

# Licensing Sub Committee

## Agenda

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<b>Date:</b>	<b>Friday, 21st March, 2025</b>
<b>Time:</b>	<b>10.00 am</b>
<b>Venue:</b>	<b>Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ</b>

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The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

It should be noted that Part 1 items of Cheshire East Council decision making meetings are audio recorded and the recordings will be uploaded to the Council's website.

### **PART 1 - MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

1. **Appointment of Chair**

To appoint a Chair for the meeting.

2. **Declaration of Interests**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary interests, other registerable interests, and non-registerable interests in any item on the agenda and for Members to declare if they have pre-determined any item on the agenda.

3. **Temporary Event Notice (TENs) - The Leopard, London Road, Nantwich, CW5 6LJ (Pages 9 - 42)**

To consider the above application.

**Membership:** Councillors A Heler, H Faddes and x 1 to be confirmed.



## CHESHIRE EAST COUNCIL

**Procedure for Hearings – Licensing Act 2003****The Licensing Committee**

The full Licensing Committee consists of fifteen elected Members of the Council. From this full Committee will be drawn sub-committees of three members to deal with licensing functions under the Licensing Act 2003. The Chairman and Vice Chairman of the Licensing Committee shall have the discretion to refer a matter up to a hearing of the full Licensing Committee.

**Officers at Hearings**

- **The Committee Officer** introduces all parties and records the proceedings
- **The Legal Adviser** provides independent advice to the Members on legal matters and procedure.
- **The Licensing Officer** will introduce the matter and outline the application; the officer will also answer any questions Members may have.

**PROCEDURE**

NOTE: If the Sub-Committee has not already elected a Chairman, that will be the first item of business.

<b>1</b>	<b>Chairman</b>	The Chairman will: (i) call the matter to be considered (ii) call for any declarations of interest (iii) ask all parties to introduce themselves (iv) summarise the procedure to be followed at the hearing (v) will consider any request made by a party for another person to appear at the hearing (v) will advise the parties of any maximum period of time in which it has to present its case (if a maximum is imposed this shall be equal for all parties)
<b>2</b>	<b>Licensing Officer</b>	Will introduce and summarise the application, highlighting areas of contention or dispute.
<b>3</b>	<b>Committee Members</b>	May ask questions of the Licensing Officer
<b>4</b>	<b>Applicant</b>	Will present his/her case, calling witnesses, as appropriate.  <i>(If necessary, applicant will produce any notices required by law. Legal Adviser will draw attention to this if required.)</i>

5	<b>Responsible Authorities</b>  (who have made representations)	Each in turn may ask <u>questions</u> of the applicant, by way of clarification.
6	<b>Other Persons</b>  (who have made representations)	To be invited to ask <u>questions</u> of the applicant, by way of clarification.  <i>It is normal practice for a spokesperson only to speak on behalf of a group of residents.</i>
7	<b>Committee Members</b>	Each in turn may ask <u>questions</u> of the applicant.
8	<b>Applicant</b>	May make a <u>statement</u> or ask his witnesses to clarify any matters which he feels are unclear, or may have been misunderstood.
9	<b>Responsible Authorities</b>	Will make their representations.
10	<b>Applicant</b>	Or his representative or witnesses to ask <u>questions</u> of Responsible Authorities represented at the meeting, by way of clarification.
11	<b>Other Persons</b>  (who have made representations)	May ask <u>questions</u> of the Responsible Authorities represented at the meeting, by way of clarification.  <b>(Note: This is not the point at which they should be stating their objections.)</b>
12	<b>Committee Members</b>	May ask <u>questions</u> of the Responsible Authorities represented at the meeting
13	<b>Other Persons</b>  (who have made representations)	Those who have objected to the application will be invited <b><u>to make observations on the application</u></b> and present the bases of their objections.
15	<b>Applicant</b>	Or his representative or witnesses may ask <u>questions</u> of the other persons, by way of clarification.
16	<b>Committee Members</b>	May ask <u>questions</u> of the other persons.
17	<b>Chairman</b>	To invite both <b>Responsible Authorities</b> and <b>Other Persons</b> to make their closing addresses.

<b>18</b>	<b>Applicant</b>	Or his representative will <u>briefly summarise the application</u> and comment on the observations and any suggested conditions.
<b>19</b>	<b>Committee</b>	<u>Will retire</u> to consider the application. The Committee may request the Legal Advisor to advise on legal issues.
<b>20</b>	<b>Committee</b>	Will return to <u>give its decision</u> , with reasons, which will be announced by the Chairman and subsequently confirmed in writing to the applicant and to all the parties that made representations.  In cases where a decision cannot be given at the end of the hearing, parties will be advised of the decision within five working days.

**Notes**

1. The hearing shall normally be held in public. There may be occasions on which the Committee find it necessary to exclude members of the press and public; any such decision will be taken on the basis that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing taking place in public.
2. The Chairman may require any person behaving in a disruptive manner to leave the hearing and may (a) refuse to permit that person to return, or (b) permit him/her to return only on such conditions as the authority may specify, but any such person may submit in writing any information which they would have been entitled to provide orally if they had not been required to leave.
3. Prior to the hearing each party shall have given notification and served documentation (eg statements of witnesses or reports of experts) as required. Late representations and evidence will only be considered with the agreement of all parties.
4. Anyone entitled to be heard may be represented by any person, whether or not that person is legally qualified.
5. Hearsay will be permitted but the Sub-Committee will be reminded to give it appropriate weight.
6. Due note shall be taken of the provisions of the Hearings Regulations 2005.
7. The Chair may, in the interests of expediency or convenience of the parties, vary the procedure from time to time, provided notice is given to the parties and the rules of natural justice are observed.

## **Summary of Procedure**

1. Chairman appointed (if this has not been done previously).
2. Chairman to call for declarations of interest and request that all parties introduce themselves.
3. Chairman summarises the procedure for the hearing
4. The Licensing Officer summarises the application
5. Applicant to present his/her case.
6. Applicant to be questioned by all parties (to clarify points only) following which, he/she can clarify any other matters which he/she feels may have been misunderstood when the application was presented.
7. Applicant to be questioned by the Committee.
8. Responsible Authorities to make their representations following which they can be questioned by all parties by way of clarification.
9. Other Persons will be invited to present the bases of their objections, following which they can be questioned by all parties by way of clarification.
10. The applicant will be invited to sum up his/her case
11. Committee/Sub-Committee withdraws to make its decision
12. Committee/Sub-Committee returns to announce its decision to all present.

**CHESHIRE EAST COUNCIL**  
**LICENSING COMMITTEE PROCEDURE**  
**(‘General’ Licensing matters)**

- 1 Chairman will:
  - (a) call the matter forward and confirm whether there are any declarations of interest;
  - (b) request the parties to introduce themselves; and
  - (c) explain the procedure to be followed.
2. The Licensing Officer will present the report introducing the case.
3. The applicant and/or representative will be given the opportunity to speak in support of the application.
4. The Committee Members will then be given the opportunity to question the applicant on any matter which it is felt requires clarification or to ascertain the applicant’s suitability to hold the licence.
5. The applicant and/or representative will then be given the opportunity to add any further comments in support of the application.
6. The applicant and/or representative will then be asked to withdraw from the meeting whilst the committee considers its decision.
7. The applicant will finally be asked to re-join the meeting to be informed of the Committee’s decision.

The Hackney Carriage and Private Hire Licensing Policy 2022 – 2027 can be viewed by clicking on the following link:

[Hackney Carriage and Private Hire licensing policy 2022 - 2027](#)

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OPEN

## **Licensing Act Sub-Committee**

**21 March 2025**

### **Determination of an Objection to a Temporary Event Notice**

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

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**Report of: Phil Cresswell, Executive Director – Place**

**Ward(s) Affected: Nantwich South and Stapeley**

### **Purpose of Report**

- 1 The report provides details of a Temporary Event Notice, given under section 100 of the Licensing Act 2003 in respect of:

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

- 2 The Licensing Authority has received an objection notice from the Council's Environmental Protection Team, acting within its statutory functions in relation to the minimising or preventing the risk of pollution of the environment or of harm to human health (e.g. noise pollution/nuisance).

### **Executive Summary**

- 3 The Licensing Authority is required to consider the objection notice given by the Council's Environmental Protection Team in respect of proposed temporary activities.

### **RECOMMENDATIONS**

The Licensing Act Sub-Committee is recommended to:

1. Consider the temporary event notice given, the objection received and determine whether-

- a) to take no action; or
- b) to give a Counter Notice under section 105 of the Licensing Act 2003.

## Background

- 4 On 10 March 2025 the Licensing Authority received a Temporary Event Notice (TEN) given by Samuel Rock for the premises know as:

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

- 5 The notice seeks to authorise the provision of regulated entertainment with the beer garden between the 17 April and 21 April 2024, which aligns with the Nantwich Jazzfest. The Notice setting out the permitted temporary activities is attached to this report at **Appendix 1**.
- 6 The Council's Environmental Protection Team has submitted an objection notice in respect of the Temporary Event Notice. The objection notice is attached to this report at **Appendix 2**. The objection relates to the prevention of public nuisance objective.
- 7 The premises does have a premises licence issued under the Licensing Act 2003, licence number 281. However, following a review of the premises licence in October 2024, there is no outdoor regulated entertainment authorised under the existing licence. The review application was made by Environmental Health following complaints of nuisance made by local residents. The noise issues related to the use of the outdoor area.
- 8 Cheshire Police have not submitted an objection notice.
- 9 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 the licensing objectives, that 'relevant person' is required to give a notice ("an objection notice") stating the reasons for being so satisfied.
- 10 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.

- 11 In circumstances where an objection notice has been given (and not withdrawn) and the licensing authority had 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.
- 12 The effect of issuing a counter-notice would mean that any proposed activities could not take place. If the premises user were to provide licensable activities without an authorisation under the Licensing Act 2003, offences contrary to section 136 of the Licensing Act 2003 would be committed. Upon summary conviction this offence is dealt with by up to six months imprisonment and/or a fine (amount unlimited).
- 13 Any conditions imposed under section 106A of the Licensing Act 2003 can only be a replication of those conditions already present on a premises licence.
- 14 Members should note that there isn't an existing premises licence in place and therefore the Sub-Committee cannot add any conditions at the hearing.
- 15 Members should also note the deregulation of entertainment and the types of entertainment that no longer need authorisation under the Licensing Act 2003.
- 16 The premises user has confirmed their intention to have a daytime summer garden party with music and bar until 22:00hrs and as there is no premises licence in place, this activity would need to be authorised under the Licensing Act 2003.

## **Consultation and Engagement**

- 17 Consultation in respect of a Temporary Event Notice is prescribed in the Licensing Act 2003.
- 18 Each notice is sent to both Cheshire Police and Environmental Protection for consultation, acting as relevant persons for the purpose of the Act.

There is no public consultation in respect of these notices and no consultation with other responsible authorities.

- 19 An objection notice can be given within 3 working days. Receipt of an objection notice will trigger a hearing of the Licensing Act Sub-Committee.

### **Reasons for Recommendations**

- 20 The Licensing Act Sub-Committee is required to determine this matter in accordance with the provisions of the Licensing Act 2003 (and subordinate legislation) and the Council's Constitution.

### **Other Options Considered**

- 21 In accordance with the statutory responsibilities on the Council, acting as the Licensing Authority under the Licensing Act 2003, there are no other available options.

### **Implications and Comments**

#### ***Monitoring Officer/Legal***

- 22 There are no other legal implications of this report.

#### ***Section 151 Officer/Finance***

- 23 There are no implications for finance and there will be no direct impact on the Council's MFTS.

#### ***Policy***

- 24 The Licensing Authority has adopted a Statement of Licensing Policy in accordance with section 5 of the Licensing Act 2003.
- 25 The Licensing Authority must also have due regard to the guidance issued under section 182 of the Licensing Act 2003.
- 26 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***

- 27 There are no direct equality implications.

#### ***Human Resources***

- 28 There are no human resources implications.

### ***Risk Management***

- 29 The Licensing Sub-Committee will hear representations made on behalf of both the premises user and the 'relevant person' who has submitted the objection and will make a decision on the basis of the evidence presented to it.
- 30 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.
- 31 In respect of this notice, if a Counter-Notice were to be issued the premises user would have no right of appeal. This is in accordance with Schedule 5 Part 3 para 16 (6) of the Licensing Act 2003.
- 32 Members of the Licensing Sub-Committee are reminded that they may not exercise discretion in any case, merely because it is considered desirable to do so. Careful consideration should be given to the notice and objection with a view to appropriately and proportionately promoting the statutory Licensing Objectives.
- 33 The Sub-Committee, in respect of this notice, must have regard to the Guidance issued under Section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy.
- 34 Members are also reminded that in determining the application in accordance with the Licensing Act 2003, Members must also have regard to:
- The rules of natural justice
  - The provisions of the Human Rights Act 1998

### ***Rural Communities***

- 35 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)***

- 36 There are no implications for children and young people

### ***Public Health***

- 37 There are no direct implications for public health

### ***Climate Change***

38 There are no implications for climate change

<b>Access to Information</b>	
Contact Officer:	Kim Evans – Licensing Team Leader <a href="mailto:licensing@cheshireeast.gov.uk">licensing@cheshireeast.gov.uk</a>
Appendices:	Appendix 1 – Temporary Event Notice  Appendix 2 – Objection Notice  Appendix 3 – Existing Premises Licence  Appendix 4 – Decision Notice following review  Appendix 5 - Map of the area
Background Papers:	<a href="#">Review Committee Papers</a>  <a href="#">Revised Guidance issued under section 182 of the Licensing Act 2003 (publishing.service.gov.uk)</a>  <a href="#">Council's Statement of Licensing Policy published under section 5 of the Licensing Act 2003</a>  <a href="#">Licensing Act 2003</a>  <a href="#">The Licensing Act 2003 (Hearings) Regulations 2005</a>



**Cheshire East  
Temporary Event Notice  
Licensing Act 2003**

For help contact  
[licensing@cheshireeast.gov.uk](mailto:licensing@cheshireeast.gov.uk)  
Telephone: 0300 123 5015

\* required information

## Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference	<input type="text" value="Not Currently In Use"/>	This is the unique reference for this application generated by the system.
Your reference	<input type="text" value="JAZZ FESTIVAL 2025"/>	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.
Are you an agent acting on behalf of the applicant?		Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.
<input type="radio"/> Yes <input checked="" type="radio"/> No		

### Applicant Details

* First name	<input type="text" value="SAMUEL"/>	
* Family name	<input type="text" value="ROCK"/>	
* E-mail	<input type="text" value="REDACTED"/>	
Main telephone number	<input type="text" value="REDACTED"/>	Include country code.
Other telephone number	<input type="text"/>	
<input checked="" type="checkbox"/> Indicate here if you would prefer not to be contacted by telephone		

Are you:

- ☒ Applying as a business or organisation, including as a sole trader  
☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

### Applicant Business

Is your business registered in the UK with Companies House?	<input checked="" type="radio"/> Yes <input type="radio"/> No	Note: completing the Applicant Business section is optional in this form.
Registration number	<input type="text" value="08777273"/>	
Business name	<input type="text" value="THE LEOPARD BREWERY TAP LTD"/>	If your business is registered, use its registered name.
VAT number	<input type="text" value="-"/> <input type="text" value="176320807"/>	Put "none" if you are not registered for VAT.
Legal status	<input type="text" value="Private Limited Company"/>	

**Continued from previous page...**Your position in the business Home country 

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

Building number or name Street District City or town County or administrative area Postcode Country **Section 2 of 9****APPLICATION DETAILS** ([See also guidance on completing the form, general notes and note 1](#))

Have you had any previous or maiden names?

☐ Yes ☒ No

\* Your date of birth

Applicant must be 18 years of age or older

National Insurance number 

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth **Correspondence Address**

Is the address the same as (or similar to) the address given in section one?

☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name Street District City or town County or administrative area Postcode Country



*Continued from previous page...***Additional Contact Details**

Are the contact details the same as (or similar to) those given in section one?

☒ Yes
 ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

**Section 3 of 9****THE PREMISES**

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

\* Does the premises have an address?

☒ Yes
 ☐ No
**Address**

Is the address the same as (or similar to) the address given in section one?

☒ Yes
 ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

\* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

☐ Neither
 ☒ Premises licence
 ☐ Club premises certificate

\* Premises licence number

**Location Details**

\* Provide further details about the location of the event

**Continued from previous page...**

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below [\(see also guidance on completing the form, note 3\)](#)

Describe the nature of the premises below [\(see also guidance on completing the form, note 4\)](#)

PUBLIC HOUSE

Describe the nature of the event below [\(see also guidance on completing the form, note 5\)](#)

LIVE MUSIC IN BEER GARDEN

**Section 4 of 9****LICENSABLE ACTIVITIES**

State the licensable activities that you intend to carry on at the premises

[\(see also guidance on completing the form, note 6\):](#)

- ☐ The sale by retail of alcohol
- ☐ The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- ☒ The provision of regulated entertainment
- ☐ The provision of late night refreshment
- ☐ The giving of a late temporary event notice

[\(See also guidance on completing the form, note 7\).](#)

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

[\(See also guidance on completing the form, note 8\).](#)

**Event Dates**

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

[\(see also guidance on completing the form, note 9\)](#)

Event start date

/  /   
dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date

/  /   
dd mm yyyy

**Continued from previous page...**

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

12:00 - 23:00

[\(see also guidance on completing the form, note 10\)](#)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

300

[\(see also guidance on completing the form, note 11\)](#)

Note that the maximum number of people cannot exceed 499.

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

[\(see also guidance on completing the form, note 12\):](#)

- ☒ On the premises only
- ☐ Off the premises only
- ☐ Both

**Section 5 of 9****RELEVANT ENTERTAINMENT** [\(See also guidance on completing the form, note 13\)](#)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

LIVE MUSIC FROM 12:00 UNTIL 23:00

**Section 6 of 9****PERSONAL LICENCE HOLDERS** [\(See also guidance on completing the form, note 14\)](#)

Do you currently hold a valid personal licence?

☒ Yes ☐ No

Provide the details of your personal licence below.

Issuing licensing authority

CHESHIRE EAST

Licence number

UNKNOWN

Date of issue

/  /

dd mm yyyy

Any further relevant details

LICENCE HAS BEEN LOST (STOLEN IN ROBBERY AT THE PUB AS WAS IN THE SAFE)

Continued from previous page...

**Section 7 of 9****PREVIOUS TEMPORARY EVENT NOTICES** [\(See also guidance on completing the form, note 15\)](#)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

☐

Yes

☒

No

Have you already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or

☐

Yes

☒

No

b) Begins 24 hours or less after the event period proposed in this notice?

**Section 8 of 9****ASSOCIATES AND BUSINESS COLLEAGUES** [\(See also guidance on completing the form, note 16\)](#)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

☐

Yes

☒

No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or

☐

Yes

☒

No

b) Begins 24 hours or less after the event period proposed in this notice?

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

☐

Yes

☒

No

**Continued from previous page...**

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

☐ Yes ☒ No

- a) Ends 24 hours or less before; or  
b) Begins 24 hours or less after the event period proposed in this notice?

**Section 9 of 9****CONDITION** [\(See also guidance on completing the form, note 18\)](#)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £21

**DECLARATION** [\(See also guidance on completing the form, note 19\)](#)

\* The information contained in this form is correct to the best of my knowledge and belief

\* I understand that it is an offence:

- (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and  
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

SAMUEL DAVID ROCK

\* Capacity

DIRECTOR

\* Date

10 / 03 / 2025  
dd mm yyyy

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/cheshire-east/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY	
Applicant reference number	JAZZ FESTIVAL 2025
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
Is Digitally signed	<input type="checkbox"/>
<a href="#">1</a> <a href="#">2</a> <a href="#">3</a> <a href="#">4</a> <a href="#">5</a> <a href="#">6</a> <a href="#">7</a> <a href="#">8</a> <a href="#">9</a> <a href="#">Next &gt;</a>	

Afternoon licensing,

I would like to object to the TEN application, submitted by The Leopard Public House for the 17<sup>th</sup>-21<sup>st</sup> April 2025, 12.00-23.00 hrs, max number of people 300.

The Leopard is currently not permitted live or recorded music of any kind in the beer garden, due to causing a nuisance from loud music and noise from customers. This event (Jazzfest) is held over Easter weekend when the majority of people who live in the houses at the rear of The Leopard will be off work and very possibly trying to spend time in the garden or at home, only to face the disturbance from potentially up to 300 people a day in the beer garden and live music up to eleven hours a day. This will most definitely create a nuisance.

It isn't a reason for objecting to the TEN, but I note the application was referenced as "Jazzfest" which is implying that the event is part of the official celebration, yet The Leopard is not listed as an official venue anywhere on the Jazzfest website,

Regards

Mark

Mark Vyse – MCIEH, BSc (Hons) | Cheshire East Council

Environmental Health Officer – Environmental Protection

Delamere House, Delamere Street, Crewe CW1 2LL

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## Premises Licence

**Premises Licence Number:**

**281**

### Part 1 - Premises Details

Postal address of Premises or, if none, ordnance survey map reference or description:

The Leopard, 33 London Road Nantwich, Cheshire East

Post Town: Nantwich

Post Code: CW5 6LJ

Telephone Number: 01270 480454

Where the Licence is time limited, the dates:

Not applicable.

Licensable activities authorised by the Licence:

Live Music

Recorded Music

Sale and supply of alcohol

The times the Licence authorises the carrying out of licensable activities:

#### **Live Music**

Sunday – Wednesday 10:00 - 23:00

Thursday – Saturday 10:00 - 00:00

#### **Recorded Music**

Sunday – Wednesday 08:00 - 23:00

Thursday – Saturday 08:00 - 00:00

#### **Sale and supply of alcohol**

Sunday – Wednesday 08:00 - 23:00

Thursday – Saturday 08:00 - 00:00

The opening hours of the Premises:

Sunday – Wednesday 08:00 - 23:30

Thursday – Saturday 08:00 - 00:30

Where the Licence authorises supplies of alcohol, whether these are on and/or off supplies:

For consumption both on and off the premises.

**Part 2**

Name, (registered) address, telephone number and email (where relevant) of holder of Premises Licence:

Joules Brewery, The Brewery, Great Hales Street, Market Drayton, Shropshire, TF9 1JP

Registered number of holder, for example company number, charity number (where applicable):

06492665

Name, address and telephone number of designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol:

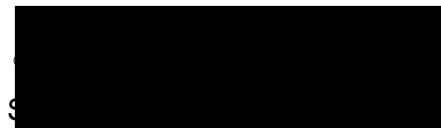
Mr Samuel David Rock,

Personal Licence number and issuing authority of Personal Licence held by designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol:

Personal Licence Number:

Issuing Authority: Cheshire East Council

Licence Issued: 24<sup>th</sup> October 2024



On Behalf of Cheshire East Borough Council

**Annex 1 - Mandatory Conditions (as applicable)**

1. No supply of alcohol may be made under this Premises Licence –
  - a) at a time when there is no designated premises supervisor in respect of the Premises Licence, or
  - b) at a time when the designated premises supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under this Premises Licence must be made or authorised by a person who holds a Personal Licence.

**Where a Village Hall is exempt from needing DPS under s.19 Licensing Act 2003**

Every supply of alcohol under the premises licence must be made or authorised by the Management Committee.

**Mandatory condition where the licence authorises the exhibition of films**

The admission of children to the exhibition of any film must be restricted in accordance with section 20 of the Licensing Act 2003. Admission of children must be restricted in accordance with any recommendation made by the British Board of Film Classification or the Licensing Authority.

**Prohibited conditions: plays**

1. In relation to a premises licence which authorises the performance of plays, no condition may be attached to the licence as to the nature of the plays which may be performed, or the manner of performing plays, under the licence.
2. But subsection (1) does not prevent a licensing authority imposing, in accordance with section 18(2)(a) or (3)(b), 35(3)(b) or 52(3), any condition which it considers necessary on the grounds of public safety.

**Mandatory condition: Door supervision**

Each individual engaged in security activities at the premises must either:

- a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- b) be entitled to carry out that activity by virtue of Section 4 of the Private Security Industry Act 2001.

**LICENSING ACT 2003 (MANDATORY LICENSING CONDITIONS)( AMENDMENT) ORDER 2014**

**MANDATORY CONDITIONS**

**Condition 1**

1. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:
  - a) Games or other activities which require or encourage, or are designed to require or encourage individuals to –
    - i. Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - ii. Drink as much alcohol as possible (whether within a time limit or otherwise);

- b) Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- c) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- d) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- e) Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

### **Condition 2**

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

### **Condition 3**

1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
  - a) A holographic mark, or
  - b) An ultraviolet feature

### **Condition 4**

The responsible person must ensure that –

- a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
  - i. Beer or cider: ½ pint;
  - ii. Gin, rum, vodka or whisky: 25ml or 35ml; and
  - iii. Still wine in a glass: 125ml;
- b) These measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- c) Where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

**The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014**

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—

- a) 'duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- b) 'permitted price' is the price found by applying the formula—

$$P = D + (D \times V)$$

Where —

- i. P is the permitted price,
- ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

c) 'relevant person' means, in relation to premises in respect of which there is in force a premises licence—

- i. the holder of the premises licence,
- ii. the designated premises supervisor (if any) in respect of such a licence, or
- iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;

d) 'relevant person' means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

e) 'valued added tax' means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Annex 2 - Conditions consistent with the Operating Schedule**

### **General – All Licensing Objectives**

1. No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises.
2. There shall be placed at all exits from the premises, in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly.
3. Refuse such as bottles shall be disposed of from the premises at a time (i.e. between 08:00 and 20:00) when it is not likely to cause a disturbance to residents in the vicinity of the premises.
4. All external areas including the car park are well lit.
5. Challenge 21 scheme is in operation.
6. Managed customer departure
7. No children permitted after 21:00hours
8. All children must be accompanied by an adult.
9. No striptease or nudity at any time.
10. Amusements with Prizes machines are situated in the bar area where children are not permitted.
11. The opening hours and all licensable activities are extended by one hour into the morning following every Friday, Saturday, Sunday and Monday for each May Day, Spring/Whitsun holiday, August Bank holiday weekend, Easter Bank holiday weekend, Maundy Thursday, Christmas Eve and Boxing Day. Hours are extended for the period between New Years eve and the commencement of normal licensing hours on New Years Day.
12. A CCTV system shall be installed and shall continually record whilst the premises is open for licensable activities and during all times when staff and customers remain on the premises.
13. Images should be of a reasonable quality.
14. Recorded CCTV images will be maintained and stored for a period of 28 days and shall be produced to the Police or Licensing Authority upon request.
15. A staff member for the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show a Police officer an authorised officer of the licensing authority data or footage upon request.
- 16 – ‘No open vessels containing alcohol shall be removed from the Premises other than to any designated area that has been set aside for consumption’.
- 17 - ‘The outside area of the beer garden shall be covered by CCTV’.
- 18 – ‘The outside area shall be monitored by staff when in use and regularly cleared of glassware’.

**Annex 3 - Conditions attached after a hearing by the Licensing Authority**

1. The speakers situated in the area identified as Hunter's Hideout ("HH") be removed with immediate effect;
2. Any doors providing access from the pub to the garden remain closed from 8pm each evening (save for access and egress); and
3. No live or recorded music is to be played in any outdoor areas at any time.

**Annex 4 - Plans**

21/855/02 & 21/85504

## Premises Licence Summary

**Premises Licence Number:**

**281**

### Premises Details

Postal address of Premises or, if none, ordnance survey map reference or description:

The Leopard, 33 London Road, Nantwich, Cheshire East

Post Town: Nantwich

Post Code: CW5 6LJ

Telephone Number: 01270 480454

Where the Licence is time limited, the dates:

Not applicable.

Licensable activities authorised by the Licence:

Live Music

Recorded Music

Sale and supply of alcohol

The time the Licence authorises the carrying out of licensable activities:

#### **Live Music**

Sunday – Wednesday 10:00 - 23:00

Thursday – Saturday 10:00 - 00:00

#### **Recorded Music**

Sunday – Wednesday 08:00 - 23:00

Thursday – Saturday 08:00 - 00:00

#### **Sale and supply of alcohol**

Sunday – Wednesday 08:00 - 23:00

Thursday – Saturday 08:00 - 00:00

The opening hours of the Premises:

Sunday – Wednesday 08:00 - 23:30

Thursday – Saturday 08:00 - 00:30

Where the Licence authorises supplies of alcohol, whether these are on and/or off supplies:

For consumption both on and off the premises.



Name, (registered) address of holder of Premises Licence:

Joules Brewery, The Brewery, Great Hales Street, Market Drayton, Shropshire, TF9 1JP

Registered number of holder, for example company number, charity number (where applicable):

06492665

Name of designated Premises Supervisor where the Premises Licence authorises for the supply of alcohol:

Mr Samuel David Rock

State whether access to the Premises by children is restricted or prohibited:

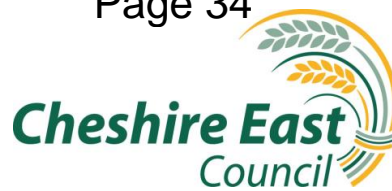
No children permitted after 21:00 hours.

Licence Issued: 24<sup>th</sup> October 2024

*Amy Scott*

Signed By: Amy Scott

On Behalf of Cheshire East Borough Council



## Licensing Act 2003 – Premises Licence

### Duration of a Premises Licence

A premises licence has effect until such a time that it is suspended, revoked or surrendered.

### Duty to notify change of name or address

The holder of a premises licence must, as soon as is reasonably practicable, notify the relevant licensing authority of any change of name or address.

Where the designated premises supervisor (DPS) under a premises licence is not the holder of the licence, he should notify the licensing authority of a change in name or address as soon as possible. The DPS must also notify the holder of the premises licence.

*Failure without reasonable excuse to comply with the above is an offence, and a person will be liable on summary conviction to a fine not exceeding level 2 on the standard scale (ie £500)*

### Duty to keep and display licence

The holder of a premises licence must ensure that the licence or a certified copy of it is kept at the premises in the custody of or under the control of the holder of the licence or a person who works at the premises whom the premises licence holder has nominated in writing. A notice should be prominently displayed at the premises specifying the position of any such nominee.

The premises licence holder has a duty to ensure that a summary of the licence or a certified copy of that summary is prominently displayed at the premises.

*Failure without reasonable excuse to comply with the above is an offence, and a person will be liable on summary conviction to a fine not exceeding level 2 on the standard scale (ie £500)*

### Duty to produce licence

A constable or an authorised person may require production of the premises licence for examination. An authorised person must, if requested, produce evidence of his authority to exercise the power.

*Failure without reasonable excuse to comply with the above is an offence, and a person will be liable on summary conviction to a fine not exceeding level 2 on the standard scale (ie £500)*

### Theft or loss of premises licence

Where a premises licence or summary is lost, stolen, damaged or destroyed, the holder of the licence may apply to the relevant licensing authority for a copy of the licence or summary. A fee of £10.50 is payable in relation to such an application.

Where an application is made for a replacement licence or summary the licensing authority must issue the holder of the licence with a licence or summary if it is satisfied that –

- (a) the licence or summary has been lost, stolen, damaged or destroyed; and
- (a) where it has been lost or stolen, the holder has reported that loss or theft to the police.

### Surrender of premises licence

Where the holder of a premises licence wishes to surrender his/her licence he/she may give the licensing authority a notice to that effect. The notice must be accompanied by the premises licence, or where that is not practicable, by a statement of the reasons for the failure to provide the licence. Where a notice of surrender is given, the premises licence lapses on receipt of the notice by the licensing authority.

### Death, incapacity, insolvency of licence holder

A premises licence lapses if the holder of the licence –

- (a) dies,
- (a) becomes mentally incapable (within the meaning of section 13(1) of the Enduring Powers of Attorney Act 1985)
- (b) becomes insolvent,
- (c) is dissolved, or
- (d) if it is a club, ceases to be a recognised club

(subject to provision for re-instatement in certain circumstances).

**Custody of Premises Licence  
Licensing Act 2003 – S.57 (3)(b)**

In accordance with Section 57 (2)(b) of the Licensing Act 2003

I/We ..... being the  
holder(s) of/Director of the company holding

Premises Licence number .....

relating to the premises known as .....

.....

.....

hereby nominate .....

as custodian of the said Premises Licence.

To conform with Section 57 (3)(b) of the Licensing Act 2003 this authorisation is hereby  
displayed.

.....  
Signed

.....  
Position

**S.57 Duty to keep and produce licence**

*(2) The holder of the premises licence must secure that the licence or a certified copy of it is kept at the premises in the custody or under the control of-*

*(b) a person who works at the premises and whom the holder of the licence has nominated in writing for the purposes of this subsection*

*(3) The holder of the premises licence must secure that-*

*(b) a notice specifying the position held at the premises by any person nominated for the purposes of subsection (2), are prominently displayed at the premises.*

*(4) The holder of a premises licence commits an offence if he fails, without reasonable excuse, to comply with subsection (2) or (3).*

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**DECISION NOTICE****LICENSING ACT 2003**

Applicant: Mark Vyse on behalf of Environmental Health, Cheshire East

Application: Review of the Premises Licence number PREM281

Premises: The Leopard Inn, 33 London Road, Nantwich, CW5 6LJ

Application Hearing: 21 October 2024

Committee: Licensing Act Sub Committee of Cheshire East Council

**Committee Decision**

That considering the information presented, the premises is undermining the prevention of public nuisance objective and the licence is amended in the following terms:

1. The speakers situated in the area identified as Hunter's Hideout ("HH") be removed with immediate effect;
2. Any doors providing access from the pub to the garden remain closed from 8pm each evening (save for access and egress); and
3. No live or recorded music is to be played in any outdoor areas at any time.

The Subcommittee considered the following material:

1. The Applicant's Application;
2. The existing Premises Licence;
3. Written representations from the Licence Holder;
4. Written representations from objectors;
5. Written representations from supporters;
6. The 4 licensing objectives (namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm) and the steps appropriate to promote them;
7. The oral evidence of the Environmental Health officer at the hearing;
8. The oral evidence of the Licensing Officer at the hearing;
9. The oral evidence of Anna Brakel on behalf of the Licence Holder at the hearing;
10. The oral evidence of supporters of the application at the hearing;
11. Video footage.
12. Audio recordings.

13. The Licensing Act 2003 & Guidance thereto (Dec 2023); and

14. Cheshire East Council's Statement of Licensing Policy

### **Application**

The application is for a review of an existing premises licence (licensing number PREM281).

### **Representations**

There were written representations from 3 objectors and 6 supporters of the application. The supporter's representations raised the following issues:

#### **Supporters**

##### **The Prevention of Public Nuisance**

- Neighbouring properties are unable to spend time in their gardens due to intense noise all afternoon until 9pm.
- Noise continuing after 9pm with people using the benches adjacent to the neighbour's fences.
- Increase in traffic congestion on residential streets within the vicinity of the pub.
- Inability for local residents to park near their homes.
- The roof on the outside structure amplifying the noise.

There were no representations from any of the following responsible authorities: Cheshire Constabulary, Cheshire Fire and Rescue Service Cheshire East, Public Health, the Children's Safeguarding Partnership.

A submission was made by Cheshire East Council Licensing Team detailing the recent history of the premises.

### **Determination**

#### **Substantive Issues**

Where an application comes before the sub-committee, having regard to any relevant representations, the sub-committee may take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- 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 premises supervisor;
- d) to suspend the licence for a period not exceeding three months;
- e) to revoke the licence;

The sub-committee determined that conditions should be imposed on the licensing activities at the premises. In coming to this decision, the sub-committee considered the impact of reviewing the licence on the licensing objectives These are:

The Prevention of Crime and Disorder

The Cheshire East Council Statement of Licensing Policy 2019 - 2024 requires the Licensing Authority to consider whether the premises to be licensed make or will make a detrimental contribution to levels of crime and disorder and whether the Applicant's Operating schedule is based on adequate risk assessment of the likelihood of crime and disorder occurring as a result of the application.

Public Safety

The Cheshire East Council Statement of Licensing Policy 2019 - 2024 requires the Licensing Authority to have regard to the physical safety of customers using the premises to be licensed.

The Prevention of Public Nuisance

The Cheshire East Statement of Licensing Policy 2019 – 2024 requires the Licensing Authority to consider the potential impact of the licensed premises on the surrounding locality and will consider the type of licensed activity, the proposed hours of operation, the capacity of the premises, the character of the area and the proximity to local residents.

The Protection of Children from Harm

The Cheshire East Council Statement of Licensing Policy 2019 - 2024 requires the Licensing Authority to consider whether there are effective measures to check the age of those young people who appear to be under 25, to ensure alcohol is not sold to those under 18 and those under 16 are accompanied in alcohol-led premises where the supply of alcohol for consumption on the premises is the exclusive or primary purpose.

**Reasons**

The sub-committee considered the following:

- The fact that no objections had been received to the Application from any responsible authorities. This suggests a lack of concern about the Application on the part of the:
  - Cheshire Constabulary - responsible for the control of crime and disorder.
  - Public Health – concerned with substance abuse
  - Trading Standards – responsible for the monitoring and control of underage alcohol sales.
- That s.177A of the Licensing Act 2003 is applicable in this matter, namely that a licensing authority may add a condition relating to music as if (a) the music were regulated entertainment, and (b) the licence or certificate licensed the music.
- Playing music outside did not breach the terms of the existing licence, but was causing a nuisance to neighbouring properties.
- The Licensee has applied for retrospective planning permission for HH which may or may not be granted. If it is refused and not appealed, or if appealed is unsuccessful, the structure will have to be removed in any event.
- If retrospective planning is granted it may impose conditions to address the noise complaints.
- It could take some time for a decision to be made regarding the planning permission, however a decision can nonetheless be made by the sub-committee given that

licensing and planning are two separate issues and not dependent on one another in terms of decisions and outcomes.

- HH had not been built when the supporters who gave oral evidence at the hearing had purchased their property.
- Because speakers were playing music into that area, pub patrons would inevitably raise their voices to speak above the music thus raising the volume.
- The video and audio evidence demonstrated that the noise levels are excessive.
- If there was no music playing outside patrons would speak at a less audible volume.
- The pub was at times not adhering to its own policy regarding playing music from inside the pub through the speakers situated in HH.
- The noise levels were having a negative effect on the neighbouring properties and the enjoyment of their own homes.
- There had been no complaints about noise of people talking from the beer garden prior to the construction of HH.

### **Conclusion**

Having regard to the above the sub-committee considered it appropriate to place conditions upon the provision and live and recorded music in the garden and area known as Hunter's Hideaway.

**Dated this 24th day of October 2024**

**If you are aggrieved by this Decision of Cheshire East Council, you may appeal to a magistrate's court within 21 days of being notified of this decision.**

**You are advised to seek independent legal advice before doing so.**





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