

# CHESHIRE EAST COUNCIL

## LICENSING COMMITTEE

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**Date of meeting:** 22<sup>nd</sup> May 2009  
**Report of:** Carole Kerr  
**Title:** Review of Premises Licence  
White Horse, Pillory Street, Nantwich.

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### **1.0 Purpose of Report**

- 1.1 The purpose of the report is to provide details of an application for the review of a Premises Licence under section 53A of the Licensing Act 2003. It outlines the conditions imposed by the Licensing Authority as an interim measure together with the evidence presented by the parties in relation to the full review.

### **2.0 Decision Required**

- 2.1 The Licensing Committee is requested to:
- 2.1.1 consider the review application and any relevant representations received; and
- 2.1.2 determine what steps it considers are necessary for the promotion of the licensing objectives, including whether the interim measure recently taken should be made permanent.

### **3.0 Financial Implications for Transition Costs**

- 3.1 None

### **4.0 Financial Implications 2009/10 and beyond**

- 4.1 None

### **5.0 Legal Implications**

- 5.1 Where application for a review under section 53A is made, the Licensing Authority must hold a hearing within 28 days to consider the application and any relevant representations received.
- 5.2 Section 53C(2) provides that at the hearing the licensing authority must: (i) take such steps, as set out below, (if any) as it considers necessary for the promotion of the licensing objectives and (ii) secure that, from the coming into effect of the determination of the review, any interim steps effect pending that determination, cease to have effect (except so far as they are comprised in

steps taken under (i)). The steps the local authority may take if it considers it necessary to do so to promote the licensing objectives include the following:

- (a) to modify the conditions of the licence
- (b) to exclude a licensable activity from the scope of the licence
- (c) to remove the designated premise supervisor
- (d) to suspend the licence for a period not exceeding three months
- (e) to revoke the licence

## **6.0 Risk Assessment**

- 6.1 The Police have made an application for review under section 53A of the Licensing Act 2003 on the grounds of serious disorder. The Committee is requested to consider what steps (if any) are required to prevent future harm to the licensing objectives.
- 6.2 The Licensing Committee will hear representations on behalf of both the Premises Licence holder and the Police and make a decision on the basis of the evidence presented to it. The Act provides a right of appeal to the Magistrates' Court against the decision of the Committee.

## **7.0 Background and Options**

### **Background**

- 7.1 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 under the Licensing Act 2003.
- 7.2 Following objections from residents in the vicinity to the application, the then Licensing and 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**.
- 7.3 On Saturday 25<sup>th</sup> April 2009, a disturbance broke out at the premises. The Police have advised that this disturbance involved individuals known by them 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. Statements of evidence from the Police are attached at **Appendix B**.
- 7.4 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.
- 7.5 On 29<sup>th</sup> April 2009, the Licensing Committee determined to impose the conditions set out within the decision attached at **Appendix C** as interim steps.

- 7.6 Following the decision of the Committee to impose interim measures, representations were received from the Premises Licence holder, as a result of which an interim steps hearing was convened. .
- 7.7 The Licensing Committee met on 5<sup>th</sup> May to consider the representations received from both the Premises Licence holder and the Police. The decision of the committee is attached at **Appendix D** .
- 7.8 In reviewing the Premises licence and making its decision, the Licensing Committee must have regard to the evidence of the Police in relation to the disorder, representations made by the Premises Licence holder and any representations received from responsible authorities or interested parties. The Committee is required to take such steps (if any) as it considers necessary for the promotion of the licensing objectives, including a decision as to whether any such steps incorporate the interim measure imposed on the Premises Licence..

## **8.0 Overview of Day One, Year One and Term One Issues**

- 8.1 Not Applicable

## **9.0 Reasons for Recommendation**

- 9.1 The Committee is required, by virtue of section 53C of the Licensing Act 2003, to determine the review application made under section 53A.

### ***For further information:***

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### ***Background Documents:***

None