

REPORT: Regulatory Sub Committee

DATE: 29 October 2024

REPORTING OFFICER: Director – Legal and Democratic Services

PORTFOLIO: Resources

SUBJECT: Licensing Act 2003 – Temporary Event Notice

WARDS: Appleton

1. PURPOSE OF REPORT

To assist Members of the Regulatory Committee in their consideration of an application by Miss Demi-Leigh Murphy for Temporary Event Notice at The Grapes, 38 Widnes Road, Widnes, WA8 6AP.

2. RECOMMENDATION

The committee considers the contents of the report and makes a determination on the application.

3. BACKGROUND

- 3.1. An application has been made under section 100 Licensing Act 2003 for a Temporary Event Notice (TEN) in relation to The Grapes, 38 Widnes Road, Widnes.
- 3.2. The application was received on the 11 October 2024 from Christopher Hodgen (Licensing Agent) on behalf of Demi-Leigh Murphy (applicant).
- 3.3. The application is for several dates through November and December. The premises have undergone some refurbishment and the intention is to apply for new licence in due course.

4. THE APPLICATION

- 4.1. The application has been made under Section 100 of the Licensing Act 2003 (“the Act”).
- 4.2. Attached to this report at **Appendix A** is a copy of the application form dated 10 October and this includes the dates and times requested. In total the request is for 7 weekends that have been applied for on the TENS application form, starting on weekend commencing 15 November

and terminating on 29 December 2024 from 10 am on each Friday until 02.30 am on Sunday, which means that the premises will be open for a period of 40.5 hours in total.

- 4.3. Attached at **Appendix B** of this report is the current premise licence along with the current conditions on the licence.
- 4.4. The licensable activities requested for the application are:
 - The sale of alcohol
 - The provision of regulated entertainment
- 4.5. The applicant has advised that the maximum number of people at the event at any one time shall be 300 persons.

5. REQUIREMENT FOR A HEARING

- 5.1. The application was submitted on 11 October 2024.
- 5.2. During the 3 working days representation period, the Licensing Authority received a relevant objection from Cheshire Police.
- 5.3. Where relevant representations have been made and not withdrawn the Licensing Authority must hold a hearing to consider the objection (unless otherwise agreed by the parties)
- 5.4. The hearing is held in accordance with the Act and the Licensing Act 2003 (Hearing) Regulations 2005. The procedure to be followed has been circulated to all parties and will be repeated at the beginning of the hearing.
- 5.5. The hearing is solely concerned with those aspects of the application, which have been the subject of the relevant representation as defined in the Act. These are the objection from Cheshire Police.

6. THE REPRESENTATIONS

6.1. RESPONSIBLE AUTHORITIES

Cheshire Police

Relevant objections have been received from Cheshire Police on the grounds of the prevention of crime and disorder.

Cheshire Police feel that the extension of hours, particularly in the run up to Christmas will undermine the licensing objectives of prevention of crime and disorder.

- 6.2. A copy of the objection can be found at **Appendix C** of this report.
- 6.3. The Councils Environmental Health Department have made no comments to this application.

7. LEGAL AND POLICY FRAMEWORK

- 7.1 The Sub-Committee must determine the application with a view to promoting the licensing objectives which are:
 - The prevention of crime and disorder;
 - The prevention of public nuisance;
 - Public Safety;
 - The protection of children from harm.
- 7.2. In making its decision, the Sub-Committee must also have regard to the national guidance issued under section 182 of the Licensing Act 2003 ("the Guidance") and the Council's Statement of Licensing Policy ("Policy").

8. OPTIONS

- 8.1. The Committee has the following options under Section 105(2)(a) of the 2003 Act where an objection notice is given in respect of a TEN the licensing authority must hold a hearing to consider the objection notice unless the premises user, and the relevant person who gave the objection notice and the local authority agree the hearing is unnecessary.

The committee has the following options:

- (a) Determine not to issue a counter notice (effectively allowing the temporary event notice to go head);
 - (b) Determine not to issue a counter notice but to impose conditions in accordance with Section 106A of the 2003 Act
 - (c) Issue a counter notice (thus preventing the temporary event from going ahead).
- 8.2. Where the Sub Committee determines to impose conditions, the conditions must be appropriate for the promotion of the Licensing

Objectives and must not be inconsistent with the carrying out of the licensable activities under the TEN.

- 8.3. A counter notice can only be issued if the Committee considers it necessary for the promotion of a licensing objective.

9. POLICY IMPLICATIONS

- 9.1. None

10. FINANCIAL CONSIDERATIONS

- 10.1 There are no special financial considerations to the Authority which need to be highlighted at this stage. However, it should be noted that the decision of the sub-committee is subject to appeal to the Magistrates' Court (within 21 days from when the Decision Notice is issued and at least 5 working days before the date of the next event) and . If an appeal is made, there will be costs associated with this.

11. IMPLICATIONS FOR THE COUNCILS PRIORITIES

- 11.1 Improving Health, Promoting Wellbeing and Supporting Greater Independence

None

- 11.2 Building a Strong, Sustainable Local Economy

None

- 11.3 Supporting Children, Young People and Families

None

- 11.4 Tackling Inequality and Helping Those Who Are Most In Need

None

- 11.5 Working Towards a Greener Future

None

- 11.6 Valuing and Appreciating Halton and Our Community

None

12. RISK ANALYSIS

12.1 The Council is required to hold the hearing in accordance with the Licensing Act 2003. Failure to do so, may mean that the Council is acting in breach of its obligations under that Act

13. EQUALITY AND DIVERSITY ISSUES

13.1. There are no equality or diversity issues to highlight.

14. CLIMATE CHANGE IMPLICATIONS

14.1. There are no climate change implications since the decision will have no effect on the environment.

15. LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Application Documents/ Objection Notice	Legal Services	Kim Hesketh