

AGENDA

Regulatory Sub Committee

Date: **Tuesday 24 February 2015**

Time: **11.00 am**

Place: **Committee Room One, The Shire Hall St Peter's
Square Hereford HR1 2HX**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

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Agenda for the Meeting of the Regulatory Sub Committee

Membership

**Councillor JW Hope MBE
Councillor Brig P Jones CBE
Councillor A Seldon**

AGENDA

	Pages
1. ELECTION OF CHAIRMAN To elect a Chairman for the hearing.	
2. APOLOGIES FOR ABSENCE To receive apologies for absence.	
3. NAMED SUBSTITUTES (IF ANY) To receive any details of Members nominated to attend the meeting in place of a Member of the committee.	
4. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the agenda.	
5. NOTIFICATION OF A STANDARD TEMPORARY EVENT NOTICES (TEN) IN RESPECT OF 'FIELD ADJACENT TO DEWSALL COURT, CALLOW, HEREFORD, HR2 8DA' AND THE ISSUE OF AN OBJECTION NOTICE IN RESPECT OF THE TEN GIVEN BY THE ENVIRONMENTAL HEALTH OFFICER.' - LICENSING ACT 2003 To consider the notification of a standard temporary event notices (TEN) in respect of the 'Field adjacent to Dewesall Court, Callow, Hereford, HR2 8DA' and the issue of an objection notice in respect of the TEN given by the Environmental Health Officer.	9 - 12

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- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
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HEREFORDSHIRE COUNCIL

SHIRE HALL, ST PETERS SQUARE, HEREFORD HR1 2HX.

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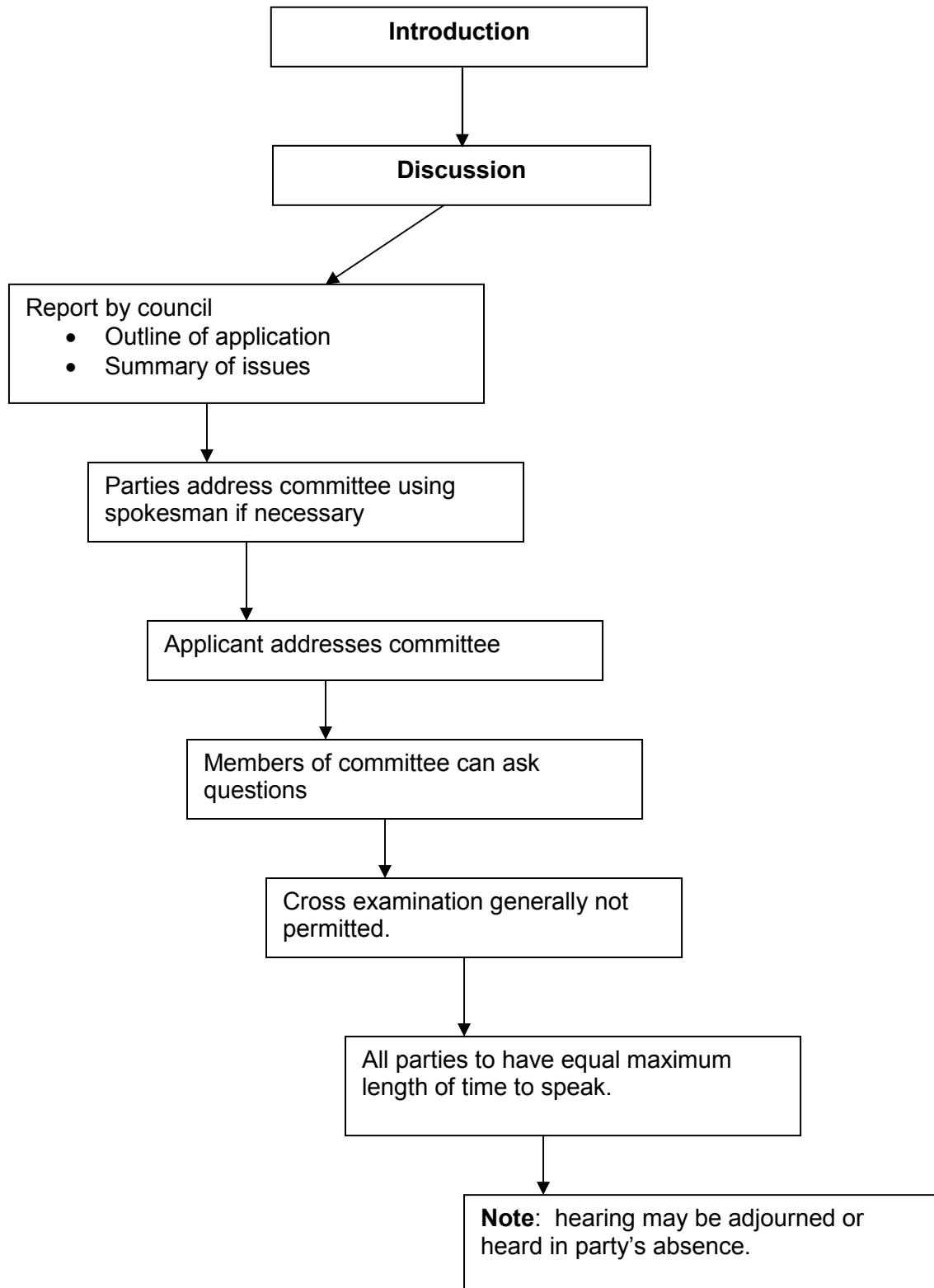
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Licensing Hearing Flowchart





Meeting:	Regulatory Sub-Committee
Meeting date:	24th February 2015
Title of report:	NOTIFICATION OF A STANDARD TEMPORARY EVENT NOTICES (TEN) IN RESPECT OF 'FIELD ADJACENT TO DEWSALL COURT, CALLOW, HEREFORD, HR2 8DA' AND THE ISSUE OF AN OBJECTION NOTICE IN RESPECT OF THE TEN GIVEN BY THE ENVIRONMENTAL HEALTH OFFICER.' - LICENSING ACT 2003
Report by:	Head of Trading Standards and Licensing

Classification

Open

Key Decision

This is not an executive decision.

Wards Affected

Hollington

Purpose

To consider the notification of a standard temporary event notices (TEN) in respect of the 'Field adjacent to Dewsall Court, Callow, Hereford, HR2 8DA' and the issue of an objection notice in respect of the TEN given by the Environmental Health Officer.

Recommendation

That:

Sub-Committee determine the application with a view to promoting the licensing objective of the prevention of public nuisance in the overall interests of the local community. They should give appropriate weight to:

- The steps that are appropriate to promote that licensing objective,
- The objection notice issued by the Environmental Health Officer,
- The Guidance issued to local authorities under Section 182 of the Licensing Act 2003, and
- The Herefordshire Council Licensing Policy

Further information on the subject of this report is available from
Fred Spriggs – Licensing Officer 01432 383542

Options

1. There are two options available to the committee:
 - Issue a 'counter notice' if it considers necessary for the promotion of the licensing objectives, or
 - Refuse to issue a counter notice thereby authorising the Licensable Activity and hours as notified in the Temporary Event Notice

Reasons for Recommendations

2. Ensures compliance with the Licensing Act 2003.

Key Considerations

3. The details of the TEN are:

Applicant	Matthew Giles 6 Regnolruf Court, Church Street, Walton-on-Thames, KT12 2QT	
Solicitor	Nil	
Type of application: TENS Notification	Date received: 10/02/15	72 hour period concluded 13/02/15

4. **TEN Notification**

The notification of the Temporary Event Notices has received an objection from a relevant person, the Environmental Health Officer. It therefore is now brought before committee to determine the notification.
5. **Summary of Notification**

The licensable activity notified is: -
Regulated Entertainment

Between 1800 hours to 2300 on Thursday 16th July 2015

Details of Event
Jazz Band to play to 80 people in a tent. No entry fee. There will be no fee paying bar.
6. **Current Licence**

Although Dewsall Court currently has a premises licence, the licence does not cover the location subject of the TEN notification.
7. **Summary of Representations**

A relevant person, the Environmental Health Officer, has made a written objection on 12th February 2015 on the grounds that the temporary event would undermine the Prevention of Public Nuisance Objective.

Community Impact

8. Any decision is unlikely to have any impact on the local community.

Equality duty

9. There are no equality or human rights issues in relation to the content of this report.

Financial implications

10. There are unlikely to be any financial implications for the authority at this time.

Legal Implications

11. The Committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.

The case of Daniel Thwaites Plc v Wirral Borough Magistrates' Court (Case No: CO/5533/2006) at the High Court of Justice Queen's Bench Division Administrative Court on 6 May 2008, [2008] EWHC 838 (Admin), 2008 WL 1968943, Before the Honourable Mrs Justice Black.

In this case it was summed up that: -

A licensing authority must have regard to guidance issued by the Secretary of State under section 182. Licensing authorities may depart from it if they have reason to do so but will need to give full reasons for their actions.

There is a right of appeal against the decision by either the person giving notification of the TEN or the relevant person. Such appeal must be made within 21 days of notification of the decision but not less than 5 working days before the event.

Risk Management

12. There is little risk associated with the decision at this time as the legislation allows a right of appeal to the Magistrates Court.

Consultees

13. The Police or an Environmental Health Officer are the only responsible authorities who are able to issue an objection notice under the act.

Appendices

Appendix 1 – TEN's application

Appendix 2 – Environmental Health Officer representation

Background Papers

None.

