

**LICENSING PANEL**

(Licensing Act 2003 Functions)

**Agenda Item 87**

Brighton &amp; Hove City Council

<b>Subject:</b>	<b>Notification of a Temporary Event Notice under the Licensing Act 2003</b>		
<b>Premises:</b>	<b>Chapter XIII 11 - 12 Pool Valley Brighton BN1 1NJ</b>		
<b>Applicant:</b>	<b>Jessica Stocker</b>		
<b>Date of Meeting:</b>	<b>7 March 2018</b>		
<b>Report of:</b>	<b>Director of Neighbourhoods, Communities &amp; Housing</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Becky Pratley</b>	<b>Tel: (01273) 292143</b>
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<b>Ward(s) affected:</b>	<b>Regency</b>		

**FOR GENERAL RELEASE****1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 To consider a notification of a Temporary Event Notice in view of formal objections to it by relevant persons under section 104(2) of the Licensing Act 2003.

**2. RECOMMENDATIONS:**

- 2.1 That the Panel consider whether it is necessary for the promotion of the licensing objectives of the Prevention of Crime and Disorder, Prevention of Public Nuisance, Protection of Children from Harm and Public Safety to issue a counter notice to prevent the event from taking place.

**3. CONTEXT/ BACKGROUND INFORMATION & CONSULTATION**

- 3.1 This Temporary Event Notice relates to the time period: 1 April 2018
- 3.2 The proposed activities are:

	<b>Proposed Activities</b>
<b>Sale by Retail of Alcohol</b>	18:00 to 23:30 On the premises
<b>Regulated entertainment</b>	18:00 to 23:30 On the premises
<b>Late Night Refreshment</b>	23:00to 23:30 On the premises

- 3.3 The area to be covered by the temporary event notice: whole premises and outside fenced area in Pool Valley.
- 3.4 Please see a copy of the Temporary Event Notice attached at Appendix A.

### **Objections received**

- 3.5 Objections were made by the Environmental Health department & Sussex Police no later than 72 hours following receipt of the Temporary Event Notice. Their objections were made on the grounds of the Prevention of Crime and Disorder, Prevention of Public Nuisance, Protection of Children from Harm and Public Safety
- 3.6 Please see objection letters from Environmental Health & Sussex Police attached in Appendix B.
- 3.7 A map detailing the location of the premises is attached at Appendix C.

## **4. COMMENTARY ON THE LICENSING POLICY**

- 4.1 The following extracts from Guidance issued under section 182 of the Licensing Act 2003 are considered relevant to this application and **numbered as they appear in the Guidance:**

### **General**

- 7.28 If the licensing authority receives an objection notice from the police or EHA that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection (unless all parties agree that this is unnecessary). The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also 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. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions (a "notice (statement of conditions)"), and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and should not take place. In this case, the licensing authority must give a counter notice.

### **Police and Environmental Health Intervention**

- 7.32 The system of permitted temporary activities gives police and EHAs the opportunity to consider whether they should object to a TEN on the basis of the licensing objectives.
- 7.33 If the police or EHA believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection

notice. The objection notice must be given within the period of three working days following the day on which they received the TEN.

- 7.36 The police or EHA (as “relevant persons”) may contact the premises user to discuss their objections and try to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified (for example, by changing the details of the parts of the premises that are to be used for the event, the description of the nature of the intended activities or their duration). The other relevant person has to agree for the modification to be made. There is no scope under the 2003 Act for the modification of a late TEN.

## Applying conditions to a TEN

- 7.37 The 2003 Act provides that only the licensing authority can impose conditions to a TEN from the existing conditions on the premises licence or club premises certificate at the venue. The licensing authority can only do so:

if the police or the EHA have objected to the TEN;

if that objection has not been withdrawn;

if there is a licence or certificate in relation to at least a part of the premises in respect of which the TEN is given;

and if the licensing authority considers it appropriate for the promotion of the licensing objectives to impose one or more conditions.

## 5. FINANCIAL & OTHER IMPLICATIONS:

### Financial Implications:

- 5.1 The Licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally at a level to allow licensing authorities to fully recover the costs of administration, inspection and enforcement of the regime.

*Finance Officer Consulted Michael Bentley*

*Date: 28/02/2018*

### Legal Implications:

- 5.2 The licensing authority must act to promote the four licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The licensing authority must have regard to its statement of licensing policy and the guidance issued by the Secretary of State in carrying out its functions.

Equalities Implications:

- 5.3 Diversity is valued and strong, safe communities are vital to future prosperity. Licensing policy aims to protect children from harm including sale and supply of alcohol to children.

Sustainability Implications:

- 5.4 Licensing policy aims to prevent public nuisance and develop culture of live music, dancing and theatre.

**SUPPORTING DOCUMENTATION**

**Appendices:**

1. Appendix A – Temporary Event Notice
2. Appendix B – Objections
3. Appendix C – Map of the area

**Documents in Members' Rooms**

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2016 as amended 24th March 2016.

Home Office, Revised Guidance issued under section 182 of the Licensing Act 2003, April 2017.

**Background Documents**

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2016 as amended 24th March 2016.