

Licensing Act Sub-Committee

Agenda

Date: Monday, 8th May, 2017
Time: 10.00 am
Venue: Committee Suite 2/3 - Westfields, Middlewich Road, Sandbach, CW11 1HZ

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 and Overview and Scrutiny 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 Chairman**

To appoint a Chairman for the meeting.

2. **Declarations of Interest**

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

3. **Determination of a Temporary Event where an Objection Notice has been received** (Pages 7 - 24)

To consider the temporary event notice served in respect of Warford Hall (Marquee in front garden) Warford Hall Drive, Great Warford, the objection received, and to determine whether to give a Counter Notice under section 105 of the Licensing Act 2003.

THERE ARE NO PART 2 ITEMS

For requests for further information

Contact: Julie Zientek
Tel: 01270 686466
E-Mail: julie.zientek@cheshireeast.gov.uk

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.

1	Chairman	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)
2	Licensing Officer	Will introduce and summarise the application, highlighting areas of contention or dispute.
3	Committee Members	May ask questions of the Licensing Officer
4	Applicant	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	Responsible Authorities (who have made representations)	Each in turn may ask <u>questions</u> of the applicant, by way of clarification.
6	Other Persons (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	Committee Members	Each in turn may ask <u>questions</u> of the applicant.
8	Applicant	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	Responsible Authorities	Will make their representations.
10	Applicant	Or his representative or witnesses to ask <u>questions</u> of Responsible Authorities represented at the meeting, by way of clarification.
11	Other Persons (who have made representations)	May ask <u>questions</u> of the Responsible Authorities represented at the meeting, by way of clarification. (Note: This is not the point at which they should be stating their objections.)
12	Committee Members	May ask <u>questions</u> of the Responsible Authorities represented at the meeting
13	Other Persons (who have made representations)	Those who have objected to the application will be invited <u>to make observations on the application</u> and present the bases of their objections.
15	Applicant	Or his representative or witnesses may ask <u>questions</u> of the other persons, by way of clarification.
16	Committee Members	May ask <u>questions</u> of the other persons.
17	Chairman	To invite both Responsible Authorities and Other Persons to make their closing addresses.
18	Applicant	Or his representative will <u>briefly summarise the application</u> and comment on the observations and any suggested

		conditions.
19	Committee	<u>Will retire</u> to consider the application. The Committee may request the Legal Advisor to advise on legal issues.
20	Committee	<p>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.</p> <p>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.</p>

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 ACT SUB-COMMITTEE

Date of Meeting:	Monday 8th May 2017 at 10:00am
Report of:	Jennifer Knight, Senior Licensing Officer
Subject/Title:	Determination of a Temporary Event where an objection notice has been received

1.0 Report Summary

- 1.1 The report provides details of a temporary event notice submitted by Mrs Dawn Ward which has been served in respect of:

Warford Hall – Marquee in front garden
Warford Hall Drive
Great Warford
SK9 7TP

- 1.2 The notice requests authorisation for the following licensable activities to take place between 19:00 hours on 23rd September 2017 to 02:00 hours on the 24th September 2017:

- i. the sale by retail of alcohol (for consumption on the premises)
- ii. the provision of regulated entertainment
- iii. late night refreshment

- 1.3 A maximum of 480 person can attend the event.

2.0 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.

- 2.3 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.

- 2.4 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.

- 2.5 Finally, 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

3.0 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.

4.0 Wards Affected

- 4.1 Mobberley

5.0 Local Ward Members

- 5.1 Cllr Jamie Macrae

6.0 Policy Implications

- 6.1 The Licensing Authority has adopted a Statement of Licensing Policy in accordance with section 5 of the Licensing Act 2003.
- 6.2 The Licensing Authority must also have due regard to the guidance issued under section 182 of the Licensing Act 2003.
- 6.3 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.

7.0 Financial Implications

- 7.1 Not applicable.

8.0 Legal Implications

- 8.1 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.
- 8.2 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.

- 8.3 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.

9.0 Risk Management

- 9.1 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.

10.0 Background and Options

- 10.1 On 24th April 2017 the Licensing Authority received a Temporary Event Notice in respect of an event to be held at Warford Hall. A copy of the notice is attached at appendix 1. A summary of the licensable activities is provided in paragraphs 1.2 and 1.3 (above).
- 10.2 The premises which is the subject of the temporary event notice is a private dwelling. A plan showing the location of the premises is attached at appendix 2.
- 10.3 The Council's Environmental Health Team has submitted an objection notice in respect of this temporary event notice. A copy of the objection notice is attached as Appendix 3.
- 10.4 The Cheshire Constabulary has not submitted an objection notice in respect of the temporary event notice.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Miss Jennifer Knight
Designation: Senior Licensing Officer
Tel No: 01270 686337
Email: Jennifer.knight@cheshireeast.gov.uk

APPENDICES

Appendix 1 – Temporary Event Notice
Appendix 2 – Plan
Appendix 3 – Objection Notice

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Cheshire East
Application for a Temporary Event Notice
Licensing Act 2003

For help contact
licensing@cheshireeast.gov.uk
 Telephone: 0300 123 5015

* required information

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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

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

Creme de la Creme

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?

☐ Yes ☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

First name

Dawn

Family name

Ward

E-mail address

[REDACTED]

[REDACTED] number

[REDACTED]

Include country code.

Other telephone number

☐ 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.

Continued from previous page...

Your Address

Address official correspondence should be sent to.

Building number or name	<input type="text" value="Warford Hall"/>
Street	<input type="text" value="Warford Hall Drive"/>
District	<input type="text" value="Great Warford"/>
City or town	<input type="text" value="Alderley Edge"/>
County or administrative area	<input type="text" value="East Cheshire"/>
Postcode	<input type="text" value="SK9 7TP"/>
Country	<input type="text" value="United Kingdom"/>

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APPLICATION DETAILS [\(See also guidance on completing the form, general notes and note 1\)](#)

Have you had any previous or maiden names?

☒ Yes ☐ No

Enter details of any previous names or maiden names

First name	<input type="text" value="Dawn"/>
Family name	<input type="text" value="REDACTED"/>

Your date of birth	<input type="text" value="REDACTED"/> / <input type="text" value="REDACTED"/> / <input type="text" value="REDACTED"/>
	dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number	<input type="text" value="REDACTED"/>
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This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth	<input type="text" value="REDACTED"/>
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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	<input type="text" value="Warford Hall"/>
Street	<input type="text" value="Warford Hall Drive"/>
District	<input type="text" value="Great Warford"/>
City or town	<input type="text" value="Alderley Edge"/>
County or administrative area	<input type="text" value="East Cheshire"/>
Postcode	<input type="text" value="SK9 7TP"/>
Country	<input type="text" value="United Kingdom"/>

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	<input type="text" value="[REDACTED]"/>
Telephone number	<input type="text" value="[REDACTED]"/>
Other telephone number	<input type="text"/>

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

Continued from previous page...

Address

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

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.

- ☒ Yes ☐ No

Building number or name	<input type="text" value="Warford Hall"/>
Street	<input type="text" value="Warford Hall Drive"/>
District	<input type="text" value="Great Warford"/>
City or town	<input type="text" value="Alderley Edge"/>
County or administrative area	<input type="text" value="East Cheshire"/>
Postcode	<input type="text" value="SK9 7TP"/>
Country	<input type="text" value="United Kingdom"/>

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

Location Details

Provide further details about the location of the event

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](#))

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

Continued from previous page...

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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

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

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

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

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

Event start date

23	/	09	/	2017
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

24	/	09	/	2017
dd		mm		yyyy

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

19.00-2.00am

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

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

480

Note that the maximum number of people cannot exceed 499.

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

Continued from previous page...

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 11](#)):

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

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RELEVANT ENTERTAINMENT ([See also guidance on completing the form, note 12](#))

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 entertainment between 19.00 and 2.00am

Section 6 of 9

PERSONAL LICENCE HOLDERS ([See also guidance on completing the form, note 13](#))

Do you currently hold a valid personal licence? ☐ Yes ☒ No

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PREVIOUS TEMPORARY EVENT NOTICES ([See also guidance on completing the form, note 14](#))

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?

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ASSOCIATES AND BUSINESS COLLEAGUES ([See also guidance on completing the form, note 15](#))

Continued from previous page...

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
 b) Begins 24 hours or less after the event period proposed in this notice?
- ☐ Yes ☒ No

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

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:

- a) Ends 24 hours or less before; or
 b) Begins 24 hours or less after the event period proposed in this notice?
- ☐ Yes ☒ No

Section 9 of 9**CONDITION** [\(See also guidance on completing the form, note 17\)](#)

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 [\(See also guidance on completing the form, note 18\)](#)

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

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* 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

Capacity

Date / /
 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

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

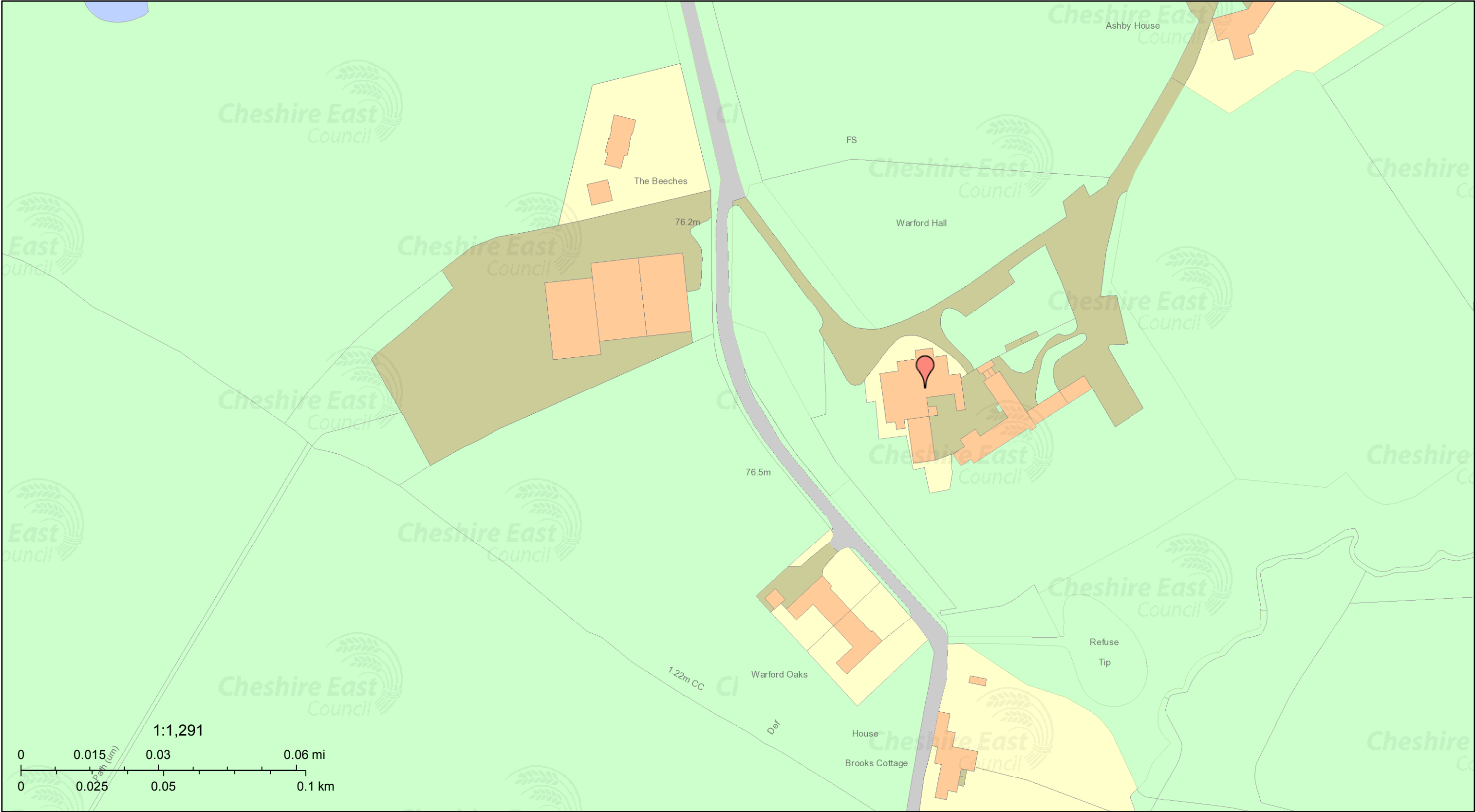
Date and time submitted

Approval deadline

Error message

Is Digitally signed ☐

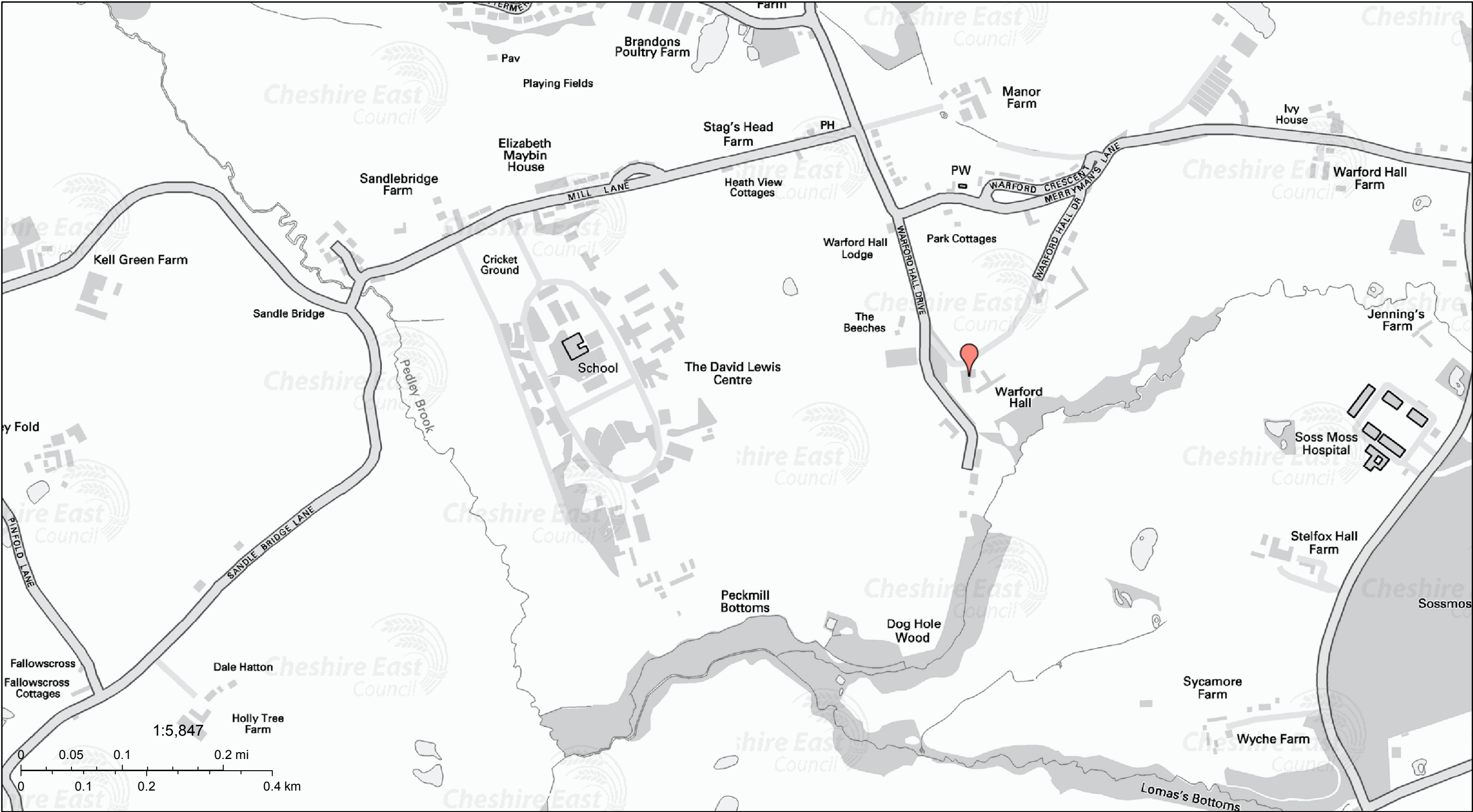
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April 25, 2017



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April 25, 2017



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EVANS, Kim

From: LOMAS, Brenda
Sent: 24-Apr-2017 16:19
To: LICENSING (Cheshire East)
Subject: FW: TEN, Warford Hall Great Warford Alderley Edge, 23.09 - 24.09.2017
Attachments: 5510506228E911E786D53C4A92EC974C.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Licensing

This Service would wish to object to the above temporary event notice under the Licensing Objective of the Prevention of Public Nuisance.

The TEN relates to an outdoor event which has been titled 'Crème de la Crème' and is to be held in a marquee on the front garden of Warford Hall, Warford Hall Drive, Great Warford, SK9 7TP. The fabric of a marquee does not contain noise and particularly where amplified music and amplified voice are played.

The mainly rural nature of the location means that background noise levels will be very low and any entertainment noise (particularly when amplified) will be highly noticeable to nearby residents and intrusive within their homes particularly during evening and early morning hours.

The application states that live entertainment will take place between 7pm on 23rd September 2017 until 2am on 24th September.

The entertainment includes live music, live singers and a DJ (amplified voice).

Residential properties are in close proximity to Warford Hall and the duration of the noise together with the sensitive hour of termination of the live entertainment is considered unreasonable in terms of noise impact to the occupiers of those properties and the likelihood to cause sleep prevention / sleep disturbance. Additional noise is likely to be caused following the cessation of music noise from the departure of patrons to the event. The application states that there could be 480 guests and therefore it could take a significant amount of time for all to depart with associated noise of vehicle movements, raised voices, vehicle doors being slammed etc.

A number of complaints were lodged to the Environmental Health Service in September 2016 following a similar event. This Service advised the applicant of the complaints.

The application for a similar 2017 event appears not to have addressed the concerns which have previously been raised with the applicant as regards minimising the noise impact of the event.

Brenda Lomas
Enforcement Officer
Cheshire East Council
Public Protection and Health

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