

CHESHIRE EAST COUNCIL

REPORT TO: LICENSING ACT SUB-COMMITTEE

Date of Meeting:	Wednesday 19th February 2014 at 11.00am
Report of:	Mrs N Cadman, Licensing Officer
Subject/Title:	Application for a Premises Licence at Sasso Restaurant, 7 Market Street, Disley, SK12 2AA

1.0 Report Summary

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

2.0 Recommendations

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

Sasso Restaurant
7 Market Street
Disley
Stockport
SK12 2AA

- 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 Disley

5.0 Local Ward Members

5.1 Cllr Harold Davenport

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) Modify 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 3rd January 2014, is for the grant of a Premises Licence under section 17 of the Licensing Act 2003. (The application was initially received on 20th December 2013, but was invalidated due to an error relating to the public notice advertising the application).

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

- § Recorded Music
- § Late Night Refreshment
- § Sale and supply of alcohol

- 10.3 The hours applied for are as follows:

Recorded Music (to take place indoors only)

Monday to Sunday 10.00 to 24.00

Seasonal variation: From the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day.

Late Night Refreshment (to take place indoors only)

Monday to Sunday 23.00 to 00.30

Seasonal variation: From the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day.

Sale and supply of alcohol (for consumption both on and off the premises)

Monday to Sunday 10.00 to 24.00

Seasonal variation: From the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day.

Hours Premises are Open to the Public

Monday to Sunday 10.00 to 00.30

Seasonal variation: From the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day.

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

- 10.5 Relevant Representations

Responsible Authorities:

- 10.6.1 The Police in their response state: Application received 20th December 2013 from Valbon Sejdiu for a Premises Licence at Sasso, 7 Market Street, Disley,

Stockport, Cheshire, SK12 2AA formerly Conti's Restaurant who surrendered the licence with effect of 12th November 2013. The application is for Regulated Entertainment and the sale and supply of alcohol and late night refreshments. The proposed Designated Premises Supervisor is Valbon Sejdiu, Personal Licence via Manchester City Council. There are no Police objections.

10.6.2 The Fire Safety Officer in her response states: I have no comment to make regarding the licensing application for 7 Market Street, Disley, SK12 2AA.

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

Other Persons:

10.6.3 The Council has received one written objection from a local resident. A copy of this representation and associated correspondence is attached as Appendix 2 of this report.

11.0 Access to Information

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

Name: Mrs N Cadman
Designation: Licensing Officer
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APPENDICES

Appendix 1 – Premises Licence application form.

Appendix 2 - Letter of objection and associated correspondence.

Appendix 3 - Map of area.