

Licensing Act Sub-Committee

Agenda

Date: Tuesday, 4th August, 2020

Time: 2.00 pm

Venue: Virtual

How to Watch the Meeting

For anybody wishing to view the meeting live please click in the link below:

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Or dial in via telephone on 141 020 3321 5200 and enter Conference ID: 920 660 03# when prompted.

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 in the report.

It should be noted that Part 1 items of Cheshire East Council decision-making meetings are audio recorded and the recordings are uploaded to the Council's website.

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.

For requests for further information

Contact: Helen Davies

Tel: 01270 685705

E-Mail: helen.davies@cheshireeast.gov.uk

3. **To Review a Premises Licence following a Closure Order - A - Z Convenience, 39 Sunderland Street, Macclesfield SK11 6JL (Pages 9 - 40)**

To consider the premises licence review instigated by Section 167 of the Licensing Act 2003 for the licence granted to Mr. Nikson Khan the premises known as A-Z Convenience, 39 Sunderland Street, Macclesfield, SK11 6JL.

THERE ARE NO PART 2 ITEMS.

Membership: Councillors M Benson, M Goldsmith and L Smetham

CHESHIRE EAST COUNCIL

Procedure for Hearings – Licensing Act 2003 COVID-19

This procedure has been drawn up to take account of the restrictions placed on the Country by the Government in its response to the COVID-19 pandemic and the Council's move towards the holding of virtual meetings.

As a Licensing Authority we are conscious that all Hearings of this nature must be run in accordance with the rules of natural justice and that any modifications to the format of the hearing should not undermine the requirements to hold a fair hearing.

It is the Council's intention to run the Hearing as close a possible to our procedure for Hearings set out in our Statement of Licensing Policy. However, it will be necessary to make a number of specific alterations.

The Council does not intend to hold any Hearings just on the pre Hearing papers (eg applications and written representations). The Council considers that a Licensing determination based solely on written material and without the opportunity for amplification, clarification, and questions does not best serve the decision-making process.

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.

Platform

The Council will use Microsoft Teams for all Hearings. This platform can be accessed on a landline, mobile, laptop or tablet. The Democratic Services Officers will ensure that the meeting is set up within the Microsoft Teams platform. All parties to the Hearing will received the Notice of Hearing required by the regulations and an email invitation with specific joining instructions for Microsoft Teams.

Web Casting

All Council meetings are web cast through the Council's website. This will continue to be the case during any lockdown period and will allow members of the public to listen to proceedings from their own home.

Connectivity Test

The Council will require Members, officers, and all parties to the Hearing to be available for a connectivity test 30 minutes before the start of the Hearing. This is to ensure that any issues can be identified and overcome before the start of the meeting. Notes on how this test will be conducted will be sent directly to parties.

Technical Issues

If during the course of the meeting, the Chairman determines any technical issues (for example, parties dropping out of the meeting or parties being unable to hear or follow proceedings etc) are compromising the integrity of the Hearing, the Chairman will have discretion to adjourn the matter to later date. The test the Chairman will use when considering any adjournment is what is best in the public interest (including the right of all parties to have a fair hearing). Any adjournment will either be to a date when technical issues can be overcome or to a date when a full hearing with all parties physically present can be held.

Etiquette

In order to maximise effectiveness of the Hearing all parties should:

- Identify themselves at the start of the Hearing when asked to do so by the Chairman
- Put their webcam and microphone on mute all times other than when addressing the Committee
- Indicate that you want to speak by using the chat function
- Only address the Committee when called to do so by the Chairman

Committee Reports

The Committee report and all relevant information will be posted on the Council's website at least 7 days prior to the Hearing. A link to the documents will be provided with the Notice of Hearing. The Committee report pack will be paginated and all parties should refer to this pack rather than their own bundles.

Late Evidence

Parties should submit any evidence for consideration of the Committee prior to the drawing up of the Committee agenda packs. This will mean that all information in containing in one paginated bundle that can be referred to by the parties (referencing pages numbers).

Evidence submitted on the day of the hearing can only be included when all parties to the hearing agree. It will ultimately be for the members of the Committee to decide if late evidence is accepted.

Decisions

In accordance with Hearings Regulations the Committee will make a determination at the end of the Hearing and the decision will be given within 5 working days. Some decisions are required to be given at the end of the Hearing, in this case the public meeting will resume once Members have deliberated and formed their decision.

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 and will draw up the decision notice.
- **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	Other Persons (who have made representations)	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	Other Persons (who have made representations)	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 they should be stating their objections.)
12	Committee Members	May ask <u>questions</u> of the Responsible Authorities represented at the meeting
13	Other Persons (who have made representations)	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	Close of Public Meeting	When the Chairman determines that all relevant information has been heard and no further matters are to be discussed, the public meeting will end. All parties to the hearing (including

		Licensing Officers and Responsible Authorities) will be excluded from the platform.
19	Committee	<p><u>Will retire</u> to consider the application. They will be accompanied by their Legal Advisor and the Democratic Services Officer. This means that the Members of the Committee can determine the matter in private session. And can take the opportunity to seek legal advice.</p> <p>Members will give their decision with 5 working days by the issuing of a decision notice.</p>

Notes

1. The Committee can exclude members of the press and public from participation in a Hearing; 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 be excluded from 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 Chairman 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. Other Persons 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 will provide its decision in writing



Working for a brighter future together

Licensing Act Sub Committee

Date of Meeting: 04 August 2020

Report Title: Review a Premises Licence following a Closure Order - A – Z Convenience, 39 Sunderland Street, Macclesfield SK11 6JL

Senior Officer: Frank Jordan - Executive Director Places

1. Report Summary

1.1. The report provides details of a review pursuant to Section 167 of the Licensing Act 2003 in relation to A – Z Convenience, 39 Sunderland Street, Macclesfield, SK11 6LJ and outlines the evidence presented by the parties in relation to the review. The order was issued after agreement between the Police and the Premises Licence Holder at Crewe Magistrates' Court on 15th July 2020.

2. Recommendations

2.1. The Licensing Act Sub-Committee considers the premises licence review instigated by S167 of the Licensing Act 2003 for the licence granted to Mr. Nikson Khan the premises know as A-Z Convenience, 39 Sunderland Street, Macclesfield, SK11 6JL.

2.2. The Licensing Act Sub-Committee is requested to consider the review application and any relevant representations and determine what steps, if any, it considers are appropriate to promote the Licensing Objectives.

2.3. Acting in the capacity of the Licensing Authority, Members must seek to promote the Licensing Objectives. Where Members consider that matters have engaged one or more of the Objectives, they may exercise their discretion. The Licensing Objectives are:

- a) The prevention of crime and disorder
- b) Public Safety
- c) The prevention of public nuisance

d) The protection of children from harm

2.4. Members of the Licensing Sub-Committee are reminded that they may not exercise discretion in any case, merely because it considers it desirable to do so. Careful consideration should be given to the application and the evidence presented by the parties in relation to the review.

2.5. Finally, Members are also reminded that in determining the application, consideration also needs to be given to:

a) The rules of natural justice

b) The provisions of the Human Rights Act 1998

3. 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 and the Council's Constitution, and provide the key reasons why the recommendation/s has been made. Link your reasons into appropriate council policies and corporate objectives.

4. Other Options Considered

4.1. Not applicable.

5. Background

5.1. Under S167 of the Licensing Act 2003 a premises licence review is triggered where a Magistrates' Court has made a Closure Order under Section 80 of the Anti-Social Behaviour, Crime and Policing Act 2014.

5.2. On 6th July 2020, Cheshire Constabulary issued a Closure Notice on the premises following a number of incidents taking place at A-Z Convenience Store involving the sale of alcohol to underage children in the Macclesfield area. A copy of the Closure Notice is attached at **Appendix 1**.

5.3. On Wednesday 15th July 2020 Crewe Magistrates' Court heard the application for the Closure Order and as a result made a Closure Order which closed the premises for a period of 1 month. Submissions from the police including the statement in relation to the Closure Order and previous history of the premises are attached as **Appendix 2**.

5.4. During the course of the Closure Order hearing, the police and the premises licence holder legal representative police and premises licence holder

agreed to amend the conditions of the licence. A copy of the agreed conditions are attached at **Appendix 3**.

- 5.5. The Magistrates' Court has a duty to notify the Licensing Authority of the Closure Order and this was received on 21st July 2020. A copy of the Closure Order is attached at **Appendix 4**.
- 5.6. The Licensing Authority is required to notify responsible authorities and interested parties of the review and invite representations.

6. The Premises

- 6.1. The premises is a small lock up shop, licensed for alcohol off sales. The premises also sells a selection of essential products as well as a number of other age restricted products i.e. cigarettes, lighters etc. It is located within Macclesfield town centre, close to Macclesfield railway station which is a busy mainline railway station. A copy of the current premises licence is attached as **Appendix 5**.
- 6.2. The premises has been licensed under the Licensing Act 2003 since 2005. The current premises licence holder, Mr. Nikson Khan, took on the premises licence on 10th July 2019. An application was then made under section 37 of the Licensing Act 2003 to vary the Designated Premises Supervisor (DPS), specifying himself as the DPS on 23rd September 2019. The current premises licence was issued on 14th October 2019.

7. Premises History

- 7.1. The premises came to the attention of Cheshire Constabulary as a result of intelligence of selling alcohol to underage children in the Macclesfield area. On 2nd June 2020, the police received a complaint, from a father of a 16-year old female (who with her friend) had bought alcohol from A-Z Convenience Store whilst underage; his daughter's friend had been hospitalised as a result of consuming the alcohol.
- 7.2. As a result of investigations undertaken by Cheshire Constabulary, it became apparent that the convenience store was a popular premises for young people in Macclesfield to use as they knew they could purchase alcohol from this shop.
- 7.3. Intelligence provided to Cheshire Constabulary by Cheshire East Council's Trading Standards team, suggests that during the period 13 January 2020 to

22 February 2020 there had been 3 complaints made of sales of restricted goods from the shop, all of which included the sale of alcohol.

- 7.4. The Licensing Authority was made aware of the complaint made to Cheshire Constabulary on 2nd June 2020 and as a result a Licensing Officer attended the premises, together with an officer of Cheshire Constabulary and Cheshire East Council's Trading Standards team to obtain any CCTV footage of the incident. A Licensing Officer placed copies of the notice of review at the premises and on the Council's website.
- 7.5. The Closure Order was made by Crewe Magistrates' Court on 15th July 2020 where a closure for 1 month was granted.

8. Representations

- 8.1. The Licensing Authority is required to notify the Responsible Authorities and interested parties of the review.
- 8.2. Notices are required to be placed at the premises and on the Council's website. These have been complied with as per the regulations. The consultation period expired on 28th July 2020. A copy of the notice of review is attached at **Appendix 6**.
- 8.3. This hearing is required by the Licensing Act 2003 because a review has been triggered by the issue of the Closure Order.
- 8.4. The review has been supported by Cheshire East Council's Trading Standards Team who agree with the application and the conditions put forward by Cheshire Police.
- 8.5. A representation was received from Ward Councillor Braithwaite. This representation is attached as **Appendix 7**.

9. Implications of the Recommendations

9.1. Legal Implications

- 9.2. Under section 76 of the Anti-Social Behaviour, Crime and Policing Act 2014, a police officer of at least the rank of inspector, or the local authority, may issue a closure notice if satisfied on reasonable grounds:
 - a) (a) that the use of particular premises has resulted, or (if the notice is not issued) is likely soon to result, in nuisance to members of the public, or

- b) (b)that there has been, or (if the notice is not issued) is likely soon to be, disorder near those premises associated with the use of those premises, and the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.
- 9.3. A closure notice is a notice prohibiting access to the premises for a period specified in the notice. The maximum period is 48 hours:
- (a) If, in the case of a notice issued by a police officer, the officer is of at least the rank of superintendent; or
 - (b) If in the case of a notice issued by a local authority the notice is signed by the Chief Executive Officer of the authority or a person designated by him or her for the purposes of this section.
- 9.4. Whenever a closure notice is issued an application must be made under Section 80 of the 2014 Act to a magistrates' court for a closure order.
- 9.5. An application for a closure order must be made:
- a) By a constable, if the closure notice was issued by a police officer or;
 - b) By the authority that issued the closure notice, if the notice was issued by a local authority.
- 9.6. The application must be heard by the magistrates' court not later than 48 hours after service of the closure notice. In this case, the matter was heard at Crewe Magistrates' Court on 8th July 2020 and as a result adjourned until 15th July 2020.
- 9.7. The court may make a closure order if it is satisfied:
- a) That a person has engaged, or (if the order is not made) is likely to engage, in disorderly, offensive or criminal behaviour on the premises, or
 - b) That the use of the premises has resulted, or (if the order is not made) is likely to result in, serious nuisance to members of the public, or
 - c) That there has been, or (if the order is not made) is likely to be, disorder near those premises associated with the use of those premises, and that the order is necessary to prevent the behaviour, nuisance or disorder from continuing, recurring or occurring.
- 9.8. A closure order is an order prohibiting access to the premises for a period specified in the order. That period may not exceed 3 months. A closure order may prohibit access:
- a) By all persons, or by all persons except those specified, or by all persons except those of a specified description;
 - b) At all times, or at all times except those specified;
 - c) In all circumstances, or in all circumstances except those specified.

A closure order:

- a) may be made in respect of the whole or any part of the premises;
- b) may include provision about access to a part of the building or structure of which the premises form part.

- 9.9. Once the licensing authority has received notification from the court that a closure order has been made, it must reach a determination on a review of the premises licence no later than 28 days after the day on which it receives the notice.
- 9.10. The review hearing itself has to be commenced within 10 working days of receipt of notification and within 5 working days notice being given to the licence holder and the police (and any other participants) of the hearing.
- 9.11. The Sub-Committee must consider the order and any relevant representations received.
- 9.12. The below course of actions are open to the Sub-Committee at the review hearing; they can:
- a) Modify the conditions of the Licence (permanently or for a temporary period of up to 3 months);
 - b) Exclude a licensable activity from the scope of the licence (permanently or for a temporary period of up to 3 months);
 - c) Remove the Designated Premises Supervisor;
 - d) Suspend the Licence for a period not exceeding 3 months;
 - e) Revoke the Licence;
 - f) Any or none of the above.
- 9.13. Members are reminded that should any conditions be added or modified, they should be practical, enforceable and appropriate to promote the Licensing Objectives.
- 9.14. By virtue of section 52(11) of the Licensing Act 2003, any decision of the Sub-Committee to take one or more of the steps set out above does not have effect:
- a) Until the end of the period given for appealing against the decision; or
 - b) If the decision is appealed against, until the appeal is disposed of.
- 9.15. Members are also reminded of the statutory obligation placed on the Local Authority under section 17 of the Crime and Disorder Act 1988 to exercise its various functions doing all that it can to prevent Crime and Disorder, and

Anti-Social Behaviour, behaviour adversely affecting the environment as well as the misuse of drugs, alcohol and re-offending in the Local Environment.

10. Finance Implications

10.1 There are no financial implications.

11. Policy Implications

11.1 The Licensing Authority has adopted a Statement of Licensing Policy in accordance with section 5 of the Licensing Act 2003.

11.2 The Licensing Authority must also have due regard to the guidance issued under section 182 of the Licensing Act 2003.

11.3 Members should provide reason(s) for any decision taken and should set out the reasoning where they determine to depart in any way from the Policy or Guidance.

12. Equality Implications

12.1 There are no direct equality implications.

13. Human Resources Implications

13.1 There are no human resources implications.

14. Risk Management Implications

14.1 The Licensing Sub-Committee will hear representations made on behalf of both the applicant and the 'relevant person' who has submitted their representation and will make a decision on the basis of the evidence presented to it. The Licensing Act 2003 makes provision for appeal to the Magistrates' Court of any decision made by the Licensing Authority.

15. Rural Communities Implications

15.1 There are no direct implications for rural communities.

16. Implications for Children & Young People/Cared for Children

16.1 There are no direct implications for children and young people.

17. Public Health Implications

17.1 There are no direct implications for public health.

18. Climate Change Implications

18.1 There are no direct implications for Climate Change.

19. Ward Members Affected

19.1 Macclesfield Central – Councillor Liz Braithwaite.

19.2 Macclesfield Central – Councillor Ashley Farrell.

20. Consultation & Engagement

20.1 Consultation in respect of submitting an application to review a Premises Licence Application is prescribed in the Licensing Act 2003 and has been fully complied with.

21. Access to Information

21.1 The background papers relating to this report can be made available by contacting the report writer.

22. Contact Information

22.1 Any questions relating to this report should be directed to the following officer:

Name: Amanda Andrews

Job Title: Licensing Enforcement Officer

Email: Amanda.andrews@cheshireeast.gov.uk

Appendix 1 – Closure Notice issued on 6th July 2020

Appendix 2 – Submissions by Cheshire Constabulary

Appendix 3 – Conditions agreed between Cheshire Constabulary and Premises Licence Holder

Appendix 4 - Closure Order issued on 15th July 2020

Appendix 5 – Premises Licence

Appendix 6 – Notice of review under S167 Licensing Act 2003

Appendix 7 – Representation from ward Councillor



CLOSURE NOTICE

SECTION 76, ANTI - SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

1. Address of the affected Premises:

A 2 Z CONVENIENCE STORE, 39 SUNDERLAND STREET, MACCLESIFLED, CHESHIRE, SK11 6JL,

The above premises are subject to a CLOSURE NOTICE under Section 76 of the Anti-Social Behaviour, Crime and Policing Act 2014. There are reasonable grounds for believing:-

- i) that a person has engaged, or (if the order is not made) is likely to be, disorder near those premises associated with the use of those premises, or
- ii) that the use of the premises has resulted, or (if the order is not made) is likely to result, in serious nuisance to members of the public, or
- iii) that there has been, or (if the order is not made) is likely to be, disorder near those premises associated with the use of those premises

2. ACCESS TO THE PREMISES BY ANY PERSON IS HEREBY PROHIBITED UNLESS YOU ARE THE OWNER OR A PERSON WHO HABITUALLY RESIDES IN THE PREMISES. IT IS AN OFFENCE UNDER SECTION 86 OF THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 TO:

- i) Remain on or enter premises in contravention of a CLOSURE NOTICE
- ii) Obstruct a constable or authorised person effecting a closure notice or entering or doing anything reasonably necessary to secure the premises against entry by any person.

3. An application for a CLOSURE ORDER under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014, to close the premises to all persons, will be made at South Cheshire Magistrates Court, Crewe at 14:00 hours on 8th July 2020.

4. Should the Magistrates' Court decide to make a CLOSURE ORDER the premises WILL BE CLOSED TO ALL PERSONS FOR A PERIOD UP TO 3 MONTHS. The Magistrates' Court may adjourn the hearing of the application for not more than 14 days to give time for any party with an interest in the premises to show why a closure order should not be made. If the Magistrates' Court adjourns the hearing it may order that the closure notice continues in effect until the end of the period of adjournment. IT IS AN OFFENCE UNDER SECTION 86 OF THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 TO REMAIN ON OR ENTER PREMISES IN CONTRAVENTION OF A CLOSURE ORDER.

5. A person who commits an offence under section 86 of the Anti-social Behaviour, Crime and Policing Act 2014 is liable to UP TO SIX MONTHS IMPRISONMENT or AN UNLIMITED FINE or BOTH.

6. You may wish to take advice on the effect on you of this CLOSURE NOTICE. For such advice, contact your local Citizens Advice Bureau, Tel 01270 303003, Local Authority Cheshire East Council, Tel 0300 123 5500 or your Solicitor. Your Local Housing Provider ,Cheshire East Housing Options Team Tel 0300 123 5017

Police Force: Cheshire Constabulary


Person making the Notice (Supt.): Supt Julie Westgate

Signature: 

Date & Time of Closure notice 06/07/2020 14:10hrs

Officer serving Closure Notice PC Bassirat

CPS Use Only

WITNESS STATEMENT			
(Criminal Procedure Rules 2015 R16.2, Criminal Justice Act 1967 S9, Magistrates' Courts Act 1980 S5B)			
		URN	
Statement of	Matthew Hamid BASSIRAT		
Age if under 18	OVER 18 (if over 18 insert 'over 18')	Occupation	POLICE CONSTABLE 5118
This statement (consisting of page(s)) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.			
Signature	 M BASSIRAT	Date	22/06/2020
Name / Rank / No	PC 5118 BASSIRAT		

I am PC 5118 BASSIRAT of the Cheshire Constabulary currently stationed at Macclesfield Police Station. I am currently attached to the Beat Management Unit. My work includes reducing demand and tackling on going issues within Macclesfield Town Centre area.

I am making this statement in relation to

- A2Z Convenience Store, 39 Sunderland Street, Macclesfield, SK11 6JL

This store is a small shop serving a small selection of essentials and a large selection of alcohol and cigarettes. The shop is located in the town centre close to Macclesfield Railway Station which is a Mainline busy Railway Station.

In March 2020 I was tasked by my supervision to specifically look at Anti-Social behaviour in the town centre involving young people after we had been contacted by Security guards in the town centre who were complaining of the high volume of Anti-Social behaviour committed by the young people in the town. It was deemed to be taking up so much of the demand of local Officers, the plan was given an operation name, namely Operation Skimp. Much of the Anti-Social behaviour happens on Gas Road which is often referred to as the underpass as it is a

dark secluded location underneath a dual carriageway linking the town centre with the Hurdsfield Estate. This location is less than 400 metres from the location of this shop. Much of this Anti-Social behaviour is young children congregating in the area drinking alcohol and shouting loudly which prompts residents to contact Police.

This shop has come to my attention as we have received information that they are selling alcohol to underage children in the Macclesfield area. Initially this was intelligence received to us prior to the lockdown brought in by the Government. The lockdown presented a number of challenges to both trading standards and the Police when dealing with matters such as these. A decision was made by trading standards that an operation targeting the selling of alcohol to would be difficult given the restrictions and they have told me that often these operations fail as the shops only sell to those children they know.

Trading Standards have produced 3 pieces of intelligence that they have received

- 13/01/20-Details how the store has sold cigarettes and vodka to a 15 year old female who was not asked for ID
- 22/01/20-During an Early Help meeting (a meeting held with social workers and children who have come to their attention) a child has disclosed that children under 18 years old are being sold alcohol and cigarettes.
- 22/02/20-Details that a Grandparent of a 15 year old girl has reported that his 15 year old granddaughter had purchased Vodka from the shop.

Macclesfield Police received numerous reports around January to March of kids drinking and causing Anti-Social behaviour in the Gas Road area. This ties in with the intelligence above.

On Tuesday 2nd June 2020 we received a call from a father in Macclesfield informing us that his daughter and her friend had bought alcohol from A2Z whilst underage and that the friend had been hospitalised as a result of consuming the alcohol. An investigation began and both girls came to Macclesfield Police Station and provided statements where they state that they are underage and that they know they can get served alcohol from the shop. Rather worryingly they state that all the young people in Macclesfield know they can get served alcohol from this shop. One of the girls bought alcohol twice on the same day from this shop being served by two different people. It was after the second time they had been into the shop, an Ambulance had to be called.

Following this incident I have visited the shop with Cheshire East's Trading Standards. The shop had a CCTV system which was password protected and the shop owner did not know the password. He had no access to the CCTV at all. It is very uncommon for a town centre shop, especially one which sells alcohol and cigarettes and one which is a common target for shoplifting and burglaries, I believe that this adds further suspicion as to why they don't have readily accessible CCTV footage.

It is quite clear that this shop is selling alcohol to underage children. The situation has escalated further recently with one child being hospitalised which significantly increases the risk to other children which cannot be ignored. We have to take action to protect the children in this town as it is clear that they will make attempts to buy alcohol.

I am seeking a closure order for this premises as I believe that this would be the most effective way to deal with the matter. I believe that if the magistrates would grant a closure order, it would send a strong clear message to the local children that they can no longer use the store to buy or attempt to buy alcohol. It would also provide some reassurance to the parents in the

town that we are taking this matter seriously and give them the confidence that whilst their children are out they cannot buy alcohol. A further positive consequence of a closure order would hopefully be that once the shop reopened that the owner would be more likely to follow his licencing conditions.

If granted, a closure order would mean that the young people of Macclesfield would be unable to purchase alcohol and as such this should lead to a reduction in Anti-Social behaviour around the town. This would provide some much needed respite for the local residents.

This action is supported by Cheshire East and Trading Standards.

The following conditions are to replace all existing conditions in Annex 2 of the premises Licence:

Prevention of Crime & Disorder

A CCTV system shall be used and shall be designed and installed in accordance with the Cheshire Constabulary's CCTV guidance document called 'CCTV in Licensed Premises – An Operational Requirement'. This system shall be in operation at all times when licensable activities are taking place.

Recorded CCTV images will be maintained and stored for a period of twenty-eight days,

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show a Police officer or an authorised officer of the licensing authority data or footage upon request.

Designated supervisors will need to demonstrate that their CCTV system complies with their Operational requirements. They will need to be able to demonstrate the following:-

- Recordings are fit for their intended purpose,
- Good quality images are presented to the officer in a format that can be replayed on a standard computer
- The supervisor has an understanding of the equipment/training,
- Management records are kept,
- Maintenance agreements and records are maintained,
- Data Protection principles and signage are in place.

Protection of Children from Harm

A "Challenge 25" policy shall be operated at the premises at all times.

The only forms of ID that shall be accepted (at the discretion of the Management) as proof of age are a valid passport, a valid photographic driving licence, a PASS approved proof of age card, HM Services Warrant Card or other reliable photo ID (that has been approved for acceptance by the Police or an Officer of the Local Authority)

Publicity materials notifying customers of the operation of the "Challenge 25" scheme shall be displayed at the premises.

The Designated Premises Supervisor or Premises Licence Holder shall operate and maintain an up-to-date Register of Refusals of Sale of Alcohol, indicating the date, time and reason for refusal, which shall be made available for inspection by Local Authority Officers and the Police.

The DPS or other responsible person shall check and sign the register once a week.

Alternatively an electronic point of sale refusals log shall be kept.

A documented training programme shall be introduced for all staff in a position to sell, serve or deliver alcohol.

A written record for each member of staff shall be kept of the content of such training and shall be made available for inspection at the request of Local Authority Officers and Police.

The DPS or Premises Licence Holder shall conduct six monthly training reviews with all members of staff authorised to sell, serve or deliver alcohol in order to reinforce the training and to promote best practice.

A written record for each member of staff shall be kept of the content of such reviews and shall be made available for inspection at the request of Local Authority Officers and Police.

A list of persons authorised to sell alcohol shall be kept on site and made available for inspection at the request of Local Authority Officers and Police.

Clearly visible signage is to be displayed at the entrances and at points of sale indicating it is illegal to sell alcohol to people under the age of 18.

The designated premises supervisor shall attend and pass a formal training course on avoiding underage sales and provide evidence of attendance if requested.

There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.

Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.



Closure order

Premises:

A 2 Z CONVENIENCE STORE
39 SUNDERLAND STREET
MACCLESFIELD
SK11 6JL

Case number: **072000152681**

Respondents: NIKSON KHAN

The court has considered a closure order made on 6 July 2020 on the ground that a person has engaged in anti-social behaviour on the premises and the use of the premises is associated with significant and persistent disorder or persistent serious nuisance to members of the public.

Order

The premises are to be **closed immediately** to all persons and **remain closed** for **1 month** from the date of this order.

The Court in issuing this Closure Order prohibits anyone from remaining on or entering:- 39 SUNDERLAND STREET, MACCLESFIELD, CHESHIRE, SK11 6JL (save as authorised by the Chief Constable of Cheshire Constabulary) and is in force for a period of 1 month from the date of this Order (15/07/2020 to 12/08/2020).

Warning

A person who, remains on or enters the premises in contravention of this order is liable to a fine or imprisonment or both.

Keith Townend Head of Legal Operations (North West)

Date: 15 July 2020

Justices' Clerk

Offences

072000152681/1

Application for a closure order following service of a notice on 06/07/2020 in respect of A2Z Convenience Store, 39 Sunderland Street, Macclesfield, SK11 6JL.

Pursuant to section 80 of the Anti-social Behaviour, Crime and Policing Act 2014.

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Premises Licence

Premises Licence Number:

MBC/PR/0270

Part 1 - Premises Details

Postal address of Premises or, if none, ordnance survey map reference or description:	
A to Z Convenience Store 39 Sunderland Street Macclesfield Cheshire	
Post Town: Macclesfield	Post Code: SK11 6JL
Telephone Number: 01625 668824	

Where the Licence is time limited, the dates:
Not applicable

Licensable activities authorised by the Licence:
Sale and Supply of Alcohol

The times the Licence authorises the carrying out of licensable activities:
Sale and Supply of Alcohol
Monday to Saturday 08.00 to 23.00
Sunday 10.00 to 22.30
Good Friday 08.00 to 22.30
Christmas Day 12.00 to 15.00 and 19.00 to 22.30

The opening hours of the Premises:
Not known

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

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of Premises Licence:

Mr Nikson Khan
947a Stockport Road
Manchester
M19 3NP

Telephone Number: 07827 809430

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

Not applicable

Name and address and telephone number of designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol:

Mr Nikson Khan
947a Stockport Road
Manchester
M19 3NP

Personal Licence number and issuing authority of Personal Licence held by designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol:

Personal Licence Number: 211193

Issuing Authority: Manchester City Council

Licence issued on 23rd September 2019



Signed by Amanda Fallows
On behalf of Cheshire East Borough Council

Annex 1 - Mandatory Conditions (as applicable)

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
 - b) 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.

Where a Village Hall is exempt from needing DPS under s.19 Licensing Act 2003

Every supply of alcohol under the premises licence must be made or authorised by the Management Committee.

Mandatory condition where the licence authorises the exhibition of films

The admission of children to the exhibition of any film must be restricted in accordance with section 20 of the Licensing Act 2003. Admission of children must be restricted in accordance with any recommendation made by the British Board of Film Classification or the Licensing Authority.

Prohibited conditions: plays

1. In relation to a premises licence which authorises the performance of plays, no condition may be attached to the licence as to the nature of the plays which may be performed, or the manner of performing plays, under the licence.
2. But subsection (1) does not prevent a licensing authority imposing, in accordance with section 18(2)(a) or (3)(b), 35(3)(b) or 52(3), any condition which it considers necessary on the grounds of public safety.

Mandatory condition: Door supervision

Each individual engaged in security activities at the premises must either:

- a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- b) be entitled to carry out that activity by virtue of Section 4 of the Private Security Industry Act 2001.

LICENSING ACT 2003 (MANDATORY LICENSING CONDITIONS)(AMENDMENT) ORDER 2014

MANDATORY CONDITIONS

Condition 1

1. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:
 - a) Games or other activities which require or encourage, or are designed to require or encourage individuals to –
 - i. Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. Drink as much alcohol as possible (whether within a time limit or otherwise);

- b) Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- c) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- d) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- e) Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

Condition 2

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Condition 3

1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
3. 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 either -
 - a) A holographic mark, or
 - b) An ultraviolet feature

Condition 4

The responsible person must ensure that –

- a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
 - i. Beer or cider: ½ pint;
 - ii. Gin, rum, vodka or whisky: 25ml or 35ml; and
 - iii. Still wine in a glass: 125ml;
- b) These measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- c) Where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—

- a) 'duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- b) 'permitted price' is the price found by applying the formula—

$$P = D + (D \times V)$$

Where —

- i. P is the permitted price,
- ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

c) 'relevant person' means, in relation to premises in respect of which there is in force a premises licence—

- i. the holder of the premises licence,
- ii. the designated premises supervisor (if any) in respect of such a licence, or
- iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;

d) 'relevant person' means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

e) 'valued added tax' means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the Operating Schedule

1. Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
- c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- d. On Good Friday, 8 a.m. to 10.30 p.m.

2. The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

3. Alcohol shall not be sold in an open container or be consumed in the licensed premises.

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

None

Annex 4 - Plans

Please see attached



Premises Licence Summary

Premises Licence Number:

MBC/PR/0270

Premises Details

Postal address of Premises or, if none, ordnance survey map reference or description:	
A to Z Convenience Store 39 Sunderland Street Macclesfield Cheshire	
Post Town: Macclesfield	Post Code: SK11 6JL
Telephone Number: 01625 668824	

Where the Licence is time limited, the dates:
Not applicable

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 Saturday 08.00 to 23.00
Sunday 10.00 to 22.30
Good Friday 08.00 to 22.30
Christmas Day 12.00 to 15.00 and 19.00 to 22.30

The opening hours of the Premises:
Not known

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

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

Mr Nikson Khan
947a Stockport Road
Manchester
M19 3NP

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

Not applicable

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

Mr Nikson Khan

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

No

Licence issued on 23rd September 2019



Signed by Amanda Fallows
On behalf of Cheshire East Borough Council



Licensing Act 2003 – Premises Licence

Duration of a Premises Licence

A premises licence has effect until such a time that it is suspended, revoked or surrendered.

Duty to notify change of name or address

The holder of a premises licence must, as soon as is reasonably practicable, notify the relevant licensing authority of any change of name or address.

Where the designated premises supervisor (DPS) under a premises licence is not the holder of the licence, he should notify the licensing authority of a change in name or address as soon as possible. The DPS must also notify the holder of the premises licence.

Failure without reasonable excuse to comply with the above is an offence, and a person will be liable on summary conviction to a fine not exceeding level 2 on the standard scale (ie£500)

Duty to keep and display licence

The holder of a premises licence must ensure that the licence or a certified copy of it is kept at the premises in the custody of or under the control of the holder of the licence or a person who works at the premises whom the premises licence holder has nominated in writing. A notice should be prominently displayed at the premises specifying the position of any such nominee.

The premises licence holder has a duty to ensure that a summary of the licence or a certified copy of that summary is prominently displayed at the premises.

Failure without reasonable excuse to comply with the above is an offence, and a person will be liable on summary conviction to a fine not exceeding level 2 on the standard scale (ie £500)

Duty to produce licence

A constable or an authorised person may require production of the premises licence for examination. An authorised person must, if requested, produce evidence of his authority to exercise the power.

Failure without reasonable excuse to comply with the above is an offence, and a person will be liable on summary conviction to a fine not exceeding level 2 on the standard scale (ie £500)

Theft or loss of premises licence

Where a premises licence or summary is lost, stolen, damaged or destroyed, the holder of the licence may apply to the relevant licensing authority for a copy of the licence or summary. A fee of £10.50 is payable in relation to such an application.

Where an application is made for a replacement licence or summary the licensing authority must issue the holder of the licence with a licence or summary if it is satisfied that –

- (a) the licence or summary has been lost, stolen, damaged or destroyed; and
- (b) where it has been lost or stolen, the holder has reported that loss or theft to the police.

Surrender of premises licence

Where the holder of a premises licence wishes to surrender his/her licence he/she may give the licensing authority a notice to that effect. The notice must be accompanied by the premises licence, or where that is not practicable, by a statement of the reasons for the failure to provide the licence. Where a notice of surrender is given, the premises licence lapses on receipt of the notice by the licensing authority.

Death, incapacity, insolvency of licence holder

A premises licence lapses if the holder of the licence –

- (a) dies,
- (b) becomes mentally incapable (within the meaning of section 13(1) of the Enduring Powers of Attorney Act 1985)
- (c) becomes insolvent,
- (d) is dissolved, or
- (e) if it is a club, ceases to be a recognised club

(subject to provision for re-instatement in certain circumstances).

**Custody of Premises Licence
Licensing Act 2003 – S.57 (3)(b)**

In accordance with Section 57 (2)(b) of the Licensing Act 2003

I/We being the
holder(s)of/Director of the company holding

Premises Licence number

relating to the premises known as

.....

.....

hereby nominate

as custodian of the said Premises Licence.

To conform with Section 57 (3)(b) of the Licensing Act 2003 this authorisation is hereby
displayed.

.....
Signed

.....
Position

S.57 Duty to keep and produce licence

(2) The holder of the premises licence must secure that the licence or a certified copy of it is kept at the premises in the custody or under the control of-

(b) a person who works at the premises and whom the holder of the licence has nominated in writing for the purposes of this subsection

(3) The holder of the premises licence must secure that-

(b) a notice specifying the position held at the premises by any person nominated for the purposes of subsection (2), are prominently displayed at the premises.

(4) The holder of a premises licence commits an offence if he fails, without reasonable excuse, to comply with subsection (2) or (3).

**NOTICE OF PREMISES LICENCE REVIEW
LICENSING ACT 2003**

A Premises Licence Review following a Closure Order under Section 167 of the Licensing Act 2003 is being considered by Cheshire East Borough Council for the following premises:-

A – Z Convenience Store, 39 Sunderland Street,
Macclesfield SK11 6JL

The review will be considered on the following grounds:

Prevention of Crime and Disorder

Protection of Children from Harm

Any person wishing to make representation in respect of the review may do so in writing by **28th July 2020** to:

The Licensing Section, Municipal Buildings, Earle Street, Crewe, CW1 2BJ or by email licensing@cheshireeast.gov.uk

A copy of the licensing register, in which the grounds for review are contained, is kept by the Licensing Section of Cheshire East Borough Council and may be viewed by prior appointment during office hours.

It is an offence on summary conviction, to knowingly or recklessly make a false statement in connection with this application, the maximum fine for which is, unlimited.

Advertisement of review by licensing authority

38.—(1) Subject to the provisions of this regulation and regulation 39, the relevant licensing authority shall advertise an application for the review of a premises licence under section 51(3), of a club premises certificate under section 87(3) or of a premises licence following a closure order under section 167—

(a) by displaying prominently a notice—

(i) which is—

(aa) of a size equal or larger than A4;

(bb) of a pale blue colour; and

(cc) printed legibly in black ink or typed in black in a font of a size equal to or larger than 16;

(ii) at, on or near the site of the premises to which the application relates where it can conveniently be read from the exterior of the premises by the public and in the case of a premises covering an area of more than 50 metres square, one further notice in the same form and subject to the same requirements shall be displayed every 50 metres along the external perimeter of the premises abutting any highway; and

(iii) at the offices, or the main offices, of the licensing authority in a central and conspicuous place; and

(b) in a case where the relevant licensing authority maintains a website for the purpose of advertisement of applications given to it, by publication of a notice on that website;

(2) the requirements set out in paragraph (1) shall be fulfilled—

(i) in the case of a review of a premises licence following a closure order under section 167, for a period of no less than seven consecutive days starting on the day after the day on which the relevant licensing authority received the notice under section 165(4); and

(ii) in all other cases, for a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the relevant licensing authority.

From: BRAITHWAITE, Liz (Councillor)
Sent: 27-Jul-2020 12:51
To: LICENSING (Cheshire East)
Cc: FARRALL, Ashley (Councillor)
Subject: [OFFICIAL] Representation for Premises License Review

Dear Licensing,

I wish to make a representation for consideration at the Premises Licence review for A-Z Convenience Store, 39 Sunderland Street, Macclesfield SK11 6JL, which is located in Macclesfield Central ward.

I understand that an order to close the premises was granted recently by the Magistrates Court under Section 167 of the Licensing Act, triggering the review.

As a Ward councillor I wish it to be noted that anti-social behaviour involving under-age drinkers is a longstanding problem in areas around the town centre. The premises have sold alcohol to minors and has not met, in my view, the 'Prevention of Crime and Disorder' and 'Protection of Children from Harm' licensing objectives. Children and young people who drink alcohol, particularly outside the home, are also at risk of exploitation. We have a duty of care toward the wider community and if the premises are allowed to re-open I ask that it is with strict conditions and regular monitoring.

I'd like to thank the Licensing Team and all those involved in tackling this issue.

Best regards, Liz

Cllr Liz Braithwaite
Macclesfield Central Ward

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