

CHESHIRE EAST COUNCIL

REPORT TO: Licensing Committee

Date of Meeting: 5th May 2009
Report of: Miss C M Kerr Licensing Officer
Subject/Title: Determination of Interim Steps Pending Review of
Premises Licence – White Horse, Pillory Street, Nantwich

Exempt/Confidential NO

1.0 Report Summary

- 1.1 The report provides details of an application for a summary review of a Premises Licence under section 53A of the Licensing Act 2003 made by Cheshire Police. It outlines conditions that the Licensing Authority has imposed on the Premises Licence as an interim measure, together with representations in relation to these measures received from the Premises Licence holder.

2.0 Recommendations

- 2.1 The Committee is requested to:
- 2.1.1 consider whether the interim steps are necessary for the promotion of the licensing objectives; and
- 2.1.2 determine whether the interim steps should be withdrawn or modified.

3.0 Reasons for Recommendations

- 3.1 The Committee is asked to make the decision within 2.1 above in accordance with section 53B(8) of the Licensing Act 2003.

4.0 Wards Affected

- 4.1 Nantwich Ward

5.0 Local Ward Members

- 5.1 Cllr Brian Dykes, Cllr Andrew Martin and Cllr Arthur Moran

6.0 Policy Implications

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

7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)

7.1 None

8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)

8.1 None

9.0 Legal Implications (Authorised by the Borough Solicitor)

9.1 Section 53A of the Licensing Act 2003 enables the chief officer of Police to submit an application for an expedited review in circumstances where in the opinion of a senior Police officer a premises has been associated with serious crime or disorder.

9.2 Section 53B of the Act provides the licensing authority with the power to impose interim steps in relation to the premises licence. Where representations from the premises licence holder in relation to those interim steps are received the licensing authority must hold a hearing to determine (a) whether the interim steps are necessary to prevent harm to the licensing objectives and (b) whether to withdraw or modify the interim steps taken.

10.0 Risk Management

10.1 The Licensing Committee will hear representations made on behalf of both the Premises Licence holder and the Police, and make a decision on the basis of the evidence presented to it. A full review hearing must take place within twenty-eight days of receipt by the licensing authority of the review application. The Act provides a right of appeal against the decision of the licensing authority in relation to the full review hearing.

11.0 Background and Options

11.1 The White Horse, Pillory Street, Nantwich, formerly owned by the Spirit Group and currently owned by Punch Taverns, applied in 2005 to convert their existing Public Entertainment Licence to a Premises Licence.

11.2 Following objections from residents in the vicinity to the application, the then Licensing & Regulatory Sub-Committee resolved that a licence be granted to the premises subject to various conditions. A copy of the Premises Licence is attached for information at **Appendix A**.

11.3 On Saturday 25th April 2009, a disturbance broke out at the premises. The Police have advised that this disturbance involved individuals known by the police to be banned from Nantwich public houses under "Pubwatch," excessively drunk individuals, and youths under the age of 18 years of age who had been drinking.

- 11.4 Due to the serious nature of the disorder, the Police Licensing Officer served on the Licensing Authority an application under section 53A of the Licensing Act 2003, requesting the summary review of the premises. The application outlined conditions that the Police recommended should be imposed on the Premises Licence as interim steps in order to prevent a similar reoccurrence. A copy of the review application and certificate are attached at **Appendix B**.
- 11.5 On 29th April 2009, the Licensing Committee determined to impose the conditions set out within the decision attached at **Appendix C** as interim steps.
- 11.6 Under Section 53B (6) of the Licensing Act 2003, the Premises Licence holder may make representation in relation to any interim steps which are imposed. Following the decision of the Licensing Committee, representations have been received from the Premises Licence holder. The representations are attached for information at **Appendix D**.
- 11.7 In making its decision the Licensing Committee must have regard to the certificate that accompanied the application, any representations made by the Police (a copy of the representations from the Police are attached as **Appendix E**) and any representations made by the holder of the Premises Licence.

12.0 Overview of Year One and Term One Issues

12.1 Not applicable

13.0 Access to Information

There are no background papers associated with this report.

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