

Licensing Act Sub Committee

Date of Meeting: 09 October 2019

Report Title: Application to review a Premises Licence at TNT Bar, 31-33 Nantwich Road, Crewe, CW2 6AF

Senior Officer: Frank Jordan - Executive Director Places

1. Report Summary

- 1.1. The report provides details of an application for a review to the Premises Licence, under section 51 of the Licensing Act 2003 and outlines the evidence presented by the parties in relation to the review.

2. Recommendations

- 2.1. The Licensing Act Sub-Committee is requested to determine the application for a review of the Premises Licence by Cheshire Police, in respect of:

TNT Bar
31-33 Nantwich Road
Crewe
CW2 6AF

- 2.2. The Licensing Act Sub-Committee is requested to consider the review Application and any relevant representations and determine what steps, if any, it considers are appropriate to promote the Licensing Objectives.
- 2.3. Acting in the capacity of the Licensing Authority, Members must seek to promote the Licensing Objectives. And where Members consider that 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

2.4. 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 the application and the evidence presented by the parties in relation to the review.

2.5. Finally, Members are also reminded that in determining the application, consideration also needs to be given to:

a) The rules of natural justice

b) The provisions of the Human Rights Act 1998

3. 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, and provide the key reasons why the recommendation/s has been made. Link your reasons into appropriate council policies and corporate objectives.

4. Other Options Considered

4.1. Not applicable

5. Background

5.1. The application by Cheshire Police was received by the Licensing Authority and sent out for consultation on the 21st August 2019. The application is to review a Premises Licence under section 51 of the Licensing Act 2003.

5.2. The grounds for the review application are:

- Prevention of Crime and Disorder
- Public safety

The full details of the grounds for the review are set out in the application at Appendix 1

5.3. A copy of the Premises Licence setting out the premises licence holder, Designated premises supervisor and conditions etc. is appended to this report at Appendix 2.

5.4. Responsible Authorities:

5.4.1. The Council's Environmental Protection team have not submitted a representation

5.6 Other Persons:

5.6.1 The Council has received two representations from the public, which are set out at Appendix 3

6. Implications of the Recommendations

6.1. Legal Implications

6.1.1. Sub-section 52(2) of the Licensing Act 2003 prescribes that before determining an application for a review received in accordance with section 51, the Licensing Authority must hold a hearing to consider the review application and any relevant representations

6.1.2. Sub-section 52(3) states that the authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers, appropriate for the promotion of the Licensing Objectives.

The steps set out within sub-section (4) are:

- i. Modify the conditions of the licence, which could include either imposing further conditions on the licence or changing (for example, further restricting) the hours of certain licensable activities, where this is proportionate and relevant to the licensing objectives. This may also include a requirement that unregulated entertainment becomes regulated again between the hours of 8am and 11pm. For this purpose, the conditions of the licence are modified if any of them are altered or omitted, or any new condition is added.
- ii. Exclude a licensable activity from the scope of the licence
- iii. The Sub-Committee may decide that it is proportionate and relevant to the Licensing Objectives to remove one or more of the licensable activities.
- iv. Remove the designated premises supervisor.
- v. Suspend the licence for a period not exceeding three months

vi. Revoke the licence

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

6.1.4. By virtue of section 52(11) of the Licensing Act 2003, any decision of the Sub-Committee to take one or more of the steps set out above does not have effect:

(a) Until the end of the period given for appealing against the decision or

(b) If the decision is appealed against, until the appeal is disposed of.

6.1.5 Members are also reminded of the statutory obligation placed on the Local Authority under section 17 of the Crime and Disorder Act 1998 to exercise its various functions, doing all that it can to prevent Crime and disorder, and Anti-social Behaviour, behaviour adversely affecting the environment as well the misuse of drugs, alcohol and re-offending in the Local Environment.

6.2. **Finance Implications**

6.2.1. There are no financial implications

6.3. **Policy Implications**

6.3.1. The Licensing Authority has adopted a Statement of Licensing Policy in accordance with section 5 of the Licensing Act 2003.

6.3.2. The Licensing Authority must also have due regard to the guidance issued under section 182 of the Licensing Act 2003.

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

6.4. **Equality Implications**

6.4.1. There are no direct equality implications

6.5. **Human Resources Implications**

6.5.1. There are no human resources implications

6.6. Risk Management Implications

6.7. The Licensing Sub-Committee will hear representations made on behalf of both the applicant and the 'relevant person' who has submitted their representation and will make a decision on the basis of the evidence presented to it. The Licensing Act 2003 makes provision for appeal to the Magistrates' Court of any decision made by the Licensing Authority.

6.8. Rural Communities Implications

6.8.1. There are no direct implications for rural communities.

6.9. Implications for Children & Young People/Cared for Children

6.9.1. There are no direct implications for children and young people.

6.10. Public Health Implications

6.10.1 There are no direct implications for public health.

6.11. Climate Change Implications

6.11.1. There are no direct implications for Climate Change

7. Ward Members Affected

7.1. Crewe South – Councillor Dorothy Flude

7.2. Crewe South – Councillor Steven Hogben

8. Consultation & Engagement

8.1. Consultation in respect of submitting an application to review a Premises Licence Application is prescribed in the Licensing Act 2003 and has been fully complied with.

9. Access to Information

9.1. The background papers relating to this report can be made available by contacting the report writer.

10. Contact Information

10.1. Any questions relating to this report should be directed to the following officer:

Name: Jennifer Knight

Job Title: Senior Licensing Officer

Email: Jennifer.knight@cheshireeast.gov.uk

Appendix 1 – Application

Appendix 2 – Premises Licence

Appendix 3 – Representations submitted from other persons

Appendix 4 – Map of the Premises