

CHESHIRE EAST COUNCIL

LICENSING ACT SUB-COMMITTEE

Date of meeting: 14 May 2012

Report of: Carole Kerr, Licensing Administration Officer

Title: Notice Of Temporary Events:
Leopard Hotel, 33 London Road, Nantwich, CW5 6LJ

1.0 Report Summary

- 1.1 The report provides details of two notices for temporary events which have been served in respect of the Leopard Hotel, 33 London Road, Nantwich. Both notices request authorisation for (i) the sale by retail of alcohol (for consumption on the premises); and (ii) the provision of regulated entertainment. The Environmental Health Service has submitted objection notices in relation to each temporary event notice.

2.0 Recommendations

- 2.1 The Licensing Act Sub-Committee is requested to:

- 2.1.1 consider both the temporary event notice served in relation to Sunday 27th May 2012 and the objection notice received in respect of this temporary event notice; and
- 2.1.2 consider both the temporary event notice served in relation to Sunday 3rd June 2012 and the objection notice received in respect of this temporary event notice; and

in each case determine whether, having regard to the objection notice, to give a counter notice under section 105 of the Licensing Act 2003.

3.0 Reasons for Recommendations

- 3.1 The Licensing Act Sub-Committee has the delegated authority to consider these temporary event notices.

4.0 Wards Affected

- 4.1 Nantwich South

5.0 Local Ward Members

- 5.1 Councillor Peter Grove and Councillor Andrew Martin.

6.0 Policy Implications

- 6.1 The Council has adopted a Statement of Licensing Policy under the 2003 Act relating to its functions as a Licensing Authority under the Act.

7.0 Financial Implications (Authorised by the Director of Finance & Business Services)

- 7.1 None.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 Section 104 of the Licensing Act 2003 provides that where a 'relevant person' (i.e. the Chief Officer of Police or the Environmental Health Service) are satisfied that allowing a premises to be used in accordance with a Temporary Event Notice would undermine a licensing objective, that 'relevant person' is required to give a notice ("an objection notice") stating the reasons for being so satisfied.
- 8.2 Where a licensing authority receives an objection notice it is required, by section 105(2) of the Licensing Act 2003 to:
- a) hold a hearing to consider the objection notice, unless the premises user, the relevant person who gave the notice and the licensing authority agree that a hearing is unnecessary; and
 - b) having regard to the objection notice, give the premises user a counter notice if it considers it appropriate for the promotion of a licensing objective to do so.
- 8.3 In circumstances where an objection notice has been given (and not withdrawn) and the licensing authority has determined not to give a counter notice under section 105, the authority may impose one or more conditions on the standard temporary event notice if (a) the authority considers it appropriate for the promotion of the licensing objectives to do so; (b) if the conditions are already imposed on the premises licence that has effect in respect of the premises; and (c) the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.

9.0 Risk Management

- 9.1 The Licensing Sub-Committee will hear representations made on behalf of both the premises user and the 'relevant person' who has submitted the objection notice and will make a decision on the basis of the evidence presented to it. The Licensing Act 2003 provides a right of appeal to the Magistrates' Court against the decision of the Local Authority.

10.0 Background and Options

- 10.1 The premises which is the subject of the two separate temporary event notices is a Public House situated on a main road and bound on all sides by residential properties. There is a large car park to the front and side of the property. A location plan attached at **Appendix A**.

- 10.2 The Temporary Event Notice served in relation to Sunday 27th May 2012 seeks to authorise: (i) the sale by retail of alcohol (for consumption on the premises only); and (ii) the provision of regulated entertainment between the hours of 12.00 and 22.00. The notice indicates that the licensable activities would take place in the pub and the car park. The event is described as “Elvis Tribute, live music on stage on car park.”

The Temporary Event Notice served in relation to Sunday 3rd June 2012 seeks to authorise: (i) the sale by retail of alcohol (for consumption on the premises only); and (ii) the provision of regulated entertainment between the hours of 12.00 and 22.00. The notice indicates that the licensable activities would take place in the pub and the car park. The event is described as “Diamond Jubilee celebration, live band and tribute acts on stage at car park.”

- 10.3 The Temporary event notices have been served in the name of the current Designated Premises Supervisor Mr Man Tsui.
- 10.4 The Leopard has a Premises licence to permit the sale of alcohol and the provision of regulated entertainment (live and recorded music – inside only) from 10.00 to 23.00 hrs (Mon/Tues/Wed and Sunday) and from 10.00 to 00.00 (Thurs/Fri/Sat). The Premises Licence holder is Joules Brewery, Great Hales Street, Market Drayton, Shropshire. A copy of the Premises Licence is appended as **Appendix B**.
- 10.5 Objection from ‘relevant person’
- 10.5.1 The Police have not submitted an objection notice in respect of the temporary event notice.
- 10.5.2 The Environmental Health Service has submitted objection notices in respect of each of the temporary event notices. A copy of each of the objection notices is attached at **Appendix C**.

11.0 Access to Information.

There are no background papers associated with this report.

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Appendix A- Location Plan

Appendix B- Premises Licence

Appendix C- Objection notices submitted by Environmental Health