

Version
Number:

Key Decision Y/N

Date First
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Licensing Act Sub Committee

Date of Meeting: 9th April 2021

Report Title: Application for a Temporary Event Notice at The White Horse,
22 Pillory Street, Nantwich, Cheshire, CW5 5BD

Senior Officer: Frank Jordan - Executive Director Places

1. Report Summary

- 1.1. This report provides details of five applications for Temporary Event Notices, under section 100 of the Licensing Act 2003 and outlines the evidence presented by the parties in relation to the notices.

2. Recommendations

- 2.1. The Licensing Act Sub-Committee is requested to consider the temporary event notice served, the objection received and determine whether to give a Counter Notice under section 105 of the Licensing Act 2003. A Counter Notice will render any licensable activities provided unlawful.
- 2.2. Members of the Licensing Sub-Committee are reminded that they may not exercise discretion in any case, merely because it considers it desirable to do so. Careful consideration should be given to the notice and objection.
- 2.3. The Sub-Committee in respect of this application must have regard to the Guidance issued under Section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy.
- 2.4. Finally, Members are also reminded that in determining the application in accordance with the Licensing Act 2003, Members must also have regard to:
 - a) The rules of natural justice
 - b) The provisions of the Human Rights Act 1998

3. Reasons for Recommendations

- 3.1. 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.

4. Other Options Considered

- 4.1. Not applicable

5. Background

- 5.1. On Saturday the 20th March 2021, five Temporary Event Notices were submitted via the GOV.UK application portal by Miss Teracina Slaughter-Hudson in respect of the premises:

The White Horse
22 Pillory Street
Nantwich
Cheshire
CW5 5BD

- 5.2. The notices request authorisation for the following licensable activities to take place between 23:30 hours to 01:00 hours each day between the dates of 16th April to 19th April, 23rd April to 26th April, 30th April to 3rd May, 7th May to 10th May and 14th May to 17th May 2021:

- a) the sale by retail of alcohol (for consumption on the premises)
- b) the provision of regulated entertainment
- c) late night refreshment

- 5.3. A maximum of 499 people can attend the event.

Full details of the notices can be found in **Appendix 1**

- 5.4. The premises which is the subject of the Temporary Event Notices is a bar which holds a Premises Licence with Cheshire East Council. A plan showing the location of the premises is attached at **Appendix 2**.

- 5.5. The Council's Environmental Health Team has submitted an objection notice in respect of these Temporary Event Notices. Copies of the objection notices are attached as **Appendix 3**.

- 5.6. The Cheshire Constabulary has not submitted an objection notice in respect of the Temporary Event Notice.

6. Implications of the Recommendations

- 6.1. **Legal Implications**

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

6.1.2. 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.

6.1.3. In circumstances where an objection notice has been given (and not withdrawn) and the licensing authority has 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.

6.2. Finance Implications

6.2.1. There are no direct implications for finance.

6.3. Policy Implications

6.3.1. The Licensing Authority has adopted a Statement of Licensing Policy in accordance with section 5 of the Licensing Act 2003.

6.3.2. The Licensing Authority must also have due regard to the guidance issued under section 182 of the Licensing Act 2003.

6.3.3. 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.

6.4. Equality Implications

6.4.1. There are no direct equality implications.

6.5. Human Resources Implications

6.5.1. There are no human resources implications.

6.6. Risk Management Implications

6.6.1. The Licensing Sub-Committee will hear representations made on behalf of both the premises user and the 'relevant person' who has submitted the objection notice and will make a decision on the basis of the evidence presented to it. 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.

6.7. Rural Communities Implications

6.7.1. There are no direct implications for rural communities.

6.8. Implications for Children & Young People/Cared for Children

6.8.1. There are no direct implications for children and young people.

6.9. Public Health Implications

6.9.1. There are no direct implications for public health.

6.10. Climate Change Implications

6.10.1. There are no direct implications for Climate Change.

7. Ward Members Affected

7.1. Councillor Peter Groves - Nantwich South and Stapeley

7.2. Councillor Andrew Martin – Nantwich South and Stapeley

8. Consultation & Engagement

8.1. Consultation in respect of submitting an application for a Temporary Event Notice is prescribed in the Licensing Act 2003 and has been fully complied with.

9. Access to Information

9.1. The background papers relating to this report can be made available by contacting the report writer.

10. Contact Information

10.1. Any questions relating to this report should be directed to the following officer:

Name: Nathan Murphy

Job Title: Senior Licensing Administration Officer

Email: nathan.murphy@cheshireeast.gov.uk

Appendix 1 – Temporary Event Notices

Appendix 2 – Map of area and plan of the Premises

Appendix 3 – Environmental Health objection