

Please ask for: Mrs. W. Rowe

Your Ref:

Extension No: 4584

My Ref: WR

E-Mail: wendyrowe@cannockchasedc.gov.uk

11 December, 2013

Dear Councillor,

**LICENSING SUB-COMMITTEE
10.00 A.M., THURSDAY 19 DECEMBER, 2013
COUNCIL CHAMBER, CIVIC CENTRE, CANNOCK**

You are invited to attend this meeting for consideration of the matters itemised in the following Agenda.

Yours sincerely,



**S.G. Brown
Chief Executive**

To: Councillors

Allen, F.W.C.
Fisher, P.A.

Grice, Mrs. D.

A G E N D A

PART 1

- 1. Appointment of Chairman**
- 2. Apologies and Reconstitution of Membership**

The Council will only allow licensing decisions to be taken by a minimum of three Councillors. In the event of one Member being unable to attend, their place will be substituted by another Member taken from the membership of the full Licensing/Public Protection Committee. In the event of this substitution taking place, all parties will be informed of the change of membership at the beginning of the hearing.

- 3. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members**

To declare any personal, pecuniary or disclosable pecuniary interests in accordance with the Code of Conduct and any possible contraventions under Section 106 of the Local Government Finance Act 1992.

- 4. Licensing Act 2003 – Police Notice of Objection to 3 Temporary Event Notices - The Shrew, 2 Market Street, Rugeley**

Report of Head of Environmental Health (Enclosure No.4.1 - 4.4)
(Enclosure No. 4.20 – 4.30 – Annexes 4, 5,
6 & 7)

- 5. Exclusion of the Public**

The Chairman to move:

That the public be excluded from the remainder of the meeting because of the likely disclosure of exempt information as defined in Paragraph(s) 2 and 7, Part 1, Schedule 12A of the Local Government Act 1972 (as amended).

- 6. Licensing Act 2003 – Police Notice of Objection to 3 Temporary Event Notices - The Shrew, 2 Market Street, Rugeley**

Not for Publication Annexes 1, 2 and 3 of the Report of Head of Environmental Health: (Enclosure No. 4.5 – 4.19 – Annex 1, 2 & 3)

CANNOCK CHASE COUNCIL

LICENSING SUB-COMMITTEE

**PROCEDURE FOR DEALING WITH LICENSING APPLICATIONS AND
OTHER MATTERS SUBMITTED UNDER THE LICENSING ACT 2003**

**PROCEDURE TO BE USED FOR A HEARING TO CONSIDER A TEMPORARY
EVENT NOTICE**

Procedure for the Hearing

1. The Chairman shall introduce the Members of the Sub-Committee and supporting staff.
2. The objector to the notice and the premises user present shall introduce themselves.
3. The Chairman shall outline the procedure to be followed at the hearing.
4. The officer representing the Licensing Authority shall present a report on the matter.
5. The premises user shall have the opportunity to ask questions of the officer from the Licensing Authority.
6. The objector to the notice (or their representative) shall have the opportunity to ask questions of the officer from the Licensing Authority.
7. Members of the Sub-Committee may ask questions of the officer from the Licensing Authority.
8. *Where the officer of the Licensing Authority is legally represented, the legal representative may ask questions of clarification of the officer of the Licensing Authority.*
9. The objector to the notice (or their representative) shall put the case in respect of the matter and may call witnesses.
10. The premises user shall have the opportunity to ask questions of the objector (or their representative) and any witnesses called.
11. Members of the Sub-Committee may ask questions of clarification of the objector to the notice (or their representative).
12. The premises user shall put their case in respect of the matter and may call witnesses.
13. The objector to the notice may ask questions of clarification of the premises user

14. Members of the Committee may ask questions of clarification of the premises user.
15. The officer of the Licensing Authority shall have the opportunity to sum up their case if they so wish.
16. The objector to the notice (or their representative) shall have an opportunity to sum up their case if they so wish.
17. The premises user shall have an opportunity to sum up their case if they so wish.
18. Members of the Sub-Committee shall deliberate in private, accompanied by the Council's Legal Advisor and Secretary to the Sub-Committee, only recalling the other parties or their representatives to clarify points of uncertainty on evidence or submissions already given. If it is necessary to recall any party, all parties are to return, notwithstanding that only one party may be concerned with the points giving rise to doubt.
19. At the conclusion of their deliberations, the Chairman of the Sub Committee may inform the objector to the notice (or their representative) and the premises user of the decision of the Sub-Committee, briefly explaining the reasons for the decision.
20. The Council's Legal Advisor shall write **within seven working days** (or as soon as practicable if this cannot be completed) to the premises user and objector to the notice confirming the Sub Committee's decision and giving reasons for that decision.

CANNOCK CHASE COUNCIL

LICENSING SUB-COMMITTEE

19 DECEMBER 2013

REPORT OF HEAD OF ENVIRONMENTAL HEALTH

LICENSING ACT 2003

POLICE NOTICE OF OBJECTION TO 3 TEMPORARY EVENT NOTICES

THE SHREW, 2 MARKET STREET, RUGELEY, STAFFS, WS15 2JJ

1. Reason for Hearing

- 1.1 Staffordshire Police have issued objection notices in respect three recent temporary event notices at The Shrew on the basis that the licensing objectives of the prevention of crime and disorder, ensuring public safety and preventing public nuisance would be undermined if the events were to take place. Copies of the 3 Temporary Event Notices covering four different days are attached as Annex 1, 2 & 3 to this report.

2.

Name and Address of Premises.	The Shrew, 2 Market Street, Rugeley, Staffs, WS15 2JJ
Objection Notice received from	PC David Evans, Licensing Officer, Staffordshire Police, Southern Licensing Unit, Burton Police Station, Horningslow Street, Burton-on-Trent, Staffs, DE14 1PA
Reason for Objection Notices	The objection notices states that the Police feel that the proposed events would undermine the licensing objectives of: <ul style="list-style-type: none">• The Prevention of Crime & Disorder• The Prevention of Public Nuisance• Ensuring Public Safety

	7) A map of the local area indicating the position of the applicant's premises is attached at Annex 7.
--	--

3. Human Rights Act 1998 Implications

- 3.1 Article 6 of the Act provides that where a person's civil rights and obligations are being determined, s/he is entitled to a "fair trial". The Council complies with Article 6 in that it gives the person the opportunity to state their case, will make a decision within a reasonable period of time and will give reasons for its decision.
- 3.2 The Article also provides for the issue to be determined by an independent tribunal. The right of appeal to the Court against the Council's decision fulfils this.
- 3.3 The Council observes the rules of natural justice and its procedures are consistent with Article 6 of the Human Rights Act 1998.
- 3.4 Article 14 provides a prohibition against discrimination. This does not stand alone but requires that where any other rights are affected, they must not be dealt with in a discriminatory way.

4. Legal Implications

- 4.1 The licensing authority must hold a hearing to determine whether the temporary events are to be permitted notwithstanding the police objections made under s104 of the Act.
- 4.2 The steps available to the sub-committee are:-
 - (a) allow the licensable activities to go ahead as stated in the notice;
 - (b) Permit the event to place after imposing one or more of the existing Premises Licence conditions on the TEN under s106A of the Act (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives;
 - (c) to issue a counter notice under s 105 (2)(b) of the Act on the basis that the event would undermine the licensing objectives.
- 4.3 The decision must be given at least 24 hours before the beginning of the proposed event.
- 4.4 Any decision made by the Licensing Sub Committee must be having regard to the statutory guidance issued by the Secretary of State and the Council's Licensing Policy.

5. Financial Implications

- 5.1 There are no financial implications at this time

<p>Background</p>	<ol style="list-style-type: none">1) Where it is proposed to use premises for one or more licensable activities during a period not exceeding 168 hours, an individual may give to the relevant licensing authority notice of that proposal by way of a temporary event notice.2) The premise user is also required to give a copy of the temporary event notice to the Police and local authority exercising its environmental health function no later than 10 working days before the day on which the event period specified in the notice begins.3) Where the Police or local authority exercising its environmental health function are satisfied that allowing the premises to be used in accordance with the notice would undermine any of the licensing objectives, they must give a notice stating the reasons why they are so satisfied (an objection notice). This must be given no later than 3 working days after the Police or local authority exercising environmental health functions are given a copy of the notice.4) Two temporary event notices were received on 5 December 2013 from Mr John Stead for The Shrew, 2 Market Street, Rugeley, on Tuesday and Wednesday 24 & 25 December 2014 and Friday 27 December 2013. A third temporary event notice was received on 6 December 2013 in respect of a proposed event on Thursday 2 January 2014. A copy of the three temporary event notices are attached at Annex 1, 2 & 3 of this report.5) Staffordshire Police gave the licensing authority an objection notice on Monday 9 December 2013 stating that the temporary event notices would undermine three of the licensing objectives. As a result, the 3 temporary event notices must be considered and determined by the Sub-Committee. A copy of the objection notices are attached at Annex 4 & 5 to this report.6) The steps available to the sub-committee are:-<ol style="list-style-type: none">(a) allow the licensable activities to go ahead as stated in the notice;(b) impose one or more of the existing licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives;(c) to issue a counter notice on the basis that the event would undermine the licensing objectives.<p>A copy of the Shrew Premises Licence is attached as Annex 6 to this report.</p>
-------------------	--

6.

Annexes Attached	<p>Annex 1 Copy of the Temporary Event Notice for 24 & 25 December 2013,</p> <p>Annex 2 Copy of the Temporary Event Notice for 27 December 2013,</p> <p>Annex 3 Copy of the Temporary Event Notice for 2 January 2014,</p> <p>Annex 4 Copy of the Objection Notice from Staffordshire Police to the temporary events of 24, 25 & 27 December 2013</p> <p>Annex 5 Copy of the Objection Notice from Staffordshire Police to the temporary events of 2 January 2014.</p> <p>Annex 6 Copy of the Shrew Premises Licence</p> <p>Annex 7 Map of the premises</p>
7. Determination Required	Members are asked to consider the objection notices from Staffordshire Police and determine the temporary event notices for the Shrew, 2 Market Street, Rugeley, Staffs, WS15 2JJ.