

CHESHIRE EAST COUNCIL

LICENSING ACT SUB-COMMITTEE

Date of Meeting:	Thursday 18 th September 2014
Report of:	Mrs N Cadman, Licensing Officer
Subject/Title:	Application for a Premises Licence at Unit 5C, Dukes Court, Macclesfield, SK11 6NN

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 Mohammad Naghi Maleki Sadabad in respect of:

Unit 5C
Dukes Court
Macclesfield
Cheshire
SK11 6NN

- 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 Macclesfield Central

5.0 Local Ward Members

- 5.1 Cllr Janet Jackson
Cllr Ken Edwards

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 representation relates to the Prevention of Crime and Disorder and the promotion of Public Safety Objectives. The Licensing Authority sets out at paragraphs 7 and 8 of its Statement of Licensing Policy how it will deal with representations under these objectives.
 - 6.2.2 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.
- 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 July 2014, but was deemed invalid because it was not advertised in accordance with the Licensing Act 2003 regulations. The application was re-started on 31st July 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:

§ Late Night Refreshment

10.3 The hours applied for are as follows:

Late Night Refreshment (to take place indoors only)

Sunday to Thursday 23.00 to 01.00

Friday and Saturday 23.00 to 03.00

Hours Premises are Open to the Public

Sunday to Thursday 16.00 to 01.00

Friday and Saturday 16.00 to 03.00

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

10.5 Relevant Representations

Responsible Authorities:

10.5.1 The Police representation with supporting documents is attached at Appendix 2 of this report.

10.5.2 The Health & Safety Officer states in his response: at the time of my visit to the above premises it was closed, the access to the premises was in a shared outdoor area which was roughly 18 metres from the main entrance which is adjacent to the footpath on the main highway. As a Health and Safety officer my concerns are with the actual premises, therefore I do not have enforcement powers relating to issues outside these premises. The access and egress to the actual premises appeared to be suitable at the time of my visit.

10.5.3 The Environmental Health Officer wishes to approve this application.

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

Other Persons:

10.5.4 No representations have been received from any other persons.

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 - Representation from the Police
Appendix 3 – Map of area