

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee**
held on Monday, 8th May, 2017 at Committee Suite 2/3 - Westfields,
Middlewich Road, Sandbach, CW11 1HZ

PRESENT

Councillor W S Davies (Chairman)

Councillors L Smetham and G Wait

OFFICERS IN ATTENDANCE

Peter Jones, Lawyer

Jennifer Knight, Senior Licensing Officer

Brenda Lomas, Enforcement Officer

34 APPOINTMENT OF CHAIRMAN

RESOLVED –That Councillor S Davies be appointed Chairman.

35 DECLARATIONS OF INTEREST

There were no declarations of interest.

36 DETERMINATION OF A TEMPORARY EVENT WHERE AN OBJECTION NOTICE HAS BEEN RECEIVED

The Sub-Committee considered a report regarding a temporary event notice served under the provisions of the Licensing Act 2003 together with an objection notice served in relation to the temporary event notice under section 104 of the Licensing Act 2003.

The following attended the hearing and made representations with respect to the temporary event notice:

a representative of the Licensing Section

a representative of the Environmental Health Service

The Applicant failed to attend at the hearing and the Licensing Officer advised the Sub-Committee that the applicant had not informed the authority that she did not intend to attend or be represented at a hearing.

The Sub-Committee had regard to the provisions of Regulation 20(2) of The Licensing Act 2003 (Hearings) Regulations 2005 and decided that there was no public interest in adjourning this matter and to hold the hearing in the absence of the applicant.

After a full hearing and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of:

- The Secretary of State's Guidance under section 182 of the Licensing Act 2003
- Cheshire East Borough Council's Statement of Licensing Policy
- The four licensing objectives (namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm)
- All the evidence, including the oral representations made at the meeting and the objection notice

the following course of action had been agreed:

RESOLVED – The Sub-Committee concluded that to allow this event to proceed with a temporary event licence for licensable activities as planned would cause a public nuisance and therefore, undermine the licensing objectives. As a result the Sub-Committee issued a counter notice, in accordance with Section 105(2)(b) Licensing Act 2003

As the applicant was not present the Sub-Committee were informed that she would be sent the decision in writing along with a reminder of her right to appeal the decision to the Magistrates Court within 21 days.

The meeting commenced at 10.00 am and concluded at 10.30 am

Councillor W S Davies (Chairman)