

LICENSING ACT SUB-COMMITTEE**18 DECEMBER 2023**

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

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 in accordance with 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, CH48 0RE**.

RECOMMENDATION

The Licensing Act Sub-Committee is 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

Sunday to Saturday 11:00 to 22:30

Hours Open to the Public

Sunday to Saturday 11:00 to 23:00

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.
- 3.3 A Temporary Event Notice has been submitted for the following Licensable Activities and hours:

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

28 December 2023 – 11:00 to 00:00
29 December 2023 – 11:00 to 00:00
30 December 2023 – 11:00 to 00:00

4.0 RELEVANT OBJECTION NOTICE

- 4.1 An Objection Notice has been received from Environmental Health as they believe that allowing the premises to be used in accordance with the Temporary Event Notice will undermine the licensing objective in respect of public nuisance. A copy of the Objection Notice is available.

5.0 FINANCIAL IMPLICATIONS

5.1 There are no specific implications arising from this report.

6.0 LEGAL IMPLICATIONS

6.1 In accordance with Section 105 (2) of the Licensing Act 2003 when 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.

7.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

7.1 There are no specific implications arising from this report.

8.0 RELEVANT RISKS

8.1 There are none arising directly from this report.

9.0 ENGAGEMENT/CONSULTATION

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

10.0 EQUALITY IMPLICATIONS

10.1 In determining the application the Sub-Committee must have regard to the Public Sector Equality Duty imposed on public authorities which requires them to have due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality of opportunity and to foster good relations between persons who share a relevant protected characteristic.

11.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

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

12.0 COMMUNITY WEALTH IMPLICATIONS

12.1 There are no known 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 Statement of Licensing Policy
- Statutory Guidance issued under Section 182 of the Licensing Act 2003
- The Licensing Act 2003
- The Equality Act 2010

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)

Council Meeting	Date
Licensing Panel - Application for Premises Licence	21 April 2021