

# CHESHIRE EAST COUNCIL

## REPORT TO: LICENSING ACT SUB-COMMITTEE

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<b>Date of Meeting:</b>	<b>Friday 24<sup>th</sup> October 2014</b>
<b>Report of:</b>	Mrs N Cadman, Licensing Officer
<b>Subject/Title:</b>	<b>Application for a Premises Licence at Bargain Booze, 33 Hungerford Road, Crewe, CW1 5EQ</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 G and Y Wynne Ltd, Broncoed House, Broncoed Business Park, Wrexham Road, Mold, CH7 1HP, in respect of:

Bargain Booze  
33 Hungerford Road  
Crewe  
Cheshire  
CW1 5EQ

- 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 East

### **5.0 Local Ward Members**

Councillor Margaret Martin  
Councillor David Newton  
Councillor Chris Thorley

### **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 representations relate to the Prevention Crime and Disorder, Public Safety and the Prevention of Public Nuisance Objectives. The Licensing Authority sets out at paragraphs 7, 8 and 9 of its Statement of Licensing Policy how it will deal with representations under these objectives.

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 received on the 4<sup>th</sup> September 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 activities applied for are:

### **Sale and Supply of Alcohol (for consumption off the premises only)**

10.3 The hours applied for are as follows:

### **Sale and supply of alcohol (for consumption off the premises only)**

Monday to Sunday 06.00 to 23.00

### **Hours Premises are Open to the Public**

Monday to Sunday 06.00 to 23.00

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

10.5 Relevant Representations

### Responsible Authorities:

10.5.1 The Police in their response state: I have received, on behalf of the Chief Officer of Police, an application for a premises licence for Bargain Booze, 33 Hungerford Road, Crewe, CW1 5EQ made by G and Y Wynne Ltd. I have noted the operating schedule and the steps intended to promote the licensing objectives and I seek the agreement of the applicants to the following conditions:

- A comprehensive CCTV system will be fitted and maintained at the premises and will continuously record images during all times that the premises are open to the public.
- Unedited CCTV images will be securely stored for not less than 28 days and copies made freely available to a constable or an employee of the Police upon receipt of a reasonable request.
- Any person who appears to be under the age of 25 will be asked to provide photographic ID to prove that they are over 18 when buying alcohol and only a photo card driving licence, passport or proof of age card bearing a 'PASS' hologram will be accepted.

These conditions have been agreed by the applicants.

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

### Other Persons:

10.5.4 Three representations have been received from interested persons. Copies of these representations are attached as Appendix 2 of this report. These persons have been made aware of the conditions recommended by the Police which have been agreed by the applicant.

## **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 - Representations from interested persons.

Appendix 3 – Map of area