

# CHESHIRE EAST COUNCIL

## REPORT TO: LICENSING ACT SUB-COMMITTEE

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<b>Date of Meeting:</b>	<b>Thursday 22<sup>nd</sup> August 2013 at 09.30am</b>
<b>Report of:</b>	Amanda Hinton, Licensing Administration Officer
<b>Subject/Title:</b>	<b>Application for a Premises Licence at Hot Spot, 46 Crewe Road, Alsager, ST7 2ET</b>

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### **1.0 Report Summary**

- 1.1 The report provides details of an application for premises licence and the proposed operating schedule together with details of relevant representations received in relation to the application.

### **2.0 Recommendations**

- 2.1 The Licensing Act Sub-Committee is requested to determine the application for a Premises Licence by Faisal Shaffique in respect of:

Hot Spot  
46 Crewe Road  
Alsager  
ST7 2ET

- 2.2 Acting in the capacity of Licensing Authority, Members must seek to promote the Licensing Objectives, and where Members consider matters have engaged one or more of the objectives, they may exercise their discretion.

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

### **2.4 Licensing Objectives / Guidance / Policy Considerations**

- 2.4.1 The relevant representations engage the licensing objectives. The Sub-Committee in respect of this application is referred to the Guidance issued under Section 182 of the Licensing Act 2003, specifically those sections relating to the licensing objective, premises licenses and hearings. The licensing objectives are (a) the prevention of crime and disorder; (b) public safety; (c) the prevention of public nuisance; and (d) the protection of children from harm.

### **2.5 Statement of Licensing Policy**

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

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

2.7 Finally, Members are also reminded that in determining the application in accordance with the Licensing Act 2003, Members must also have regard to:

- The rules of natural justice
- The provisions of the Human Rights Act 1998

### **3.0 Reasons for Recommendations**

3.1 The Licensing Act Sub-Committee has the power to determine this application in accordance with the provisions of the Licensing Act 2003.

### **4.0 Wards Affected**

4.1 Alsager

### **5.0 Local Ward Members**

5.1 Cllr R Fletcher  
Cllr D Hough  
Cllr S Jones

### **6.0 Policy Implications**

6.1 The Licensing Authority has adopted a Statement of Licensing Policy in accordance with section 5 of the Licensing Act 2003 and Guidance issued under section 182 of the Act.

### **7.0 Financial Implications (Authorised by the Director of Finance and Business Services)**

7.1 Not applicable.

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

8.1 In accordance with the provisions of section 18 of the Licensing Act 2003 the Licensing Authority must, having regard to the representations, take such steps (if any) as it considers appropriate for the promotion of the licensing objectives. Section 18(4) provides that the authority may:

- (a) Grant the licence subject to the relevant mandatory conditions and conditions consistent with the operating schedule
- (b) Modified the application to such extent as the Authority considers appropriate for the promotion of the Licensing Objectives
- (c) Exclude from the scope of the licence any of the Licensable Activities to which the application relates
- (d) Refuse to specify a person in the licence as the Premises Supervisor
- (e) Reject the application.

## **9.0 Risk Management**

- 9.1 Section 181 and Schedule 5 of the Licensing Act 2003 make provision for appeal to the Magistrates' Court of any decision made by the Licensing Authority.

## **10.0 Background and Options**

- 10.1 The application, received on the 1<sup>st</sup> July 2013, is for the grant of a Premises Licence under section 17 of the Licensing Act 2003.

- 10.2 The operating schedule indicates that the relevant licensable activities applied for are:

- Provision of Late Night Refreshment

- 10.3 The hours applied for are as follows:

- **Provision of Late Night Refreshment**  
Monday to Thursday 23:00 hours to midnight  
Friday to Sunday 23:00 hours to 02:00 hours

The provision of late night refreshment shall take place indoors.

- **Opening Hours of the Premises**  
Monday to Thursday 15:30 hours to midnight  
Friday to Sunday 15:30 hours to 02:00 hours

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

- 10.5 Relevant Representations

### Responsible Authorities:

- 10.6.1 The Police Licensing Officer suggested the following conditions be attached to the premises licence (if granted) and the applicant has agreed to these conditions:

An up to date register will be maintained at the premises by the Premises Licence Holder which records the following information for all individuals working at the premises:

1. Full name
2. Date & Place of Birth
3. National Insurance Number
4. Home Address
5. Start date when work commenced at the premises
6. Finish date when work ceases at the premises
7. A record that the individual has received a copy of the summary of the Premises Licence and when. The register will be kept at the premises at all times and will retain the above information for each individual for a period of at least 12 months after they cease to work at the premises.

Any individual providing Late Night Refreshment to members of the public must be provided with a copy of the summary of the current Premises Licence by the Premises Licence Holder before they are allowed to work in the premises. The Premises Licence Holder must at the time he provides the summary of the Premises Licence specifically draw the attention of every individual to the times when Late Night refreshment is authorised.

If the hours when Late Night Refreshment are authorised by the Premises Licence are varied, for any reason, the Premises Licence Holder must provide every individual working at the premises with a copy of the summary of the varied Premises Licence such that the individual receives that summary on the first occasion they work after the variation takes effect and record when that happens for each individual. The Premises Licence Holder must at the time he provides the summary specifically draw the attention of every individual to the times when Late Night Refreshment is authorised.

10.6.2 There were no responses from any of the other Responsible Authorities.

Other Persons:

10.6.3 The Council has also received the following representations:

- i. One relevant objection, which is attached to this report as Appendix 2
- ii. The Licensing Section also received a representation which was deemed to be invalid.

## **11.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

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## **APPENDICES**

Appendix 1 – Premises Licence application form  
Appendix 2 – 1 letter of objection to the application  
Appendix 3 – Plan of the area