

CHESHIRE EAST COUNCIL

REPORT TO: LICENSING ACT SUB-COMMITTEE

Date of Meeting:	Friday 1st August 2014 at 10am
Report of:	Mrs N Cadman, Licensing Officer
Subject/Title:	Application for a Premises Licence at Crewe Supermarket, 96 Nantwich Road, Crewe, Cheshire, CW2 6AT

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 Mr Faris Omer Ghazy Cheana in respect of:

Crewe Supermarket
Ground Floor
96 Nantwich Road
Crewe
Cheshire
CW2 6AT

- 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. 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

- 2.3 Members of the Licensing Sub-Committee are reminded that they may not exercise discretion in any case, merely because it considers it desirable to do so. Careful consideration should be given to application and relevant representations in light of the proposed operating schedules.

- 2.4 The Sub-Committee in respect of this application must have regard to the Guidance issued under Section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy.

- 2.5 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 and the Council's Constitution.

4.0 Wards Affected

- 4.1 Crewe South

5.0 Local Ward Members

- 5.1 Cllr Dorothy Flude
Cllr Steven Hogben

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.

- 6.2 Whilst having regard to the general principles within the Statement, Members may wish to consider the following:

- 6.2.1 The majority of representations relate to the Prevention of Crime and Disorder Objective. The Licensing Authority sets out a paragraph 7 of its Statement of Licensing Policy how it will deal with representations under this objective.

- 6.2.2 The Statement of Licensing Policy also deals with issues of Anti-social behaviour at paragraph 6 and the Prevention of Public Nuisance at paragraph 9.

- 6.2.3 Planning and need for Licensed Premises

4.1 When exercising its licensing functions the Licensing Authority will not be influenced by questions of need. The issue of whether or not there is a need for a particular premises is a commercial matter, which is not relevant to the Licensing Authority's considerations.

Commercial Demand

22.2 The commercial demand for additional premises licenses (as distinct from cumulative impact) will not be a matter for the Licensing Authority, such matters being a specific consideration for the Planning Authority.

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

7.0 Financial Implications

7.1 Not applicable.

8.0 Legal Implications

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.

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

8.3 Members are also reminded of the statutory obligation placed on the Local Authority under section 17 of the Crime and Disorder Act 1998 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.

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 was initially received on the 17th April 2014, but was deemed invalid because no plan of the premises or consent of designated premises supervisor was received with the application. The application was re-started on 2nd May 2014, but was subsequently invalidated due to the application not being advertised correctly. The application was re-started again on 6th June 2014. The application 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 activity applied for is:

§ Sale and supply of alcohol

10.3 The hours applied for are as follows:

Sale and supply of alcohol (for consumption off the premises only)
Monday to Sunday 08.00 to 23.00

Hours Premises are Open to the Public
Monday to Sunday 08.00 to 23.00

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

10.5 Relevant Representations

Responsible Authorities:

10.5.1 The Police wish to make no representation regarding this application due to the applicant's volunteered operating schedule conditions relating to the operation of CCTV and also the adoption of the Challenge 21 scheme.

10.5.2 The Environmental Health Officer wishes to approve the application with conditions: 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: No nuisance shall be caused by noise coming from the premises.

These conditions have been agreed by the applicant.

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

Other Persons:

10.5.3 The Council has received 23 written objections from local residents. Copies of these representations are attached as Appendix B of this report, appendices 1 to 23.

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 A – Premises Licence application form
Appendix B - (Appendices 1 – 23) Written objections
Appendix C – Maps of area