

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LICENSING SUB COMMITTEE – 20 JULY 2011

Title of report	APPLICATION FOR A TEMPORARY EVENT NOTICE
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Purpose of report	<p>To consider an objection notice made by the Chief Officer of Police in response to four Temporary Event Notices (TEN) in respect of premises trading as The Bulls Head located at 67 Market Street, Ashby de la Zouch, Leicestershire, LE65 1AH. This report outlines the TEN and summarises the representation received. It also highlights the licensing objectives, the relevant parts of Government guidance and the pertinent sections of the Licensing Authority's Licensing Policy.</p>
Strategic aims	Strong and Safer Communities
<p>Implications:</p> <p>Financial/Staff</p> <p>Link to relevant CAT</p> <p>Risk Management</p> <p>Equalities Impact Assessment</p> <p>Human Rights</p>	<p>Implications arising from an appeal made to the Magistrates Court by anyone aggrieved by the decision of the Sub-Committee.</p> <p>Safer CAT.</p> <p>The usual risks of cost involved if the applicant appeals against the decision of the Committee. In any event and in order to mitigate these risks, the Committee should give clear reasons for its decisions and any such reasons would need to be substantiated in Court.</p> <p>Equality Impact Assessment already undertaken, issues identified actioned.</p> <p>Article 1 of Protocol 1 of the European Convention of Human Rights provides that everyone is entitled to the peaceful enjoyment of his possessions, except in the public interest and subject to the conditions provided for by law.</p>

Transformational Government	Not applicable.
Consultees	Leicestershire Constabulary.
Background papers	Guidance issued under Section 182 of the Licensing Act 2003 - available for reference at www.culture.gov.uk and Statement of Licensing Policy -available for reference at www.nwleics.gov.uk/licensing
Recommendations	THAT THE SUB-COMMITTEE CONSIDER THE POLICE OBJECTION NOTICE AND DETERMINE WHETHER OR NOT TO ISSUE A COUNTER NOTICE.

1. Background

- 1.1 The premises are a town centre public house facility located at 67 Market Street, Ashby De La Zouch, LE65 1AH and currently hold a premises licence issued under the Licensing Act 2003. A copy of the premises licence is attached as **appendix 1**.
- 1.2 On 8th July 2011, four temporary event notices were received from Miss Marie Kelleher and Miss Donna Smith regarding the intended use of the premises for the provision of regulated entertainment and sale by retail of alcohol on and off the premises on the 23rd, 24th, 30th, 31st July and 6th, 7th, 13th and 14th August 2011 from 0100hrs until 0200hrs the following morning. A copy of each the temporary event notice is attached as **appendices 2 to 5**.
- 1.3 A map showing the location of the premises is attached as **appendix 6**.
- 1.4 A permitted temporary activity is a licensable activity that is carried on in accordance with a temporary event notice under section 100 and in compliance with the provisions of Part 5 of the Licensing Act 2003.
- 1.5 The temporary event notice is subject to various restrictions and limits. Where the requirements for obtaining a temporary event notice cannot be met, the licensable activity can only be authorised by way of a premises licence.
- 1.6 Officers are satisfied that this temporary event notice has been properly served and the criteria in respect of temporary event notices have been met.

2.0 Representations

- 2.1 In respect of a temporary event notice, the applicant is responsible for submitting a copy of the notice to the Chief Officer of Police no later than 10 working days before the day on which the event begins. If the Chief Officer of Police is satisfied that allowing the premises to be used in accordance with the notice would undermine the crime prevention objection, he must give a notice to the Licensing Authority and premises licence user detailing the reasons for the decision.

2.2 The applicant provided a copy of the temporary event notice to the Chief Officer of Police as required and an objection notice was received from the Police on 12th July 2011. The notice was also served the applicants for the TEN's. A copy of the objection notice is attached as **appendix 7**.

2.3 The original objection from the Police is based on application times of 09.00hrs to 0200hrs on 22nd and 23rd July, 29th and 30th July, 5th and 6th August and 13th and 14th August 2011. At the time of the application the applicant amended the application to times of 0100hrs to 0200hrs on 23rd and 24th July, 30th and 31st July 6th and 7th August and 13th and 14th August 2011. The Chief Officer of Police was notified of the changes via email from the Licensing Authority.

3.0 Statutory Guidance

3.1 In making its decision, the Sub-Committee is obliged to have regard to Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. All Licensing Committee members have been provided with a full copy of the guidance document. Officers consider that paragraphs 7.1 to 7.30 may have a bearing upon the application.

4.0 Statement of Licensing Policy

4.1 The Sub-Committee is also obliged to have regard to its own Statement of Licensing Policy. Officers consider that paragraphs 16.1 to 16.3 may have a bearing upon the application. The provisions of the Saturation Policy do not apply to TEN applications.

5.0 Observations

5.1 The Committee is obliged to determine this application with a view to promoting the crime prevention objective and cannot consider the application on any other of the licensing objectives.

5.2 The licensing authority has no power to attach any terms, limitations or restrictions on the carrying on of licensable activities at temporary events, it can only grant or refuse the TEN.

5.3 If having regard to the objection notice, the Licensing Authority is satisfied that it is necessary for the promotion of the crime prevention objective it must give a counter notice detailing the reasons for the decision to the premises user in which case the event cannot proceed.

5.4 If the Licensing Authority determines not to give a counter notice, it must give the notice of its decision to the premises user and the Police. The decision whether to issue a counter notice or not must be made and notices issued at least 24 hours before the event is due to begin.

5.5 There is a right of appeal to the Magistrates Court against the decision of the Sub-Committee by the premises user if a Counter Notice is issued, or the Police Authority if no Counter Notice is issued. Notwithstanding this, no appeal may be brought later than 5 working days before the day on which the temporary event begins.