

**LICENSING ACT SUB-COMMITTEE****25 AUGUST 2023**

<b>REPORT TITLE:</b>	<b>CONSIDERATION OF AN OBJECTION NOTICE IN RESPECT OF A TEMPORARY EVENT NOTICE UNDER THE PROVISIONS OF THE LICENSING ACT 2003</b>
<b>REPORT OF:</b>	<b>DIRECTOR OF LAW AND GOVERNANCE</b>

**REPORT SUMMARY**

The purpose of this report is to consider an Objection Notice that has been submitted by Environmental Health in respect of a Temporary Event Notice under the provisions of the Licensing Act 2003. The proposed Premises User is **Charlie Parsons** and the Temporary Event Notice relates to the premises known as **625, 86 Banks Road, West Kirby, Wirral CH48 0RE**.

**RECOMMENDATION**

The Licensing Act Sub-Committee are asked to determine whether the Licensing Authority should issue a Counter Notice to the Temporary Event Notice following the submission of an Objection Notice by Environmental Health.

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION**

- 1.1 It is a statutory requirement for the Licensing Act Sub-Committee to consider the Objection Notice submitted by Environmental Health in respect of the Temporary Event Notice.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 The Licensing Act Sub-Committee may determine that a Counter Notice should not be issued and that licensable activities be permitted to take place in accordance with the Temporary Event Notice. The Licensing Act Sub-Committee may also impose conditions on the Temporary Event Notice from the existing conditions on the Premises Licence.

### **3.0 BACKGROUND INFORMATION**

- 3.1 These premises currently have a Premises Licence with the following hours:

#### **Sale by Retail of Alcohol**

Monday to Sunday 11:00 to 22:30

#### **Hours Open to the Public**

Monday to Sunday 11:00 to 23:00

#### **Non-Standard Timings**

##### **New Years Eve**

Sale By Retail of Alcohol 11:00 to 00:30

Hours Open to the Public 11:00 to 01:00

Late Night Refreshment 23:00 to 01:00

- 3.2 A copy of the Premises Licence is available.

### **4.0 TEMPORARY EVENT NOTICE**

- 4.1 In respect of the Temporary Event Notice, the following Licensable Activities have been proposed:

#### **Sale by Retail of Alcohol, Regulated Entertainment and Late Night Refreshment**

Wednesday 30 August 2023 to Tuesday 5 September 2023 starting at 11.00 until 00.00 each day.

- 4.2 The purpose of the Temporary Event Notice is to allow an extension to the hours permitted on the Premises Licence. A copy of the Temporary Event Notice is available.

## **5.0 RELEVANT OBJECTION NOTICE**

5.1 An Objection Notice has been received from Environmental Health in relation to the Temporary Event Notice referred to in paragraphs 4.1 and 4.2 above. The Objection Notice relates to noise nuisance emanating from the premises. A copy of the Objection Notice is available.

## **4.0 FINANCIAL IMPLICATIONS**

4.1 There are no specific implications arising from this report.

## **5.0 LEGAL IMPLICATIONS**

5.1 In accordance with Section 105 (2) of the Licensing Act 2003 where an Objection Notice is given to a Temporary Event Notice the Licensing Authority must hold a Hearing to consider the Notice unless the Premises User, Environmental Health and the Licensing Authority agree that a Hearing is unnecessary.

## **6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS**

6.1 There are no specific implications arising from this report.

## **7.0 RELEVANT RISKS**

7.1 There are none arising directly from this report.

## **8.0 ENGAGEMENT/CONSULTATION**

8.1 Statutory consultation has been undertaken in respect of this Temporary Event Notice.

## **9.0 EQUALITY IMPLICATIONS**

9.1 The potential impact has been reviewed and it is considered that there will be no direct impact on any of the protected groups.

## **10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

10.1 There are none arising from the content of this report.

## **11.0 COMMUNITY WEALTH IMPLICATIONS**

11.1 There are no community wealth implications arising directly from this report.

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## **APPENDICES**

None

## **BACKGROUND PAPERS**

- Temporary Event Notice
- Premises Licence
- Objection Notice
- Wirral Council's Licensing Policy
- Statutory Guidance issued under Section 182 of the Licensing Act 2003

## **TERMS OF REFERENCE**

This report is being considered by the Licensing Act Sub-Committee who are delegated to determine such matters in accordance with Section 9.3 of the Licensing Act Committee's Terms of Reference referred to in Part 3, Section B of the Council's constitution.

## **SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
<b>Licensing Act Sub-Committee</b>	<b>21 April 2021</b>