

Licensing Act Sub-Committee

Agenda

Date: Tuesday, 4th June, 2024
Time: 10.00 am
Venue: Committee Suite 1,2 & 3, Westfields, Middlewich Road,
Sandbach CW11 1HZ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and in the report.

It should be noted that Part 1 items of Cheshire East Council decision-making meetings are audio recorded and the recordings are uploaded to the Council's website.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT (Pages 3 - 6)

1. **Appointment of Chair**

To appoint a Chair for the meeting.

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary interests, other registerable interests, and non-registerable interests in any item on the agenda and for Members to declare if they have pre-determined any item on the agenda.

3. **Determination of an Objection to a Temporary Event Notice - Churches Mansion, 150 Hospital Street, Nantwich, CW5 5RY** (Pages 7 - 24)

To consider the above application.

Membership: Councillors C Bulman, H Faddes and L Smetham

For requests for further information

Contact: Sam Jones
Tel: 01270 686643
E-Mail: samuel.jones@cheshireeast.gov.uk

This page is intentionally left blank

CHESHIRE EAST COUNCIL

Procedure for Hearings – Licensing Act 2003**The Licensing Committee**

The full Licensing Committee consists of fifteen elected Members of the Council. From this full Committee will be drawn sub-committees of three members to deal with licensing functions under the Licensing Act 2003. The Chairman and Vice Chairman of the Licensing Committee shall have the discretion to refer a matter up to a hearing of the full Licensing Committee.

Officers at Hearings

- **The Committee Officer** introduces all parties and records the proceedings
- **The Legal Adviser** provides independent advice to the Members on legal matters and procedure.
- **The Licensing Officer** will introduce the matter and outline the application; the officer will also answer any questions Members may have.

PROCEDURE

NOTE: If the Sub-Committee has not already elected a Chairman, that will be the first item of business.

1	Chairman	The Chairman will: (i) call the matter to be considered (ii) call for any declarations of interest (iii) ask all parties to introduce themselves (iv) summarise the procedure to be followed at the hearing (v) will consider any request made by a party for another person to appear at the hearing (v) will advise the parties of any maximum period of time in which it has to present its case (if a maximum is imposed this shall be equal for all parties)
2	Licensing Officer	Will introduce and summarise the application, highlighting areas of contention or dispute.
3	Committee Members	May ask questions of the Licensing Officer
4	Applicant	Will present his/her case, calling witnesses, as appropriate. <i>(If necessary, applicant will produce any notices required by law. Legal Adviser will draw attention to this if required.)</i>

5	Responsible Authorities (who have made representations)	Each in turn may ask <u>questions</u> of the applicant, by way of clarification.
6	Other Persons (who have made representations)	To be invited to ask <u>questions</u> of the applicant, by way of clarification. <i>It is normal practice for a spokesperson only to speak on behalf of a group of residents.</i>
7	Committee Members	Each in turn may ask <u>questions</u> of the applicant.
8	Applicant	May make a <u>statement</u> or ask his witnesses to clarify any matters which he feels are unclear, or may have been misunderstood.
9	Responsible Authorities	Will make their representations.
10	Applicant	Or his representative or witnesses to ask <u>questions</u> of Responsible Authorities represented at the meeting, by way of clarification.
11	Other Persons (who have made representations)	May ask <u>questions</u> of the Responsible Authorities represented at the meeting, by way of clarification. (Note: This is not the point at which they should be stating their objections.)
12	Committee Members	May ask <u>questions</u> of the Responsible Authorities represented at the meeting
13	Other Persons (who have made representations)	Those who have objected to the application will be invited <u>to make observations on the application</u> and present the bases of their objections.
15	Applicant	Or his representative or witnesses may ask <u>questions</u> of the other persons, by way of clarification.
16	Committee Members	May ask <u>questions</u> of the other persons.
17	Chairman	To invite both Responsible Authorities and Other Persons to make their closing addresses.

18	Applicant	Or his representative will <u>briefly summarise the application</u> and comment on the observations and any suggested conditions.
19	Committee	<u>Will retire</u> to consider the application. The Committee may request the Legal Advisor to advise on legal issues.
20	Committee	Will return to <u>give its decision</u> , with reasons, which will be announced by the Chairman and subsequently confirmed in writing to the applicant and to all the parties that made representations. In cases where a decision cannot be given at the end of the hearing, parties will be advised of the decision within five working days.

Notes

1. The hearing shall normally be held in public. There may be occasions on which the Committee find it necessary to exclude members of the press and public; any such decision will be taken on the basis that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing taking place in public.
2. The Chairman may require any person behaving in a disruptive manner to leave the hearing and may (a) refuse to permit that person to return, or (b) permit him/her to return only on such conditions as the authority may specify, but any such person may submit in writing any information which they would have been entitled to provide orally if they had not been required to leave.
3. Prior to the hearing each party shall have given notification and served documentation (eg statements of witnesses or reports of experts) as required. Late representations and evidence will only be considered with the agreement of all parties.
4. Anyone entitled to be heard may be represented by any person, whether or not that person is legally qualified.
5. Hearsay will be permitted but the Sub-Committee will be reminded to give it appropriate weight.
6. Due note shall be taken of the provisions of the Hearings Regulations 2005.
7. The Chair may, in the interests of expediency or convenience of the parties, vary the procedure from time to time, provided notice is given to the parties and the rules of natural justice are observed.

Summary of Procedure

1. Chairman appointed (if this has not been done previously).
2. Chairman to call for declarations of interest and request that all parties introduce themselves.
3. Chairman summarises the procedure for the hearing
4. The Licensing Officer summarises the application
5. Applicant to present his/her case.
6. Applicant to be questioned by all parties (to clarify points only) following which, he/she can clarify any other matters which he/she feels may have been misunderstood when the application was presented.
7. Applicant to be questioned by the Committee.
8. Responsible Authorities to make their representations following which they can be questioned by all parties by way of clarification.
9. Other Persons will be invited to present the bases of their objections, following which they can be questioned by all parties by way of clarification.
10. The applicant will be invited to sum up his/her case
11. Committee/Sub-Committee withdraws to make its decision
12. Committee/Sub-Committee returns to announce its decision to all present.

Licensing Act Sub-Committee**04 June 2024****Determination of an Objection to a
Temporary Event Notice – Churches
Mansion, Nantwich****Report of: Peter Skates, Acting Executive Director – Place
Ward(s) Affected: Nantwich South and Stapeley****Purpose of Report**

- 1 The report provides details of a Temporary Event Notice, given under section 100 of the Licensing Act 2003 in respect of:

Churches Mansion, 150 Hospital Street, Nantwich, CW5 5RY

- 2 The Licensing Authority has received an objection notice from the Council's Environmental Protection Team, acting within its statutory functions in relation to the minimising or preventing the risk of pollution of the environment or of harm to human health (e.g., noise pollution/nuisance).

Executive Summary

- 3 The Licensing Authority is required to consider the objection notice given by the Council's Environmental Protection Team in respect of proposed temporary activities.

RECOMMENDATIONS

The Licensing Act Sub-Committee is recommended to:

1. Consider the temporary event notice given, the objection received and determine whether-
 - a) to take no action; or
 - b) to give a Counter Notice under section 105 of the Licensing Act 2003.

Background

4 On 20th May 2024 the Licensing Authority received a Temporary Event Notice (TEN) given by Christopher Taylor for the premises know as:

Churches Mansion, 150 Hospital Street, Nantwich CW5 5RY

5 The notice seeks to authorise the sale of alcohol and regulated entertainment at the premises on the 20th July 2024. The Notice setting out the permitted temporary activities is attached to this report at **Appendix 1**.

6 The Council's Environmental Protection Team has submitted an objection notice in respect of the Temporary Event Notice. The objection notice is attached to this report at **Appendix 2**. The objection relates to the prevention of public nuisance objective.

7 The premises does not have a premises licence issued under the Licensing Act 2003.

8 Cheshire Police have not submitted an objection notice.

9 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 the licensing objectives, that 'relevant person' is required to give a notice ("an objection notice") stating the reasons for being so satisfied.

10 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.

11 In circumstances where an objection notice has been given (and not withdrawn) and the licensing authority had 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.
- 12 The effect of issuing a counter-notice would mean that any proposed activities could not take place. If the premises user were to provide licensable activities without an authorisation under the Licensing Act 2003, offences contrary to section 136 of the Licensing Act 2003 would be committed. Upon summary conviction this offence is dealt with by up to six months imprisonment and/or a fine (amount unlimited).
- 13 Any conditions imposed under section 106A of the Licensing Act 2003 can only be a replication of those conditions already present on a premises licence.
- 14 Members should note that there isn't an existing premises licence in place and therefore the Sub-Committee cannot add any conditions at the hearing.
- 15 Members should also note the deregulation of entertainment and the types of entertainment that no longer need authorisation under the Licensing Act 2003.
- 16 The premises user has confirmed their intention to have a daytime summer garden party with music and bar until 22:00hrs and as there is no premises licence in place, this activity would need to be authorised under the Licensing Act 2003.

Consultation and Engagement

- 17 Consultation in respect of a Temporary Event Notice is prescribed in the Licensing Act 2003.
- 18 Each notice is sent to both Cheshire Police and Environmental Protection for consultation, acting as relevant persons for the purpose of the Act.
- There is no public consultation in respect of these notices and no consultation with other responsible authorities.
- 19 An objection notice can be given within 3 working days. Receipt of an objection notice will trigger a hearing of the Licensing Act Sub-Committee.

Reasons for Recommendations

- 20 The Licensing Act Sub-Committee is required to determine this matter in accordance with the provisions of the Licensing Act 2003 (and subordinate legislation) and the Council's Constitution.

Other Options Considered

- 21 In accordance with the statutory responsibilities on the Council, acting as the Licensing Authority under the Licensing Act 2003, there are no other available options.

Implications and Comments

Monitoring Officer/Legal

- 22 There are no other legal implications of this report.

Section 151 Officer/Finance

- 23 There are no implications for finance and there will be no direct impact on the Council's MFTS.

Policy

- 24 The Licensing Authority has adopted a Statement of Licensing Policy in accordance with section 5 of the Licensing Act 2003.
- 25 The Licensing Authority must also have due regard to the guidance issued under section 182 of the Licensing Act 2003.
- 26 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.

Equality, Diversity and Inclusion

- 27 There are no direct equality implications.

Human Resources

- 28 There are no human resources implications.

Risk Management

- 29 The Licensing Sub-Committee will hear representations made on behalf of both the premises user and the 'relevant person' who has submitted

the objection and will make a decision on the basis of the evidence presented to it.

30 Section 181 and Schedule 5 (part 3) of the Licensing Act 2003 make provision for appeal to the Magistrates' Court of any decision made by the Licensing Authority.

31 In respect of this notice, if a Counter-Notice were to be issued the premises user would have no right of appeal. This is in accordance with Schedule 5 Part 3 para 16 (6) of the Licensing Act 2003.

32 Members of the Licensing Sub-Committee are reminded that they may not exercise discretion in any case, merely because it is considered desirable to do so. Careful consideration should be given to the notice and objection with a view to appropriately and proportionately promoting the statutory Licensing Objectives.

33 The Sub-Committee, in respect of this notice, must have regard to the Guidance issued under Section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy.

34 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

Rural Communities

35 There are no implications for rural communities.

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)

36 There are no implications for children and young people.

Public Health

37 There are no direct implications for public health.

Climate Change

38 There are no implications for climate change.

Access to Information	
Contact Officer:	Amanda Andrews licensing@cheshireeast.gov.uk
Appendices:	Appendix 1 – Temporary Event Notice Appendix 2 – Objection Notice Appendix 3 – Map of area
Background Papers:	Revised Guidance issued under section 182 of the Licensing Act 2003 (publishing.service.gov.uk) Council's Statement of Licensing Policy published under section 5 of the Licensing Act 2003 Licensing Act 2003 The Licensing Act 2003 (Hearings) Regulations 2005



**Cheshire East
Temporary Event Notice
Licensing Act 2003**

For help contact
licensing@cheshireeast.gov.uk
Telephone: 0300 123 5015

* required information

Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes No

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? Yes No

Is your business registered outside the UK? Yes No

Business name If your business is registered, use its registered name.

VAT number Put "none" if you are not registered for VAT.

Legal status

Note: completing the Applicant Business section is optional in this form.

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 9

APPLICATION DETAILS [\(See also guidance on completing the form, general notes and note 1\)](#)

Have you had any previous or maiden names?

- Yes No

* Your date of birth
dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

*Continued from previous page...***Additional Contact Details**

Are the contact details the same as (or similar to) those given in section one? If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

E-mail

Telephone number

Other telephone number

Section 3 of 9**THE PREMISES**

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

* Does the premises have an address?

Yes No

Address

Is the address the same as (or similar to) the address given in section one? If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

Neither Premises licence Club premises certificate

Location Details

* Provide further details about the location of the event

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below [\(see also guidance on completing the form, note 3\)](#)

Continued from previous page...

Describe the nature of the premises below ([see also guidance on completing the form, note 4](#))

Describe the nature of the event below ([see also guidance on completing the form, note 5](#))

Daytime summer garden party with music & bar

Section 4 of 9

LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises ([see also guidance on completing the form, note 6](#)):

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment
- The giving of a late temporary event notice

[\(See also guidance on completing the form, note 7\).](#)

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

[\(See also guidance on completing the form, note 8\).](#)

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

[\(see also guidance on completing the form, note 9\)](#)

Event start date / /
 dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date / /
 dd mm yyyy

Continued from previous page...

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

[\(see also guidance on completing the form, note 10\)](#)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

Note that the maximum number of people cannot exceed 499.

[\(see also guidance on completing the form, note 11\)](#)

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

[\(see also guidance on completing the form, note 12\):](#)

- On the premises only
- Off the premises only
- Both

Section 5 of 9

RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 13\)](#)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

Section 6 of 9

PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 14\)](#)

Do you currently hold a valid personal licence? Yes No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of issue
 dd mm yyyy

Any further relevant details

Continued from previous page... **Section 7 of 9****PREVIOUS TEMPORARY EVENT NOTICES** [\(See also guidance on completing the form, note 15\)](#)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

Yes No

State the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year

Have you already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 9**ASSOCIATES AND BUSINESS COLLEAGUES** [\(See also guidance on completing the form, note 16\)](#)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

Continued from previous page...

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? Yes No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or

b) Begins 24 hours or less after the event period proposed in this notice? Yes No

Section 9 of 9**CONDITION** [\(See also guidance on completing the form, note 18\)](#)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £21

DECLARATION [\(See also guidance on completing the form, note 19\)](#)

* The information contained in this form is correct to the best of my knowledge and belief

* I understand that it is an offence:

- * (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
- * (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Continued from previous page...

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/cheshire-east/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

OFFICIAL

From: VYSE, Mark <XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX>
Sent: Wednesday, May 22, 2024 12:09 PM
To: LICENSING (Cheshire East) <Licensing_CE@cheshireeast.gov.uk>
Cc: PRESTON, Margaret <XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX>
Subject: TEN - Churches Mansion

I'd like to object to the attached TEN based on the number of complaints we received from a similar event that took place at these premises earlier this year relating to excessive noise and bass tone. In all we received 11 complaints regarding the excessive noise and bass tone, despite speaking to the event organiser and receiving assurance that no residential property would be affected.

Regards

Mark

Mark Vyse – MCIEH, BSc (Hons) | Cheshire East Council
Environmental Health Officer – Environmental Protection
Delamere House, Delamere Street, Crewe CW1 2LL.
Tel:XXXXXXXXXXXXXXXXXXXX
Internal: [Call me using Teams](#)
www.cheshireeast.gov.uk
Upcoming absences – 24th and 27th May 2024.





22/5/2024

Churches Mansion 150 Hospital Street, Nantwich



© Crown copyright and database rights 2024. Ordnance Survey AC0000807675 You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.



This page is intentionally left blank