

Licensing Act Sub-Committee

Agenda

Date: Thursday, 23rd June, 2022
Time: 10.00 am
Venue: Committee Suite 1,2 & 3, Westfields, Middlewich Road,
Sandbach CW11 1HZ

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 top of each report.

It should be noted that Part 1 items of Cheshire East Council decision making meetings are audio recorded and the recordings will be 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.

3. **Application for a full variation of the Premises Licence - Porters Service Station, Padbury Lane, Congleton CW12 4HX (Pages 7 - 52)**

To consider the above application.

Membership: Councillors D Edwardes, A Harewood and I Macfarlane

For requests for further information

Contact: Josie Lloyd

Tel: 01270 686 466

E-Mail: josie.lloyd@cheshireeast.gov.uk with any apologies

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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	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)	Those who have objected 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 other persons, by way of clarification.
16	Committee Members	May ask <u>questions</u> of the other persons.
17	Chairman	To invite both Responsible Authorities and Other Persons 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.

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. 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 returns to announce its decision to all present.



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Number:

Key Decision Y/N

Date First
Published: >

Licensing Act Sub Committee

Date of Meeting: 23rd June 2022 – 10.00am

Report Title: Application for a full variation of the Premises Licence – Porters Service Station, Padgbury Lane, Congleton CW12 4HX

Senior Officer: Paul Bayley – Director of Neighbourhood & Environmental Services

1. Report Summary

1.1. The report provides details of an application for a Premises Licence, under section 34 of the Licensing Act 2003 and outlines the evidence presented by the parties in relation to the variation application.

2. Recommendations

2.1. The Licensing Act Sub-Committee is requested to determine the application to vary a premises licence by ARKA Licensing on behalf of Shinon Forecourt Retail Ltd, in respect of in respect of:

Porters Service Station
Padgbury Lane
Congleton
CW12 4HX

2.2. The Licensing Act Sub-Committee is requested to consider the 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 and 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 application.

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.

4. Other Options Considered

4.1. Not applicable.

5. Background

5.1. Porters Service Station in an established premises located in Congleton and benefits from an existing premises licence.

5.2. On 1st April 2022 an application was received, by the Licensing Team, for the variation of the Premises Licence. This application was submitted along with an application to Transfer the Premises Licence and an application to vary the premises licence to specify a new Designated Premises Supervisor (DPS).

5.3. On 4th April 2022 the Licensing Team emailed the applicant to advised them that they had under paid the variation application fee and the form was not completed correctly due to the details of the new premises licence holder being a mixture of an individual and a business. The applicant was asked to confirm who the premises licence holder will be.

- 5.4. The applicant paid the remainder of the application fee on 4th April 2022 and confirmed who would be named as the premises licence holder.
- 5.5. On 5th April 2022 the Licensing Team emailed the applicant to advise them that the variation application needed to be resubmitted with the correct premises licence details. The applicant responded on 6th April 2022 stating that a Transfer application had been submitted to change the premises licence holder details. It came to light that the Transfer application form was also completed incorrectly with a mixture of individual and company details, therefore the Licensing Team advised the applicant that until a valid transfer application was received, the process for dealing with the Variation application could not be commenced.
- 5.6. The Licensing Team did not receive any communication from the applicant until 29th April 2022 when they submitted the correctly completed Transfer application. The Licensing Team contacted the applicant requesting that a variation form be submitted with the correct details.
- 5.7. On 29th April 2022, the applicant submitted a completed variation application form. Unfortunately, there was a delay in processing the newly completed variation application and as a result the applicant was advised that the consultation period commenced on 9th May 2022 with the closing date for representations to be made as 7th June 2022.
- 5.8. The applicant contacted the Licensing Team disagreeing with the commencement date of the application and the subsequent closure of the representation period as they had been advertising the application, by way of public notices and a public notice in the newspaper since 29th April 2022. As a result, the matter was considered by the Team Leader and a decision was taken that the application should start from 29th April 2022 due to an administrative error by the Licensing Team.
- 5.9. The application was distributed to the Responsible Authorities for consultation and they were informed of the correct closing date for representations as being 27th May 2022.
- 5.10. During the consultation period, the application was advertised on the Council's website.
- 5.11. On 12th May 2022 a Licensing Officer visited the premises to check that the public notices were being displayed at the premises. At the time of the visit the Licensing Officer noted that the notices were not being displayed and subsequently deemed the application as invalid. A letter confirming this was sent to the applicant, via email, on 12th May 2022.

- 5.12. The applicant contacted the Licensing Team and advised that the original notices had been taken down that day in order for them to be amended to show the correct date for representations as being 27th May 2022, as the original notices had a closing date of 29th April 2022. Therefore, the applicant disputed the fact that the notices weren't being displayed correctly as the Licensing Officer happened to visit the premises when the notices were being amended. The matter was referred to the Team Leader for consideration and it was agreed that, provided the replacement notices were being displayed by no later than midday on 13th May 2022, the application process would be allowed to continue unaffected. The applicant provided images of the notices being displayed, by way of email, on 12th May 2022.
- 5.13. The Courts have previously considered a situation where notices were not displayed correctly. In the case of R (on the application of Akin) v Stratford Magistrates Court [2014] WWHC 4633 (Admin) confirms that substantial compliance with the relevant regulations is sufficient for the process to be deemed valid. This follows and reiterates previous case law concerning procedural defects.
- 5.14. The Licensing Team have confirmed that the newspaper notice was published in accordance with the legislative requirements.
- 5.15. A copy of the full application and plan is attached to this report at **Appendix 1**.
- 5.16. A map of the area in which the premises is located is attached to this report at **Appendix 5**.
- 5.17. The operating schedule indicates that the relevant licensable activities applied for are:
- Provision of Late Night Refreshment (outdoors)
 - Provision of the Supply of alcohol (for consumption off the premises)
- 5.18. The hours applied for are as followed:
- 5.18.1. **Standard days and timings**
- Provision of late night refreshment (Outdoors)
Monday to Sunday - 23:00 to 05:00
 - Provision of the Supply of Alcohol (For consumption off the premises)
Monday to Sunday - 00:00 to 00:00

5.19. The operating schedule indicates that the hours the premises are open to the public are:

- Monday to Sunday – 00:00 to 00:00

5.20. The premises currently benefits from an existing premises licence, a copy of which is attached to this report at **Appendix 2**.

5.21. On 10th June 2022 the Licensing Team received an email from the applicant's agent advising that the applicant had considered all the concerns raised by local resident and as a result will be withdrawing the request for a 24 hour licence. The applicant wishes to amend the hours within the application to 06.00hrs to 00.00hrs Monday to Sunday for both licensable activities and the hours the premises are open to the public.

5.22. Responsible Authorities:

5.22.1. The Licensing Authority has received a representation from the Environmental Protection Team. A copy of the representation is attached at **Appendix 3**.

5.22.2. As a result of the request to amend the hours within the application the Environmental Protection Team have now withdrawn their representation.

5.23. Other Persons:

5.23.1. The Council has received six (6) representations against the application from members of the public. Copies of the representations are attached to this report at **Appendix 4**.

5.23.2. As a result of the request made by the applicant to amend the hours within the application, details of the amendment was sent to the six members of the public and they are not willing to withdraw their representation.

6. Implications of the Recommendations

6.1. Legal Implications

6.1.1 In accordance with the provisions of section 35(3)(b) 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 35(4) provides that the authority may:

- a) Modify the conditions of the licence
- b) Reject the whole or part of the application

6.1.2 Members are also reminded of the statutory obligation placed on the Local Authority under section 17 of the Crime and Disorder Act 1988 to through all of its various functions, and Licensing is one of those functions to do all that it can to prevent Crime and Disorder, Anti-Social Behaviour, behaviour adversely affecting the environment and re-offending.

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

6.1.4. Members must give reasons for their determination and notice of it must be communicated to the parties to this application.

6.2. Finance Implications

6.2.1. There are no financial implications.

6.3. Policy Implications

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

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

6.3.3. 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.

6.4. Equality Implications

6.4.1. There are no direct equality implications.

6.5. Human Resources Implications

6.5.1. There are no human resources implications.

6.6. Risk Management Implications

6.6.1. 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.

6.7. Rural Communities Implications

6.7.1. There are no direct implications for rural communities.

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

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

6.9. Public Health Implications

6.10.1 There are no direct implications for public health.

6.10. Climate Change Implications

6.10.1. There are no direct implications for Climate Change.

7. Ward Members Affected

7.1. Congleton West - Councillor Suzie Akers Smith
Councillor George Hayes
Councillor Sally Holland

8. Consultation & Engagement

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

9. Access to Information

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

10. Contact Information

10.1. 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 – Application and plan of premises

Appendix 2 – Copy of existing premises licence

Appendix 3 – Representation from Environmental Protection

Appendix 4 – Representation from members of the public

Appendix 5 - Map of Area



Cheshire East
Application to vary a premises licence
Licensing Act 2003

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

* required information

Section 1 of 18

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	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference	976	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? <input checked="" type="radio"/> Yes <input type="radio"/> 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	SUARNAN	
* Family name	SIVAPATHAM	
* E-mail	CONTACT@ARKALICENSING.CO.UK	
Main telephone number		Include country code.
Other telephone number		
<input type="checkbox"/> Indicate here if the applicant would prefer not to be contacted by telephone		

Is the applicant:

- ☒ 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 the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House?	<input checked="" type="radio"/> Yes <input type="radio"/> No	Note: completing the Applicant Business section is optional in this form.
Registration number	11808168	
Business name	SHINON FORECOURT RETAIL LTD	If the applicant's business is registered, use its registered name.
VAT number	- NONE	Put "none" if the applicant is not registered for VAT.
Legal status	Private Limited Company	

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent 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:

- ☒ An agent that is a business or organisation, including a sole trader
- ☐ A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

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

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

Continued from previous page...Your position in the business Home country

The country where the headquarters of your business is located.

Agent 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 18****APPLICATION DETAILS**

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

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

☒ Address ☐ OS map reference ☐ Description
Postal Address Of PremisesBuilding number or name Street District City or town County or administrative area Postcode Country **Premises Contact Details**Telephone number

*Continued from previous page...*Non-domestic rateable
value of premises (£)

22,000

Section 3 of 18**VARIATION**Do you want the proposed
variation to have effect as
soon as possible?☒

Yes

☐

No

Do you want the proposed variation to have effect in relation to the
introduction of the late night levy?☒

Yes

☐

No

You do not have to pay a fee if the only
purpose of the variation for which you are
applying is to avoid becoming liable to the
late night levy.

If your proposed variation
would mean that 5,000 or
more people are expected to
attend the premises at any
one time, state the number
expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe 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.

THIS IS A LOCAL CONVENIENCE STORE SITUATED WITHIN THE SERVICE STATION. THE STORE NOW WOULD LIKE TO OPEN 24 HOURS, AND PROVIDE NECESSARY SERVICES TO LOCAL AND BEYOND. THE STORE WOULD ALSO LIKE HAVE ONLINE DELIVERIES AND HOT DRINKS AND FOOD AVAILABLE. THE MANAGEMENT ALSO HAS AN OTHER PREMISES AT GREENACRE GARAGE, TARVIN. IT MANAGED BY TWO EXPEREINCED MANAGERS IN THE RETAIL FIELD. THE STORE WOULD CLOSE 11PM, SERVE THROUGH NIGHT HATCH.

Section 4 of 18**PROVISION OF PLAYS**

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to
vary is successful?

☐

Yes

☒

No

Section 5 of 18**PROVISION OF FILMS**

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to
vary is successful?

☐

Yes

☒

No

Section 6 of 18**PROVISION OF INDOOR SPORTING EVENTS**

Continued from previous page...[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

☐ Yes ☒ No

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PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 9 of 18

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 11 of 18

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

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 provision of late night refreshment take place indoors or outdoors or both?

☐ Indoors ☒ Outdoors ☐ Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Continued from previous page...

State any seasonal variations.

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

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, 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 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

*Continued from previous page...***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.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, 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 14 of 18**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.

Provide 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 15 of 18**HOURS PREMISES ARE OPEN TO THE PUBLIC****Standard Days And Timings**

Continued from previous page...

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

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.

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 above, list below.

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

Continued from previous page...

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

☒ I have enclosed the premises licence

☒ I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Section 16 of 18

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.

Prevention of Crime and Disorder

1. Closed Circuit Television (CCTV) systems that capture head and shoulders images of persons entering the premises and all points of sale shall be installed, operate and record video images at all times that the premises are open to the public.
2. A clear head and shoulders image of the 'challenged' person and ID offered by the 'challenged' person to be recorded by the point of sale CCTV, all staff to be trained in the procedure and the CCTV regularly monitored to ensure compliance.
3. All CCTV recordings made shall be retained for not less than 31 days and be made available to a police or an authorised officer of any responsible authority within one hour upon request. In accordance with current data protection legislation.
4. A member of staff capable of operating the CCTV system and downloading images shall be at the premises at all times that the premises are open to the public.
5. The CCTV system shall display on any recording, the correct date and time of the recording.
6. An incident book shall be kept and maintained at the premises, which shall be made available to a police officer or an authorised officer upon request.
7. The incident book shall be used to record the date and time of any incident, the name of the staff member and a brief description of the customer concerned.
8. All incidences of the following shall be recorded in the incident book within 24 hours and retained for a minimum of 12 months:
 - Refusal of sale of alcohol to any person who is under 18 years of age, or who appears to be under 25 years of age and fails to produce a proof of age identity
 - Refusal of sale of alcohol to any person who is, or appears to be drunk
 - Incidents of violence by any person against another
 - any other criminal incidents

Continued from previous page...

9. The front door will be closed at 23.00 Hours and service through night hatch between 23.00 to 05.00 Hours.

Protection of Children from Harm

10. A "Challenge 25" scheme that ensures any person attempting to purchase alcohol who appears to be under the age of 25 shall provide documented proof that he or she is over 18 years of age shall operate at the premises.

11. Proof of age shall only comprise a passport, a photo card driving licence, an industry approved proof of age identity card or a Ministry of Defence identity card.

12. All reasonable steps shall be taken to verify that any identification documents produced by persons attempting to purchase alcohol are genuine and relate to the person producing them.

13. A prominent notice shall be displayed at all points of entry, where the alcohol is displayed and at all sales points advising customers that the premises operates a "Challenge 25" proof of age scheme.

14. All staff responsible for selling alcohol shall receive regular training in the main offences under the Licensing Act 2003 including underage sales, sale of alcohol to drunks, and breaching the conditions of the Premises Licence. This training shall include providing each staff member with the conditions of the Premises Licence. Retraining shall take place on a regular basis at least every 6 months.

15. A record of all staff training in the 'Challenge 25 policy, including the dates that each member of staff is trained and retrained for no less than 12 months, shall be maintained and made available within one hour on request by a Police Officer or an authorised officer of the Licensing Authority.

b) The prevention of crime and disorder

AS DETAILED ABOVE

c) Public safety

AS DETAILED ABOVE

d) The prevention of public nuisance

AS DETAILED ABOVE

e) The protection of children from harm

AS DETAILED ABOVE

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 18 of 18**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.

Variation 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

If you own a large premise 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 (£)

100.00

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 file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/cheshire-east/change-1> to upload this file and continue with your application.

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

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



Premises Licence

Premises Licence Number:

LAPRE/0622/05

Part 1 - Premises Details

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

Porters Service Station

Padgbury Lane
Congleton
Cheshire East

Post Town: Congleton

Post Code: CW12 4HX

Telephone Number: 01260 281659

Where the Licence is time limited, the dates:

24.11.05

Licensable activities authorised by the Licence:

Supply of Alcohol

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

Supply of Alcohol	
Monday to Saturday	08:00 – 23:00
Sunday	10:00 – 23:30
Good Friday	08:00 – 22:30
Christmas Day	12:00 – 15:00
Christmas Day	19:00 - 22:30

The opening hours of the Premises:

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

Alcohol is supplied for consumption off the Premises

Part 2

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

Shinon Forecourt Retail Ltd
Greenacre Garage
Church Street
Tarvin
Chester
CH3 8NA

Tel No: 01260 281659

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

11808168

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

Mr Suvarnan Sivapatham



Tel No:

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: STOKET327933

Issuing Authority: Stoke on Trent Council

Issued 06th May 2022, effective from 01/04/2022

Issued on behalf of Cheshire East Borough Council



.....
Amanda Andrews
Licensing Team

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 no 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

NONE

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

NONE

Annex 4 – Plans

The Plan 0622/05 can be viewed at the Licensing Authority

Premises Licence Summary

Premises Licence Number:

LAPRE/0622/05

Premises Details

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

Porters Service Station
Padgbury Lane
Congleton
Cheshire East

Post Town: Congleton

Post Code: CW12 4HX

Telephone Number: 01260 281659

Where the Licence is time limited, the dates:

24.11.05

Licensable activities authorised by the Licence:

Supply of Alcohol

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

Supply of Alcohol	
Monday to Saturday	08:00 – 23:00
Sunday	10:00 – 23:30
Good Friday	08:00 – 22:30
Christmas Day	12:00 – 15:00
Christmas Day	19:00 - 22:30

The opening hours of the Premises:

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

alcohol is supplied for consumption off the Premises

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

Shinon Forecourt Retail Ltd
Greenacre Garage
Church Street
Tarvin
Chester
CH3 8NA

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

11808168

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

Mr Suvarnan Sivapatham

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

Issued on 06th May 2022, Effective from 01st April 2022

Issued on behalf of Cheshire East Council


.....
Amanda Andrews
Licensing Team



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 a licence or summary if it is satisfied that –

- (a) the licence or summary has been lost, stolen, damaged or destroyed; and
- (a) 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,
- (a) becomes mentally incapable (within the meaning of section 13(1) of the Enduring Powers of Attorney Act 1985)
- (b) becomes insolvent,
- (c) is dissolved, or
- (d) 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).

LICENSING ACT 2003

Environmental Health Consultation

Response



Working for a **brighter future** together

EP Ref: ELL/049007

Date Received: 1 April 2022
 Name of Applicant: Porters Service Station
 Address to which application relates: Padgbury Lane, Congleton, Cheshire East, CW12 4HX

Conversion: ☐ Variation: ☒ New: ☐

<input type="checkbox"/>	Approve
<input type="checkbox"/>	Approve with Conditions
<input checked="" type="checkbox"/>	Object to Section(s)

LICENSING OBJECTIVE: PREVENTION OF PUBLIC NUISANCE

In order to protect the interest of local residents and ensure that the licensing objective of public nuisance prevention is upheld: all necessary steps shall be taken to ensure that any noise from the premises shall not be at a level which could cause a noise nuisance at the boundary of the nearest residential premises, therefore:

INFORMATIVES

PLANNING PERMISSION

- It is your responsibility to obtain other consent/planning permission/approvals which may be required in addition to the necessary Premises Licence.
- There are sometimes circumstances where planning conditions have been set which may impact on your activities. If the Planning Permission and the Premises Licence differ; for example where the Planning Authority have set a terminal hour which is earlier than those conditioned by the Premises Licence; you must abide by the earlier time otherwise you leave yourself open to enforcement action.

FOOD BUSINESS OPERATIONS

- Anyone starting a new food business must register with the Council **at least 28 days before** you start any food operations. You can register your food business online via GOV.UK. If you have premises in more than one local authority area, you must register with each authority separately.
-

Signed: Mark Vyse | Environmental Health Officer | Environmental Protection

Dated: 12 May 2022

Direct Dial:

Email:

[REDACTED]
[REDACTED]@cheshireeast.gov.uk

Representation 1

From:

Sent: 15 May 2022 10:35

To: LICENSING (Cheshire East) <Licensing_CE@cheshireeast.gov.uk>

Subject: Shinon Forecourt Retail Ltd. Porters Service Station, Padgbury Lane, Congleton

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Application for a variation to Licensing Act 2003

I strongly object to the above proposal for the following reasons:

1. I fear that my property will be seriously devalued because it will be situated virtually next door to a 24 hour takeaway. One of the employees at the garage said that it was not going to be a takeaway and that they just wanted to open from 11pm to 5am to sell 'Food to Go' and alcohol. If that is not a takeaway then I do not know what is.
2. It will encourage gangs of rowdy youths to congregate in the area late at night and if they are fuelled by alcohol damage could be caused to buildings and cars parked in the area. We all know what happens in the town centre on Friday and Saturday nights.
3. There will be noise nuisance throughout the night from vehicles using the facility i.e. noisy engines, banging doors, loud music and raised voices etc.
4. If this proposal is allowed to go ahead the garage will be illuminated throughout the night and this will have a direct impact on my property as I live very close to the premises. My bedroom will be illuminated throughout the night and the headlights from visiting vehicles will be flashing directly into my bedroom as they arrive and leave the forecourt.
5. I feel sure that there will also be a large amount of litter discarded in the area making it look untidy and unkempt.

The individuals who put forward these proposals show little regard or respect for the residents who have lived here peacefully for many years. They are just in it to make money at any cost. I myself have lived here for almost 40 years and it has always been a quiet respectable area and I sincerely hope that you will REJECT this application so that we can keep it that way.

I live alone and would certainly not be able to rest easily in my bed at night if I thought gangs of rowdy youths were roaming the estate through the night.

Thank you for taking the time to read through my objections.

Yours faithfully.

[REDACTED]

Representation 2

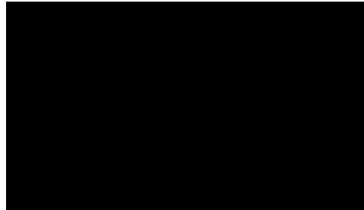
From:

Sent: 15 May 2022 13:33

To: LICENSING (Cheshire East) <Licensing_CE@cheshireeast.gov.uk>

Subject: Application for a Variation Shinon Forecourt Retail Ltd Porters Service Station Padgbury Lane Congleton

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.



12th May 2022

Representation re Application for a Variation re Shinon Forecourt Retail Limited Porters Service Station Padgbury Lane Congleton CW12 4HX.

The only notice of the above, that we are aware of, to local residents has been in the Congleton Chronicle which not everyone purchases and whilst this may be normal procedure it means that many residents will not be informed. There is no visible notice, on site, in view of the road which can be viewed outside business hours.

Our objections and observations are as follows.

We are subjected to, both inside and outside our home, light intrusion, fumes from fuel and noise from vehicles and their occupants in the way of very loud music and shouting across the forecourt., motorcycles with engines revving and delivery vehicles unloading goods and fuel within the present opening hours. If this allowed to continue 24/7 this will ensure that we will not be able to live in our property with any windows open or sit in our garden

We need to have windows open in the bedrooms during the night to aid sleep due to a medical condition, especially in the summer. Sleep is interrupted now by delivery vehicles in the early morning and use of the facilities that remain switched on and accessible during the night i.e., jet wash, vacuum and tyre pressure machines. There is also a 24hr laundrette machine which we are not aware has planning granted. If this became a 24/7 operation all will these facilities will be available for use whilst we are trying to sleep and from experience will be intolerable.

A resident of this house is a shift worker and if they are sleep deprived, they will not be able to carry out their job properly and are at risk of being involved in an accident whilst commuting. We do not need another fast-food outlet or 24-hour fuel facility in the town especially in this area. It will attract especially younger people to the area and there are enough examples of anti-social behaviour issues in Congleton town centre evidenced in the press and on line. Their behaviour will be fuelled by being able to buy alcohol on the site. We fear calling the police should the need arise as we do not want to be subjected to any reprisals from anyone, damage to our property or harm to ourselves. A female member of the household with mobility issues is often here alone after dark.

This residential area is occupied by mainly older people who just want to have some peace and quiet, be able to sleep at night and not live in fear of being harassed or harmed. This area would

have to have more of a police presence than now which will prove very difficult if not impossible whilst resources are stretched as we see now.

The business owners live in the Chester area, we are led to believe, how is this business going to be supervised. It will require staffing by mature staff over 25 who could deal with any emergency and be able to contain any issues.

Thank you for your time reading this letter. We are senior citizens who just want to lead a quiet and peaceful life in the home we have worked hard for all our lives. We have the right to a night's sleep which without doubt will not happen if this goes ahead. Our house will devalue and become blighted and will be difficult if not impossible to sell. If this happens, we will be devastated.

Please reject this application and address the issues we are currently living with and highlighted above.

[REDACTED]

[REDACTED]

Representation 3

From:

Sent: 17 May 2022 18:07

To: LICENSING (Cheshire East) <Licensing_CE@cheshireeast.gov.uk>

Subject: Application for a variation relating to Porters Service Station, Padgbury Lane, Congleton Cheshire CE12 4HX

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

To whom it may concern.

I wish to raise concerns regarding the above application made by Shinon Forecourt Retail Ltd

1 : Increase in noise during unsociable hours

2 : Increase in litter

3 : Increase of traffic levels

1 : Padgbury Lane is predominately in an expanding residential area where young families and elderly people dwell. Increased noise levels during the increased opening hours would not be welcome.

2 : Issues regarding more litter would be inevitable

3 : Padgbury Lane has had traffic chicanes installed, primarily to slow down traffic using the Lane and also to dissuade motorists from using it as a short cut, between the A 534 and A 34.

A 24 hour alcohol license is not appropriate for a residential area which is not regularly policed as might be the case in for example a shopping precinct, town high street or major road.

I therefore consider the application to be unnecessary and unwise.

[REDACTED]

Representation 4

From: Sent: 19 May 2022 17:57

To: LICENSING (Cheshire East) <Licensing_CE@cheshireeast.gov.uk>

Subject: Objection to licence application

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good afternoon

I am writing to object to the licence application for Porters service station, padgbury lane, Congleton, Cheshire, cw12 4hx, under Shinon Forecourt Retail Ltd.

Firstly I would like to point out that my property is [REDACTED] to this service station, .. I actually have to cross the forecourt to access my house. So as you can imagine I do not wish for this business to open any longer that it is now. I can only assume that these licences will mean they plan to stay open 24hrs a day, 7 days a week.

My major concern is the noise of car/van, motorbikes, people talking and HGV deliveries that could potentially arrive throughout the night. This also would be worse during the summer months when my windows are open

The next concern is lighting. If this business were to be open 24hrs a day then lights would also be on during the night. As mentioned at the start of this email I live extremely close and the lights already shine through my windows, but as it is only open till 8pm this is something I can cope with at present.

I live in a 100% residential area and Padgbury Lane is exactly that... a lane.. by early evening this lane goes lovely and quiet, which I believe is also due to the new road infrastructure. This is a quiet area, and no other convenience stores for example Tesco express feel the need to stay open throughout the night. Even the local Tesco supermarket does no longer stay open 24hrs.

Finally my last concern is the detrimental effect this will have on my properties value. I feel that it has already been devalued due to other changes that Shinon Forecourt Retail Ltd have already applied such as the laundrette facilities right outside my house, and something else I would not wish to be in use all night.

I hope my concerns will be taken into account when making your decision

Kind Regards

[REDACTED]

Representation 5

From: Sent: 27 May 2022 10:05

To: LICENSING (Cheshire East) <Licensing_CE@cheshireeast.gov.uk>

Subject: Porters service station

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

We would like to object very strongly about the license application for the above premises on the grounds of the following, there will be excessive noise from both vehicles and people, light pollution and litter and we suspect an increase in anti social behaviour. We hope this unnecessary application will be refused. [REDACTED]

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From:

Sent: 14 June 2022 16:53

To: ANDREWS, Amanda

Subject: Re: [OFFICIAL] Notice of Hearing - Porters Service Station

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hello Amanda,

Apologies for the late reply but we have been out for the day as my husband is taking annual leave at the moment and will be for the next two weeks.

We have discussed at length the proposal from the applicant to have further talks regarding their application.

We both feel that if necessary a Council or Committee representative would be welcome to visit our home. They could see for themselves the proximity of the premises and its facilities to our home and how this affects us. They would also be able to see the view from our windows of the site and its maintenance.

As far as we are concerned the applicant has been advised, via your office and their agent, of our concerns, the history of the site and recent experiences and how it has affected and continues to affect our lives. We do not feel that we can add anything further and therefore we do not wish to enter into any further discussion.

We are still of the opinion that the whole site could be managed and maintained to a higher standard and the need for profit should not be at the expense of our health and well-being.

We request therefore that the case is dealt with by the licensing department at the hearing on 23rd of June. We can only hope that they look at the application from our point of view and how they would feel in our situation.

Many thanks for all your efforts in this matter Amanda. We thank you for your time and excellent service.

Best regards.

From:

Sent: 14 June 2022 07:39

To: ANDREWS, Amanda

Subject: Re: [OFFICIAL] Notice of Hearing - Porters Service Station

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hello Amanda.

Thank you for your email.

Unfortunately we will be unable to attend the hearing. As there are errors in the agent's email and other issues to consider we request that the hearing continues in our absence.

Hours of opening previously were 6.30am to 8pm Monday to Friday and 7.30am to 7.30pm at weekends.

The current opening hours according to their website BP Porters Service Station (and updated 8 weeks ago) are 6am to 8pm seven days a week. Opening hours have been increased now.

The agent states that current opening hours are 6am to 11pm this is totally false. The service station is fully illuminated and operational at 5.30/5.40 am on many occasions. There have been fuel deliveries after 8pm so they are operating outside these hours now.

With this in mind we do not feel licensed opening hours will be adhered to and who is going to supervise this. The Police if they have time/ resources? The Council if they have the money or resources? or are residents going to be living with more unwanted issues.

We object strongly to the premises being licenced until midnight to allow for events. What type of events are they contemplating will require them to be open. If they are looking at Sundays into a Bank Holiday then not everyone benefits from not working on a Bank Holiday. They have to bear in mind that residents do not solely work Monday to Friday 9 to 5 in current times. There are many residents who work unsocial hours and have very responsible jobs which can be severely affected by sleep .

There have been occasions when the large totem pole sign has been illuminated all night after closing time since the new management have been at the premises . The lights displayed and their intensity has been very intrusive.

There have been occasions recently and in the past of the petrol pumps being illuminated all night and this has been witnessed by other residents. This is despite the claim that there are safety procedures in place.

There have been complaints in the past regarding noise from delivery vehicles, loud music from cars and noisy exhausts, light intrusion from floodlights and use of the jet wash by taxi drivers/ mini bus drivers during the night even on Christmas Day. At one time the forecourt was utilised as a newspaper distribution centre for a local delivery company. This involved vans being loaded and unloaded at 4am. All these complaints are documented with the Environmental Health Department at Cheshire East Council.

The new owners have refurbished the canopy which now has illumination installed contrary to a planning decision and subsequent correspondence in 2008. We have documentation to support this. The canopy is not illuminated currently as copy of Council letters were sent to the owners to advise of the restriction and they have upheld this. However this could be switched on at any time and left on all night. Has the means of illuminating this been removed ?

When the new housing development (planning refs 13/4216C and 16/2189C) was advertised it was said ,locally , that there was an objection to the housing from the Service Station owners as they said the new residents, close to the facility, would complain about noise from the service station. We cannot substantiate this as planning comments cannot be viewed on line post decision made. We cannot ask questions regarding planning matters as they are not being answered verbally. You can only make written enquiries or submit a contravention of planning which would not be answered in

the timescales for response to this matter. They should be available at CEC planning department. This may be worth investigating as this could become a reality and more residents will be affected once the development is completed.

We feel that these premises need to be subject to strict licensing hours no longer than the present hours. We are entitled to sit out in our gardens and have windows open as required and not be disturbed by noise, light intrusion and fumes from fuel and the obvious risk of antisocial behaviour.

There should be stricter conditions regarding delivery times, opening times, closing times and ensuring that all facilities are switched off and made safe and not operated outside opening hours as now. The jet wash car vacuum and tyre pressure machines remain available all night. The laundrette is used in the night also. Has planning permission been sought or gained? We hear vehicles moving on and off the premises 24/7.

The site is becoming more untidy than ever with rubbish overflowing from commercial skips, wooden pallets growing in number, old advertising signs, broken down fencing and building debris to the side and until recently there was a huge pile of building debris left on the grass verge at the front for at least 3 months after work was completed. The business is not operated well in this respect. The site landlord has had complaints regarding site maintenance. This is one of the most untidy commercial premises in Congleton which points to poor operational standards overall.

We feel that the current opening hours are more than sufficient. There are other facilities open in Congleton Town centre to fulfil any requirements for food, alcohol and fuel.

Padgbury Lane is described as a leafy country road by the nearby housing developers, Seddons, on their Elmwood website. Let us keep it that way and not allow unwanted development to occur, purely for business profit, to ruin this. Everyone is entitled to peace and quiet, quality sleep and no stress more so after enduring the pandemic and its ongoing aftermath.

We hope you look favourably at the points raised. Thank you.

Regards

From:

Sent: 14 June 2022 13:12

To: LICENSING (Cheshire East)

Subject: Re: Variation - Porters Service Station, Congleton

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/Madam

Thank you for your communication regarding the application of Porter's Garage to extend their opening hours. Whilst I appreciate that they have withdrawn their application to remain open 24/7, I have no intention of withdrawing my objection to their proposed longer opening hours. The letter of mitigation they have forwarded to you does not make any sense to me. I have lived here for almost 40 years and the garage has never ever remained open until 11.30pm. For many years now the garage has been open from 6.30am to 8pm Monday to Friday and 7.30am to 7.30pm Saturday and Sunday as shown on their website, so where does this 11.30pm closure originate from? The new owners have already started opening up at 6am meaning that cars start arriving anytime after

5.30am so this has been an extension of some 30mins which as far as I am aware had never been sanctioned. Bearing in mind that the garage is situated in close (and I mean close) proximity to nearby houses I feel that their opening hours are quite adequate. For myself and I know my nearest neighbours are of the same opinion, we would like at least a few hours during the summer evenings to sit in our gardens in peace and quiet. I do not feel that this is a lot to ask.

I trust that the Licencing Committee will bear my comments in mind before reaching their final decision.

Yours faithfully,

From:

Sent: 15 June 2022 11:13

To: LICENSING (Cheshire East)

Subject: Re: Variation - Porters Service Station, Congleton

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

We feel opening hours at present are adequate for the local community and are unwilling to withdraw our objections, any longer would disrupt lives with lights shining into bedrooms and noise late at night