

OPEN

Licensing Act Sub-Committee

30th September 2024

Application to review a premises licence

**The Leopard, 33 London Road,
Nantwich, Cheshire, CW5 6LJ**

Report of: Peter Skates, Acting Executive Director – Place

Ward(s) Affected: Nantwich South and Stapeley

Purpose of Report

- 1 To allow Members of the Sub-Committee to determine an application to Review a Premises Licence made under the Licensing Act 2003 for the following premises:

The Leopard, 33 London Road, Nantwich, Cheshire, CW5 6LJ

Executive Summary

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

RECOMMENDATION

The Licensing Act Sub-Committee is requested to consider the application and any relevant representations and determine what steps, if any, it considers are appropriate to promote the Licensing Objectives.

Background

- 3 On 29th August 2024 the Licensing Authority received an application to review the premises licence from The Council's Environmental Health Team. The application was sent for consultation the same day (29th August 2024). The last date for representations to be made was 26th September 2024.

- 4 The grounds for the review application is the noise nuisance from the external area of the premises, specifically the dining/drinking area known as 'Hunters Hideout' therefore undermining the Public Nuisance Licensing Objective.
- 5 The full grounds for the review are set out in the application, this information is set out at **Appendix 1**.
- 6 Licensing records show that a Premises Licence currently exists in relation to The Leopard, 33 London Road, Nantwich, CW5 6LJ. The Premises Licence Number PREM281 refers, and a copy is attached to this report at **Appendix 2**.
- 7 Members of the public have made relevant representations to this application. These are set out at **Appendix 3**.
- 8 The Council's Licensing Team have made comments during the consultation period which are set out at **Appendix 4**. The Home Office have confirmed that they have no representation to make, and the Fire Department have also confirmed they have no representation to make. No other responses were received by any of the other responsible authorities.
- 9 A map of the area in which the premises is located is attached to this report at **Appendix 5**.

Consultation and Engagement

- 10 Licensing records show that the Public Notice that is required to be displayed at or near the proposed premises in accordance with the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005, the notice has been inspected by a Licensing Officer once during the consultation period and they confirmed the notice to be present and meets the requirements under the regulations.
- 11 Responsible Authorities:

The Licensing Team have submitted comments, they are set out at Appendix 4.
- 12 Other Persons:

The Council received nine representations from the public in relation to the application attached at Appendix 3.

Reasons for Recommendations

- 13 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.
- 14 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:
- The prevention of crime and disorder
 - Public Safety
 - The prevention of public nuisance
 - The protection of children from harm

Other Options Considered

- 15 No other options have been considered because the process for determining contested applications is set by legislation.

Implications and Comments

Monitoring Officer/Legal

- 16 The Sub Committee must determine this application in accordance with section 51 of the Licensing Act 2003. To do so otherwise would render its determination unlawful and invalid.
- 17 In accordance with the provisions of section 52 (3) of the Licensing Act 2003 the Licensing Authority Sub Committee must, having regard to the representations, made in this application take such steps (if any) as it considers appropriate for the promotion of the licensing objectives.
- 18 Section 52 (4) provides that the authority may:
- a) modify the conditions of the licence
 - b) exclude a licensable activity from the scope of the licence
 - c) remove the designated premises supervisor
 - d) suspend the licence for a period not exceeding three months
 - e) revoke the licence
- and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

- 19 Members are reminded that should any conditions be added, they should be practical, enforceable, and appropriate to promote the Licensing Objectives.
- 20 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 reoffending.
- 21 Members must give reasons for their determination and notice of it must be communicated to the parties to this hearing. If Members depart from the Statutory Guidance or the Council's Statement of Licensing Policy, then their decision notice must set out the reasons for doing so.

Section 151 Officer/Finance

- 22 There are no financial implications

Policy

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

- 26 There are no equality implications

Human Resources

- 27 There are no human resources implications

Risk Management

- 28 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

Rural Communities

29 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)

30 There are no implications for children and young people

Public Health

31 There are no direct implications for public health

Climate Change

32 There are no implications for climate change

Access to Information	
Contact Officer:	Jennifer Rowney, Senior Licensing Officer Jennifer.Rowney@cheshireeast.gov.uk
Appendices:	Appendix 1 – Application & Plan Appendix 2 and 2.1 – Existing Premises Licence Appendix 3 – Representations from members of the public Appendix 4 – Representations from Responsible Authorities Appendix 5 – Map of General 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