

REPORT TO LICENSING PANEL SUB COMMITTEE

CONSIDERATION OF TEMPORARY EVENT NOTICES UNDER PART 5 OF THE LICENSING ACT 2003

LICENSING PANEL SUB COMMITTEE: Tuesday 1st December 2009

OFFICER REPORTING: Alan Barwise, Team Leader, Licensing

A) THE APPLICATION

APPLICANT:

Giovanni Rampello

PREMISES:

Bluebells, Shrubbs Hill, London Road, Sunningdale SL5 0LE

Application for a Temporary Event Notice

Relevant licensable activities:

1. sale by retail of alcohol
2. provision of regulated entertainment

Hours of licensable activities

Bluebells New Year's Eve Party – 31st December – 1st January 19:00 – 02:00

In general terms, Temporary Event Notices are for one or more licensable activities on a temporary basis. These are dealt with in Part 5 of the Licensing Act 2003. Temporary events cannot exceed 96 hours and is designed for “light touch” licensing for events such as garden parties, fetes, fairs etc. The maximum number of persons attending is 499 and only 12 Temporary Event Notices can be given for a premises in the same year. There must be a minimum of 24 hours between each event.

Only the Police can object to a Temporary Event Notice under Section 104 Licensing Act 2003. The Chief Officer of Police must be “satisfied that allowing the premises to be used in accordance with the Notice would undermine the crime prevention objective”.

In this case the Police have objected on the basis of undermining the crime and disorder objective following an incident at the premises on 17th October 2009. In

view of the urgent nature of this matter and the speed of the process, the Police intend to give full details of that incident during the Hearing.

NATIONAL GUIDANCE

The following extract from the Secretary of State's guidance issued under Section 182 of the Act is considered to be relevant.

- 7.25 The second and more important reason for the notification requirement is to give the Police the opportunity to consider whether they should object to the event taking place on the grounds that it would undermine the crime prevention objective.
- 7.26 Such cases might arise because of concern about the scale, location or timing of the event. However, in most cases, where alcohol is supplied away from the premises at a temporary bar under the control of a personal licence holder (e.g. at weddings or small social, community, charitable or sporting events) this should not give rise to the use of these Police powers. If the Police do not intervene, they will still be able to rely on their powers of closure under Part 8 of the 2003 Act should disorder or noise nuisance arise subsequently.
- 7.27 The Police may issue an objection Notice within 48 hours of being notified. This 48-hour period includes weekends and other non-“working days” such as bank holidays. The Licensing Authority must consider the objection at a Hearing before a counter-notice can be issued, but it must restrict its consideration to the crime prevention objective. It may not, for example, uphold a Police objection Notice on the grounds of public nuisance or an objection Notice given more than 48 hours after the Temporary Event Notice is given. At the Hearing, the Police and the premises' user may be heard by the relevant Licensing Committee. A Hearing would not be necessary if the objection notice is withdrawn by the Police.
- 7.28 The possibility of Police intervention is another reason why the event organisers should be encouraged by local publicity not to rely on giving the minimum amount of notice and to contact the Police Licensing Officers at the earliest possible opportunity about the proposals.
- 7.29 The Police may withdraw their objection notice at any stage if the proposed premises' user agrees to modify the proposal to meet their concerns. For example, if the premises' user agrees to modify the period during which alcohol may be sold. The Licensing Authority will then be sent or delivered a modified copy of the Notice by the Police as proof of their agreement, but they can subsequently withdraw it.

What Members Can Do

In this case, Members are requested to consider whether issuing a counter-notice is appropriate. Effectively, this means refusing to allow the Temporary Event to go ahead. Paragraph 7.2.2 of the Secretary of State's guidance states that Licensing Authorities may not seek to attach any terms, conditions, limitations or restrictions on the carrying on of licensable activities at such events under the authority of a Temporary Event Notice. In those circumstances, it is suggested that Members can only refuse to issue a counter-notice which means that the Event will go ahead or they can agree to issue a counter-notice which means that the event cannot go ahead.

Attachments

Copy letter dated 21st November 2009 from Debie Pearmain, Police Licensing Officer.

Copy Temporary Event Notice

Copy Plan