

CHESHIRE EAST COUNCIL

LICENSING ACT SUB-COMMITTEE

Date of meeting: Monday 2nd December 2013 at 09.30am
Venue: Westfields, Middlewich Road, Sandbach, CW11 1HZ
Report of: Mrs N Cadman, Licensing Officer
Title: Notice of Temporary Events
Hotspot, 11 High Street, Sandbach, CW11 1AH

1.0 Report Summary

- 1.1 The report provides details of Temporary Event Notices submitted by Mr A Mirza, which have been served in respect of:

Hotspot
11 High Street
Sandbach
Cheshire
CW11 1AH

- 1.2 The notices request authorisation for the following licensable activities to take place:

Event start date 19th December 2013, Event end date 25th December 2013.

The provision of Late Night Refreshment

Event start date 27th December 2013, Event end date 2nd January 2014.

The provision of Late Night Refreshment

2.0 Recommendations

- 2.1 The Licensing Act Sub-Committee is requested to consider the Temporary Event Notices served, the objections received and determine whether to give Counter Notices under section 105 of the Licensing Act 2003. A Counter Notice will render any licensable activities provided unlawful.

- 2.2 Members are also reminded that regard must be given 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 delegated authority to consider this matter in accordance with the provision of the Licensing Act 2003 and the Council's Constitution.

4.0 Wards Affected

- 4.1 Sandbach Town

5.0 Local Ward Members

- 5.1 Cllr Barry Edward Moran

6.0 Policy Implications

- 6.1 The Council has adopted a Statement of Licensing Policy under the 2003 Act relating to its functions as a Licensing Authority.
- 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 of the Licensing Sub-Committee are reminded that they should provide reason(s) for any decision taken, or where they might consider departing the Guidance or Policy.

7.0 Financial Implications (Authorised by the Director of Finance & Business Services)

- 7.1 None.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 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. The Licensing Act 2003 provides a right of appeal to the Magistrates' Court against the decision of the Licensing Authority.

10.0 Background and Options

- 10.1 The premises which are subject of the Temporary Event Notices, is a hot food takeaway. A location plan is attached as **Appendix 1**. There is a current Premises Licence in force at the premises which authorises the provision of Late Night Refreshment, a copy of this licence summary and conditions is attached as **Appendix 2**.

- 10.2 The Temporary Event Notices served seeks to authorise:

Event start date 19th December 2013, Event end date 25th December 2013.

The provision of Late Night Refreshment

19th December – 01.00am to 02.00am
20th December – 01.00am to 03.00am
21st December – 02.30am to 03.30am
22nd December – 02.30am to 03.30am
23rd December – 01.00am to 02.30am
24th December – 01.00am to 03.00am
25th December – 01.00am to 03.30am

Event start date 27th December 2013, Event end date 2nd January 2014.

The provision of Late Night Refreshment

27th December – 01.00am to 03.00am
28th December – 02.30am to 03.30am
29th December – 02.30am to 03.30am
30th December – 01.00am to 03.30am
31st December – 01.00am to 02.30am
1st January – 01.00am to 04.00am
2nd January – 01.00am to 02.00am

- 10.3 Objection from 'relevant person':

- 10.3.1 The Police have submitted objection notices in respect of these Temporary Event Notices. A copy of the objection notices is attached as **Appendix 3**.

10.3.2. The Environmental Health Authority has not submitted an objection notice in respect of the Temporary Event Notices.

11.0 Access to Information.

There are no background papers associated with this report.

Name: Mrs N Cadman

Designation: Licensing Officer

TEL: 01270 685957

Email: nikki.cadman@cheshireeast.gov.uk

Appendix 1 - Location Plan.

Appendix 2 – Copy of Premises Licence Summary and Conditions.

Appendix 3 – Objection Notices submitted by the Police