

LICENSING SUB-COMMITTEE

Date: 3rd December 2014

TEMPORARY EVENT NOTICE – OBJECTION FROM POLICE

Relevant Portfolio Holder	Councillor Yvonne Smith
Portfolio Holder Consulted	No
Relevant Head of Service	Steve Jordan – Head of Worcestershire Regulatory Services.
Wards Affected	Central
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 A Temporary Event Notice was received on 19th November 2014 from a Mr Michael Parchment relating to an event at 76 Ipsley Street, Redditch, B98 7AJ. Mr Parchment had applied in order to permit licensable activities to take place at the premises from 22.00 on Wednesday 31st December 2014 to 06.00 on Thursday 1st January 2015.

An objection notice was served by West Mercia Police on Monday 24th November 2014 in accordance with the Licensing Act 2003.

2. RECOMMENDATIONS

- 2.1 **The Sub-Committee is asked to RESOLVE**

Whether or not, having regard to the objection notice, it is appropriate for the promotion of the licensing objectives to serve a counter notice in respect of the Temporary Event Notice under section 105(2)(b) of the Licensing Act 2003.

3. KEY ISSUES

Financial Implications

- 3.1 The Statutory Fee of £21.00 has been paid. Should a counter notice be served there is a right of appeal to Magistrates Court. Should an appeal be successful the Magistrates may make an order for costs.

Legal Implications

- 3.2 The Sub-Committee should have regard to any National Guidance set down under S182 of the Licensing Act 2003 and Redditch Borough Council's Statement of Licensing Policy.
- 3.3 The Committee is obliged to determine this matter with a view to the promotion of the licensing objectives which are:

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- The Prevention of Crime and Disorder
 - Public Safety
 - The Prevention of Public Nuisance
 - The Protection of Children from Harm.
- 3.4 The Sub-Committee must also have regard to the objection notice and the evidence it hears.
- 3.5 The Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
- (a) Decide to serve a counter notice
 - (b) Decide not to serve a counter notice
- 3.6 In accordance with the provisions of Part 3 of Schedule 5 of the Act, where the licensing authority gives a counter-notice under section 105, the premises user may appeal against the decision. Where the authority does not give a counter notice, the relevant person who gave the objection notice may appeal against the decision. In both cases, appeals must be made to a Magistrates Court within 21 days of receiving notification of the decision - however, no appeal can be brought less than 5 working days prior to the first proposed event day.

Service/Operational Implications

- 3.7 A Temporary Event Notice may be served by any person for licensable activities which it is intended will take place other than under a licence issued. The person making that notice is the premises user. The notice has to be given to the licensing authority and other “relevant persons” not less than ten working days before the event.
- 3.8 Only “relevant persons” can object to a Temporary Event Notice. The following are “relevant persons”:
- (a) the chief officer of police for any police area in which the premises are situated,
 - (b) the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health
- 3.9 Objection notices must be given before the end of the third working day following the day on which the relevant person is given a copy of the temporary event notice.

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- 3.10 On 19th November 2014 a Temporary Event Notice was received by Redditch Borough Council from Mr Michael Parchment. The notice stated that a DJ Club Event will be held at 76 Ipsley Street, Redditch commencing at 22.00 on Wednesday 31st December 2014 to 06.00 on Thursday 1st January 2015. A copy of the application can be found at **Appendix 1**.
- 3.11 The Temporary Event Notice is for the sale by retail of alcohol (for consumption on the premises only), the provision of regulated entertainment and the provision of late night refreshment.
- 3.12 Mr Parchment is a personal licence holder – licence issued by Redditch Borough Council expiring 14th September 2015.
- 3.13 On the 24th November 2014 West Mercia Police served an objection notice on Mr Parchment. The Police objection is made on the grounds of Prevention of Crime, Public Safety, Prevention of Public Nuisance and Protection of Children from Harm. A copy of the Objection Notice can be found at **Appendix 2**.
- 3.14 Members are asked to consider this objection notice and to determine if it is appropriate for the promotion of the licensing objectives that a counter notice should be given by Redditch Borough Council. The effect of the counter notice would be that the licensable activities which are the subject of the Temporary Event Notice in question would NOT be permitted by that Temporary Event Notice.
- 3.15 At any time prior to the hearing, relevant persons may, with the agreement of the premises user, modify the temporary event notice by making changes to the notice. The objection notice shall be treated as having been withdrawn from the time the temporary event notice is modified. No agreement to modify the temporary event notice could be reached in this case.
- 3.16 The premises user and all relevant persons have been invited to attend the hearing.

Customer / Equalities and Diversity Implications

- 3.17 None

4. RISK MANAGEMENT

- 4.1 None

5. APPENDICES

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Appendix 1 - TEN Application
Appendix 2 - Objection Notice

6. BACKGROUND PAPERS

Licensing Act 2003
Guidance under S182 of the Licensing Act 2003
Statement of Licensing Policy

AUTHOR OF REPORT

Name: Dave Etheridge – Senior Practitioner (Licensing)
E Mail: d.etheridge@worcsregservices.gov.uk
Tel: (01527) 881395