

Licensing and Regulatory Sub-Committee



Forest Heath
District Council

Title of Report:	Temporary Event Notice for the Sale of Alcohol and Provision of Regulated Entertainment at West Row Playing Fields	
Report No:	LSC/FH/16/001	
Decisions plan reference:	N/A	
Report to and date/s:	Licensing & Regulatory Sub-Committee	17 February 2016
Portfolio holder:	Councillor James Waters Portfolio Holder for Environment and Waste Tel: 07771 621038 Email: james.waters@forest-heath.gov.uk	
Lead officer:	Sheila Gowans Licensing Officer Tel: 01638 719369 Email: sheila.gowans@westsuffolk.gov.uk	
Purpose of report:	This report concerns a standard Temporary Event Notice under the Licensing Act 2003, received on 3 February 2016. There has been one representation from Environmental Services, and the Sub-Committee are, therefore, required to determine the outcome.	

Recommendation:	<p>It is recommended that the Sub-Committee consider the objection notice and take one of the following decisions:</p> <p>(1) Decide that the event would undermine the licensing objectives and should not take place. In which case give a counter notice; or</p> <p>(2) Impose one or more of the existing licence conditions on the TEN if it considers that this is appropriate for the promotion of the licensing objectives; or</p> <p>(3) Decide to allow the licensable activities to go ahead as stated in the notice.</p>		
<p>Key Decision:</p> <p><i>(Check the appropriate box and delete all those that do not apply.)</i></p>	<p><i>Is this a Key Decision and, if so, under which definition?</i></p> <p>No, it is not a Key Decision - <input checked="" type="checkbox"/></p>		
Consultation:	See Paragraph 4 below		
Alternative option(s):	N/A		
Implications:			
Are there any financial implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any staffing implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any ICT implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any legal and/or policy implications? <i>If yes, please give details</i>		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> See Paragraph 5 below	
Are there any equality implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
Any decision reached which is not in accordance with the Act and any regulations made under the Act may be considered ultra vires and could be subject to an application for Judicial Review	High	The Sub-Committee, should have regard to it's statement of licensing policy and any other guidance issued under section 182 of the Licensing Act 2003, but may depart from these where reasons are given.	Low
Ward(s) affected:		Eriswell & The Rows	

Background papers:	Licensing Act 2003 S.182 Guidance https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003 Forest Heath Statement of Licensing Policy http://www.forestheath.gov.uk/info/2/00063/licences_and_street_trading/22/statement_of_licensing_policy
Documents attached:	Appendix 1 – Notice Appendix 2 - Objection Appendix 3 – Current Premises Licence Appendix 4 – Map of the immediate area

1. Key issues

- 1.1 A Standard Temporary Event Notice (TEN) has to be received at least ten working days before the event. The TEN was received on 3 February 2016 and relates to an event on 16/17 July 2016 at West Row Playing Fields. The notice giver is Michael Peachey. The TEN was correctly received and accepted.
- 1.2 The licensable activities are the sale of alcohol by retail from 23.00 to 01.30 and the provision of regulated entertainment (live and recorded music) from 23:00 to 02.00 in a marquee.
- 1.3 The TEN notice is attached as **Appendix 1** to this report.
- 1.4 The four Licensing Objectives of the Licensing Act 2003 are set out below. Any representations for consideration must relate to one or more of these objectives.
 - Prevention of Crime and Disorder
 - Public Safety
 - Prevention of Nuisance
 - Protection of Children from Harm

2. Relevant Representations

- 2.1 A TEN has to be served on the Police and Environmental Services.
- 2.2 An objection notice has been received from Environmental Services in relation to prevention of nuisance and is attached as **Appendix 2**.

3. Matters for consideration

- 3.1 The Licensing Act 2003 allows for the Police and Environmental Services to give an objection notice to a temporary event notice.
- 3.2 A hearing must then be held to consider the objection notice.
- 3.3 Having regard to the objection notice Members (the Licensing Authority) may:
 - a) Decide that the event would undermine the licensing objectives and should not take place. In which case give a counter notice; or
 - 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, or
 - c) Allow the event to take place as per the notice given.
- 3.4 There are no specific conditions on the current premises licence that relate to noise nuisance – see **Appendix 3**.
- 3.5 This TEN should be considered on its own merits, having regard to the Licensing Act 2003, the Government's Guidance on the Act and the Council's Statement of Licensing Policy.

4. Consultation

- 4.1 A temporary event notice is not required to be advertised, a copy has to be served on the Licensing Authority, the Police and Environmental Services.

5. Legal and policy implications

- 5.1 Temporary event notices are governed by the Licensing Act 2003 and the Statement of Licensing Policy. There is a right of appeal to the Magistrates' Court. No appeal may be brought later than five working days before the day on which the event period specified in the TEN begins.
- 5.2 Where there is a premises licence in existence for all or part of the same premises for which a TEN is submitted, the licensing authority can add conditions from the premises licence to the TEN. Provided such conditions are appropriate for the promotion of the licensing objectives and are consistent with the carrying out of the licensable activities under the TEN.
- 5.3 The licensing authority will notify the applicant of its decision at least 24 hours before the beginning of the event period specified in the temporary event notice.