

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LICENSING SUB COMMITTEE – 29 MARCH 2012

Title of report	APPLICATION FOR A TEMPORARY EVENT NOTICE
Contacts	<p>Councillor Alison Smith 01530 835668 alison.smith@nwleicestershire.gov.uk</p> <p>Environmental Health Team Manager 01530 454610 lee.mansfield@nwleicestershire.gov.uk</p> <p>Licensing Enforcement Officer 01530 454596 andy.cooper@nwleicestershire.gov.uk</p>
Purpose of report	<p>To consider an objection notice made by the Chief Officer of Police in response to a Temporary Event Notice (TEN) in respect of premises trading as Continental Music Bar and Club located at 60a Market Street, Ashby de la Zouch, Leicestershire, LE65 1AN. 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>
Council Priorities	Pride in the Community
<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>Business 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 night club located at 60a Market Street, Ashby De La Zouch, LE65 1AN 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 21st March 2012, a temporary event notice was received from Nathan Wesley Brown regarding the intended use of the premises for the provision of regulated entertainment and the sale by retail of alcohol on the premises for Sunday 8th April 2012 from 10:30pm until 02:00am on Monday 9th April 2012. A copy of the temporary event notice is attached as **appendix 2**.
- 1.3 A map showing the location of the premises is attached as **appendix 3**.
- 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 21st March 2012. The

notice was also served on the applicants for the TEN. A copy of the objection notice is attached as **appendix 4**.

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.



NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

PREMISES LICENCE SUMMARY

Premises licence number

NWL20245

Premises details

Postal address of premises, or if none, ordnance survey map reference or description

Continental Music Bar & Club, 60a Market Street, Ashby de la Zouch

Post town

Leicestershire

Telephone number

01530 412300

Post code

LE65 1AN

Where the licence is time limited the dates

Licensable activities authorised by the licence

1. The sale by retail of alcohol for consumption on and off the premises.
2. Late night refreshment – indoors.
3. Performance of live music indoors.
4. Playing of recorded music indoors.
5. Performance of dance indoors.
6. Entertainment of a similar description to that falling within 3, 4 and 5 above indoors.
7. Provision of facilities for making music indoors.
8. Provision of facilities for dancing indoors.
9. Provision of facilities for entertainment of a similar description to that falling within 7 and 8 above indoors.

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol for consumption on and off the premises:

Monday to Wednesday, other than Christmas Day, Good Friday or New Year's Eve, 10.00am to 11.00pm.

Thursday, other than Christmas Day, Good Friday or New Year's Eve, 10.00am to 12.00 midnight.

Friday and Saturday, other than Christmas Day, Good Friday or New Year's Eve, 10.00am to 2.00am the following morning.

On Sundays, other than Christmas Day or New Year's Eve, 12.00 noon to 10.30pm.

On Good Friday, 12.00 noon to 10.30pm

On Christmas Day, 12.00 noon to 3.00pm and 7.00pm to 10.30pm

On New Year's Eve on a Sunday, 12.00 noon to 10.30pm

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of the permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

Late Night Refreshment:

Until 30 minutes after the end of the hours permitted for the sale by retail of alcohol.

Performance of live music:

Monday to Wednesday – 9.00am to 12.00 midnight

Thursday to Saturday – 9.00am to 2.00am the following morning

From the end of permitted hours on New Year's Eve to the start of permitted hours the following day

No time restrictions in relation to entertainment which is not public but is promoted for private gain.

Playing of recorded music indoors:

No time restrictions.

Performance of dance indoors:

Monday to Wednesday – 9.00am to 12.00 midnight

Thursday to Saturday – 9.00am to 2.00am the following morning

From the end of permitted hours on New Year's Eve to the start of permitted hours the following day

No time restrictions in relation to entertainment which is not public but is promoted for private gain.

Entertainment of a similar description:

Monday to Wednesday – 9.00am to 12.00 midnight

Thursday to Saturday – 9.00am to 2.00am the following morning

From the end of permitted hours on New Year's Eve to the start of permitted hours the following day

No time restrictions in relation to entertainment which is not public but is promoted for private gain.

Provision of facilities for making music:

Monday to Wednesday – 9.00am to 12.00 midnight

Thursday to Saturday – 9.00am to 2.00am the following morning

From the end of permitted hours on New Year's Eve to the start of permitted hours the following day

No time restrictions in relation to entertainment which is not public but is promoted for private gain.

Provision of facilities for dancing indoors:

Monday to Wednesday – 9.00am to 12.00 midnight

Thursday to Saturday – 9.00am to 2.00am the following morning

From the end of permitted hours on New Year's Eve to the start of permitted hours the following day

No time restrictions in relation to entertainment which is not public but is promoted for private gain.

Provision of facilities for entertainment of a similar description:

Monday to Wednesday – 9.00am to 12.00 midnight

Thursday to Saturday – 9.00am to 2.00am the following morning

From the end of permitted hours on New Year's Eve to the start of permitted hours the following day

No time restrictions in relation to entertainment which is not public but is promoted for private gain.

The opening hours of the premises**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

The sale by retail of alcohol for consumption on and off the premises.

Name, (registered) address of holder of premises licence

Mr Nathan Wesley Brown

5 Victoria Drive

Woodville

Swadlincote

Derbys

DE11 8DY

Tel. No: 01283 760359

Registered number of holder, for example company number, charity number (where applicable)**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Mr Nathan Wesley Brown

State whether access to the premises by children is restricted or prohibited



TEMPORARY EVENT NOTICE

Information on the Licensing Act 2003 is available on the website of the Department of Culture, Media and Sport (http://www.culture.gov.uk/alcohol_and_entertainment/default.htm) or from your local licensing authority.

Before completing this notice please read the guidance notes at the end of the notice. If you are completing this notice by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary.

You should keep a copy of the completed notice for your records. You must send two copies of this notice to the licensing authority and an additional copy must be sent to the chief officer of police for the area in which the premises are situated. The licensing authority will endorse one of the two copies and return it to you as an acknowledgement of receipt.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)			
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	BROWN		
Forenames	NATHAN WESLEY		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary).			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname			
Forenames			
3. Your date of birth	Day 18	Month 8	Year 1974
4. Your place of birth	BURTON ON TRENT		
5. National Insurance Number			
6. Your current address (we will use this address to correspond with you unless you complete the separate correspondence box below)			
Post town	SWADLINCOTE	Post code	DE11 8DY

7. Other contact details	
Telephone numbers:	
Daytime:	
Evening (optional):	
Mobile (optional):	
Fax number (optional)	
E-mail address (optional)	
8. Alternative address for correspondence (if you complete the details below, we will use this address to correspond with you).	
ROGER ETHELLES ROGER ETHELLES + CO THE OLD BANK KILWARDBY STREET	
Post town	ASHBY DE LA ZOUCH
Post code	LE65 2FR
9. Alternative contact details (if applicable)	
Telephone numbers:	
Daytime:	01530 417554
Evening (optional):	
Mobile (optional):	
Fax number (optional)	
E-mail address (optional)	
2. The premises	
Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2)	
CONTINENTAL MUSIC BAR + CLUB 60A MARKET STREET ASHBY DE LA ZOUCH LE65 1AN	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below (Please read note 3)	
<hr/>	

Please describe the nature of the premises below (Please read note 4)

NIGHT CLUB

Please describe the nature of the event below (Please read note 5)

CLUB NIGHT

3. The licensable activities

Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on).

The sale by retail of alcohol

The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club

The provision of regulated entertainment

The provision of late night refreshment

Please state the dates on which you intend to use these premises for licensable activities (Please read note 7)

SUNDAY 8th + MONDAY 9th APRIL

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 8)

~~22:30~~ 22:30 SUNDAY 8th to 02:00 MONDAY 9th APRIL

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers and performers. (Please read note 9)

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If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 10).	On the premises only	<input checked="" type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input type="checkbox"/>

4. Personal licence holders (Please read note 11)

Do you currently hold a valid personal licence?
 (Please mark "X" in the box that applies to you) Yes No

If "Yes" please provide the details of your personal licence below:

Issuing licensing authority	SOUTH DERBYSHIRE DC
Licence number	SDDC / 001684
Date of issue	NOT KNOWN
Date of expiry	13/09/2015
Any further relevant details	-

5. Previous temporary event notices you have given (Please read note 12)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year.	2
Have you already given a temporary event notice for the same premises in which the event period: (a) ends 24 hours or less before; or (b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 13)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year.	

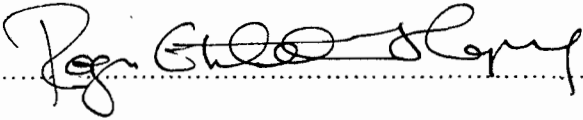
Has any associate of yours already given a temporary event notice for the same premises in which the event period: (a) ends 24 hours or less before; or (b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you).	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark "X" in the box that applies to you).	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.	
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: (a) ends 24 hours or less before; or (b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

7. Checklist (Please read note 14)	
I shall (Please mark the appropriate boxes with an "X")	
Send two copies of this notice to the licensing authority for the area in which the premises are located.	<input checked="" type="checkbox"/>
Send a copy of this notice to the chief officer of police for the area in which the premises are located.	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, send two copies of this notice to each additional licensing authority.	<input type="checkbox"/>
If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police.	<input type="checkbox"/>
Make or enclose payment of the fee for the application.	<input checked="" type="checkbox"/>
Sign the declaration in Section 9 below.	<input checked="" type="checkbox"/>

8. Condition (Please read note 15)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 16)
The information contained in this form is correct to be the best of my knowledge and belief.

I understand that it is an offence:
(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.

Signature 

Date 20th March 2012

Name of person signing ROGER EICKELS + Co
DULY AUTHORISED AGENT

For completion by the Licensing Authority

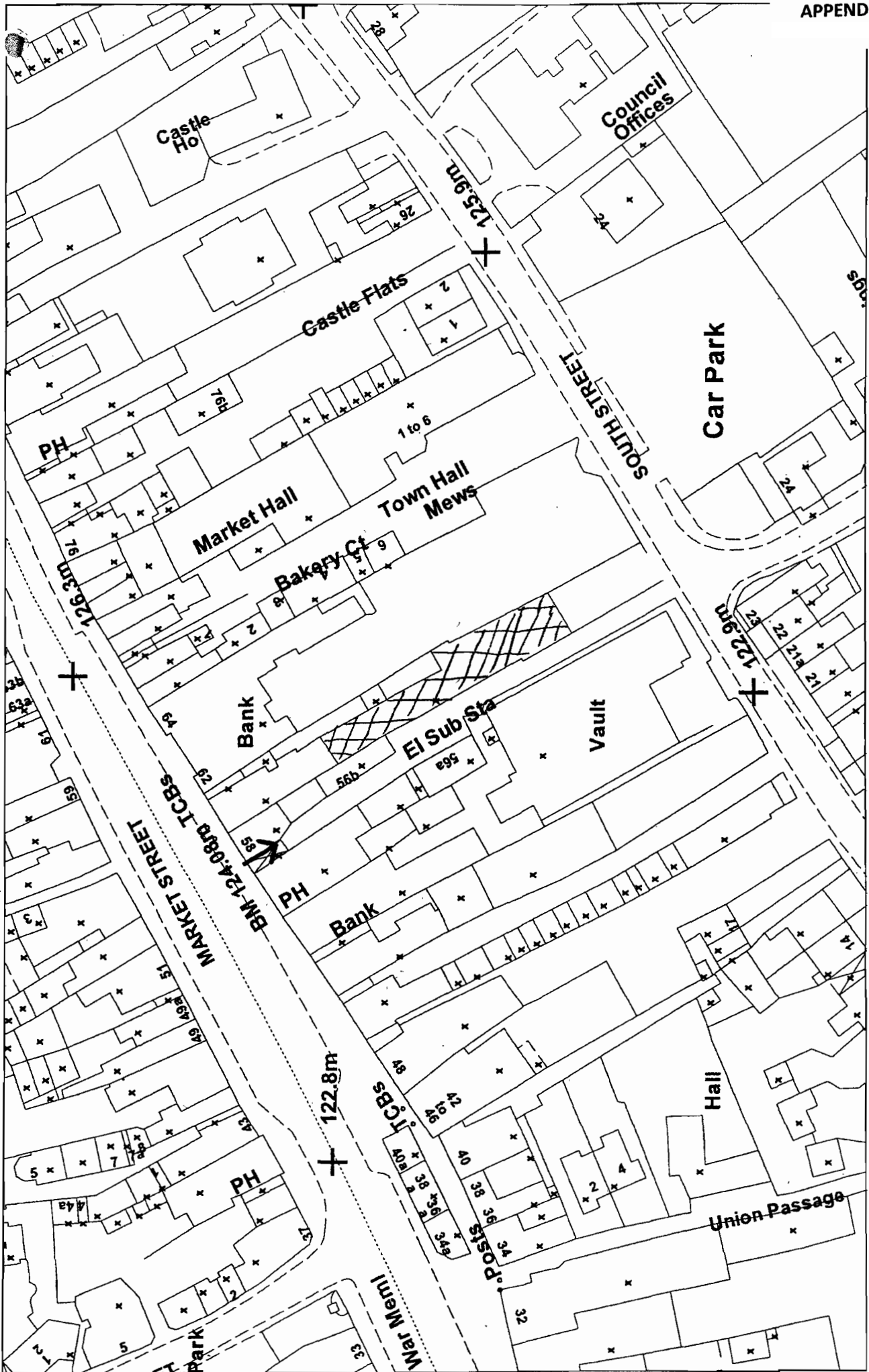
10. Acknowledgement (Please read note 17)

I acknowledge receipt of this temporary event notice.

Signature
On behalf of the Licensing Authority

Date

Name of officer signing



Date: 28 December 2011
 SLA: Not Set
 Scale: 1:898

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Licensing Act 2003

**Police Objection Notice Regarding a Temporary Event Notice
Given Pursuant to Section 104 of the Act.**

Premises User: Nathan Wesley Brown

Premises: Continental Music Bar and Club, 60A Market Street, Ashby De La Zouch,
Leicestershire, LE65 1AN

Date of Event: Sunday 8th April 2012 to Monday 9th April 2012 (Club Night)

Date Notice Received by Chief Officer of Police: 21st March 2012

To the Relevant Licensing Authority and the Premises User.

Dear Sir/Madam,

I write in my capacity as Licensing Officer for the Leicestershire Constabulary on the authority delegated to me by the Chief Constable Simon Cole.

Take notice that I am satisfied that allowing the premises to be used in accordance with the notice would undermine the Crime Prevention objective.

NWL has adopted a Special Policy in relation to applications for new licences and material variations. The effect of this policy is set out in the Council's own policy document. It creates a rebuttable presumption against the grant of any further licences.

The House is within the "saturation zone" identified in the Council's policy.

It is the police view that granting this application will add to the existing, late night, problems in the Town centre as the proposed late night selling of alcohol will cause revellers to drink more, drink for longer and linger in the area longer than they otherwise would.

Paragraph 13.25 in the current Guidance, issued under section 182 of the Licensing Act, states,

"In some areas, where the number, type and density of premises selling alcohol for consumption on the premises are unusual, serious problems of nuisance and disorder may be arising or have begun to arise outside or some distance from licensed premises".

In my view this describes the situation which will arise if the application is granted.

Previous TENS granted for this Premises have fuelled Crime and Disorder in this area, evidence will be submitted.

Yours faithfully,

1138 C/INSP Jackson

Copy to:

Applicant

Mr Nathan W Brown
5 Victoria Drive
Woodville
Swadlincote
Derby
DE11 8DY

Licensing Authority