

## **Licensing Act Sub Committee**

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**Date of Meeting:** 23 October 2019

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

**Senior Officer:** Frank Jordan - Executive Director Places

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### **1. Report Summary**

- 1.1. The report provides details of an application for a Transfer of the Premises Licence, under section 42 of the Licensing Act 2003 and outlines the evidence presented by the parties in relation to the Transfer.

### **2. Recommendations**

- 2.1. The Licensing Act Sub-Committee is requested to determine the application for a Transfer of a Premises Licence by Retro Bar (Crewe) Ltd, in respect of:

TNT Bar  
31-33 Nantwich Road  
Crewe  
CW2 6AF

- 2.2. The Licensing Act Sub-Committee is requested to consider the transfer Application and the relevant representation and determine if it is appropriate to reject the application for the promotion of the prevention of crime and disorder.
- 2.3. Acting in the capacity of 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 Transfer of a Premises Licence application.

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 Retro Bar (Crewe) Ltd was received by the Licensing Authority on 13<sup>th</sup> September 2019, The Licensing Authority sent the application for consultation to Cheshire Police on the 17<sup>th</sup> September 2019 as Cheshire Police advised they had not received a copy. The application is to Transfer a Premises Licence under Section 42 of the Licensing Act 2003.

5.2. An application to transfer the licence must be accompanied by the premises licence or, if that is not practicable, a statement of the reasons for the failure to provide the licence. A copy of the application is attached at appendix 1.

5.3. The Licensing Authority received a representation from Cheshire Police on 26<sup>th</sup> September 2019 under section 42(7) of the Licensing Act 2003.

- 5.4. 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 3.
- 5.5. At the time of writing this report, the premises licence is subject to an application to review the licence made by Cheshire Constabulary. That application is due to be heard on the 9<sup>th</sup> October 2019. Members have a number of options available, which include changing the terms of the licence. Any decision to change the licence at the Review Hearing will not take effect until after the appropriate appeal period has expired, or in the event of an appeal being filed, until the appeal has been determined.
- 5.6. Responsible Authorities:

5.6.1. Cheshire Police have submitted a representation which is set out at appendix 2.

## **6. Implications of the Recommendations**

### **6.1. Legal Implications**

- 6.1.1. Sub-section 44(5)a of the Licensing Act 2003 prescribes that before determining an application for a transfer received in accordance with section 42, the Licensing Authority must hold a hearing to consider the application to transfer a premises licence and the relevant representations.
- 6.1.2. Sub-section 44(5)b states that the Licensing Authority must have regard to the notice where it is given under section 42(6), and reject the application if it considers it appropriate for the promotion of the crime prevention objective to do so.
- 6.1.3. By virtue of Schedule 6(2) of the Licensing Act 2003, if the decision of the Sub-Committee is to grant the application to Transfer the Premises Licence, only the chief officer of police or the secretary of state, as the case may be, may appeal against the decision to grant the application.
- 6.1.4 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**

6.6.1 The Licensing Sub-Committee will hear representations made on behalf of both the applicant and Cheshire Police who have submitted their representation(s) and will make a decision on the basis of the evidence presented to it. The Licensing Act 2003 makes provision for appeal to be made by the Chief Officer of Police or the Secretary of State to the Magistrates' Court if the Licensing Act 2003 Sub-Committee grants the Transfer application.

## **6.7. Rural Communities Implications**

6.7.1. There are no direct implications for rural communities.

## **6.8. Implications for Children & Young People/Cared for Children**

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

## **6.9. Public Health Implications**

6.9.1 There are no direct implications for public health.

## **6.10. Climate Change Implications**

6.10.1. 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 transfer 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](mailto:Jennifer.knight@cheshireeast.gov.uk)

Appendix 1 – Application

Appendix 2 – Representation from Cheshire Police

Appendix 3 – Premises Licence

Appendix 4 – Map of Premises