to various matters. Concerns were also expressed by local residents in complaints to planning, in relation to the store facilitating potential nuisance.

The increase of one hour into the night for example may seem trivial. But it isn't, especially now schools, colleges and universities have broken up for the holidays coupled with the light summer nights. Alcohol bottles are regularly found littering the main roundabout verges, passageways, Dane Housing grass verges as well as local pavements. This could further be exacerbated by an extension of hours, likewise the incidences of nuisance in this locale. Sometimes the bottles end up in people's gardens.

A recent example of what drunken youths can do in this locale is in relation to the kicking down of many residents' bottle bins/throwing bottles down drives, specifically on Longdown Road, Back Lane, Elm Road and West Road. These events may be partially gleaned from the most recent known reports relating to them as made to the Police on **25th July** (Incident No.1192) and **26th July** (Incident No.121) amongst others. There have been, and still are, issues with youths/adults drinking in local passageways in and around this locale. The broken bottles are testimony to this.

A local supply outlet thus facing a park bench and bus shelter and - more specifically - being permitted to increase its available supply hours will not reduce this aspect, nor the hours into which it can extend. Selling in minimum quantities has no effect whatsoever on people walking in with potentially £40+ in their pocket – each; and a bottle of spirits or wine or 4-6 minimum quantity bottles/cans of beer are not prohibitive. An abandoned beer bottle box and many smashed bottles were found some time ago in a local passageway for example. A grown adult was seen walking nearby recently drinking from a large beer bottle on a Sunday.

It may also be noted that the burglar alarm to the Tesco Express went off at approx. 2.55am on **6th August** coupled with a car slamming its door and speeding off from the location (Incident No.72). Whether the alarm going off and the car departure are connected I do not know, but it occurred. We also have enough nuisance from the Tesco as it is with staff parking now on Elm Road due to allegedly not being allowed to park in the Tesco car park. There has also been an observable increase in discarded cigarette lighters and cigarette packets here for reasons - as yet - unknown.

An increase in licensing hours could thus exacerbate matters here, so I object to the hours being extended in any way. It also has to be borne in mind the good service that limiting licensing hours provides, specifically in limiting access to alcohol by those suffering with alcohol issues, and consequently the limited licensing helping their suffering families.

As Tesco have an interest in charities (as was likewise displayed when the store opened) I am sure they too would not wish to enable nor exacerbate harm. Coupled with staff stating that black-background signage was erected at the Tesco due to this area being deemed 'up market', the

capping of hours as already in place likewise reflects this, also bearing in mind most residents on the nearby Elm Road are widowed and aged in their 70's and 80's. Ambulances and home helps are often seen here. Passing drunks, beer bottles, parking issues, loitering and bins being kicked down doesn't do them any good.

Regards,

CORNES, Jane

From:
Sent: 12 August 2013 15:02
To: LICENSING (Cheshire East)
Subject: Tesco West Road Congleton New Licence

I am writing to show my disapproval of the application for a new licence for Tesco, West Road, Congleton, Cheshire.

I believe that the licencing hours should not be extended at all and should remain as they are at present. I am concerned

that a few people living in the West Heath area will be drinking in town and return and buy alcohol at Tesco, and this will

cause disturbances to a lot of people living in this area, and possible distruction of property. I am worried that the shop has only been

open a few weeks and Tesco is already applying for a new licence. I think Tesco should consider all the potential customers of

West Heath and consider if selling more alcohol to some customers, and possibly causing alcohol-related incidents in this area, is worth the money. People may become annoyed that the area could be a target for alcohol-related problems and blame Tesco whenever this occurs. Tesco must accept that Congleton is an area where people respect their homes and think highly of their town. We are not living in the centre of a city where shops are open all hours, the streets are not full of litter in Congleton and there is little crime and disturbance at present. People living in Congleton are trying to maintain this peaceful attitude and would like Tesco to co-operate instead of trying to change the area. No other shops in West Heath have the same opening hours as Tesco and Tesco have no right to cause problems to West Heath residents, just because they operate longer hours of opening and licensing in other areas.

RECEIVED (13/8/13 Macc)

1 AUG 2013
RECEIVED

RECORDED

Lancashire Coast Council.
Licensing Section
Macclesfield Town Hall
Market Place
Macclesfield, Lancashire
SK10 1DS.

I wish to add my objection
to Tesco, West Road Conger
Lancashire CW12 4 HB to gaining
a licence to sell alcohol
between 0600 hrs - 2300 hrs
Monday to Sunday.

The children are making
a nuisance in the area.

How much more of a nuisance
if the licence is granted to
Tesco to sell alcohol till
every day from 0600 to
2300.

Yours very
Sincerely,

Premises Licence Summary**Premises Licence Number:****PREM 834****Premises Details**

Postal address of Premises or, if none, ordnance survey map reference or description:

Tesco
West Road
Congleton
Cheshire

Post Town: Congleton

Post Code: CW12 4HB

Telephone Number:

Where the Licence is time limited, the dates:

Licence effective from 20th April 2013

Licensable activities authorised by the Licence:

Sale and supply of alcohol

The time the Licence authorises the carrying out of licensable activities:

Sale and supply of alcohol

Monday to Sunday 07:00 hours to 22:00 hours

The sale of alcohol will be for consumption off the premises only.

The opening hours of the Premises:

Monday to Sunday 07:00 hours to 22:00 hours

Where the Licence authorises supplies of alcohol, whether these are on and/or off supplies:

The sale of alcohol will be for consumption off the premises only.

Name, (registered) address of holder of Premises Licence:

Tesco Stores Ltd
Tesco House
Delamere Road
Cheshunt
EN8 9ST

Registered number of holder, for example company number, charity number (where applicable):

519500

Name of designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol:

Mr Adrian Lee Postlethwaite

State whether access to the Premises by children is restricted or prohibited:

No

Licence issued on 13th May 2013

.....
Signed by Mrs Jane Cornes
On behalf of
Cheshire East Borough Council

Annex 1 - Mandatory Conditions

1. No supply of alcohol may be made under this Premises Licence –
 - (a) at a time when there is no designated premises supervisor in respect of the Premises Licence, or
 - (a) at a time when the designated premises supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under this Premises Licence must be made or authorised by a person who holds a Personal Licence.

LICENSING ACT 2003 (MANDATORY LICENSING CONDITIONS) ORDER 2010

MANDATORY CONDITIONS

Condition 4

- (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Annex 2 - Conditions consistent with the Operating Schedule

Prevention of Crime and Disorder

- (1) The premises shall have a digital CCTV system that covers many areas of the shop floor, including the proposed area which will be used for beer and wine.
- (2) Images shall be retained for a minimum of 21 days and made available on enforcement request.
- (3) A member of the management team will be on the premises all the time the store is open. A person will have responsibility for the premises whilst the premises are open.

Public Safety

- (4) A person will have responsibility for the premises whilst the premises are open. Management will be trained to support the running of the premises including looking after customers and staff. The store will adhere to all rules and regulations relating to public safety.

Prevention of Public Nuisance

- (5) All staff at the premises shall be encouraged to be active members of the community.
- (6) The Licence Holder shall liaise with the Police and the Responsible Authorities should the need arise.

Protection of Children from Harm

- (7) All staff shall be trained and regularly refreshed in the corporate 'Think 25' Policy. Staff will be trained to look at the customer and 'Think 25' when selling alcohol.

(8) A till prompt shall appear on the initial sale of alcohol that will remind the seller of their responsibilities including not to sell alcohol to anyone under the age of 18.

(9) The store will display signage around the premises informing both staff and customers of our 'Think 25' policy on alcohol.

Annex 3 - Conditions attached after a hearing by the Licensing Authority

Not applicable.

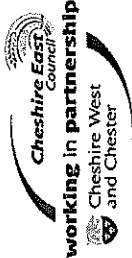
Annex 4 – Plans

See attached – Drawing No. 6848gag2FORCOSTING



Cheshire CC WebGIS

Tesco Express Congleton



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