

MEETING:	REGULATORY SUB-COMMITTEE
DATE:	11 OCTOBER 2011
TITLE OF REPORT:	NOTIFICATION OF TEMPORARY EVENT NOTICE IN RESPECT OF THE HOP POLE, 9 THE SQUARE, BROMYARD, HR7 4BP AND THE ISSUE OF AN OBJECTION NOTICE GIVEN BY THE CHIEF OFFICER OF POLICE FOR WEST MERCIA.' - LICENSING ACT 2003
PORTFOLIO AREA:	HEALTH & WELLBEING SERVICE

CLASSIFICATION: Open

Wards Affected

Bromyard

Purpose

To consider the notification of a Temporary Event Notice in respect of 'The Hop Pole, 9 The Square, Bromyard, HR7 4BP and the issue of an objection notice given by the Chief Officer of Police for West Mercia.

Key Decision

This is not a Key Decision.

Recommendation

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

- The steps that are necessary to promote that licensing objective,
- The objection notice issued by the West Mercia Police,
- The Guidance issued to local authorities under Section 182 of the Licensing Act 2003, and
- The Herefordshire Council Licensing Policy.

Key Points Summary

- Objection Notice issued by West Mercia Police

Options

There are two options available to the committee:

- a) Issue a 'counter notice' if it considers necessary for the promotion of the crime prevention objective, or
- b) Refuse to issue a counter notice, thereby authorising the Licensable Activity and hours as notified in the Temporary Events Notice

Reasons for Recommendations

Ensures compliance with the Licensing Act 2003.

Introduction and Background

Background Information

Applicant	Russell Stevens Meriden House, 6 Great Cornbow, Halesowen, West Midlands, B63 3AB.	
Solicitor	Nil	
Type of application: TENS Notification	Date received: 22/09/11	48 hour period concluded 26/09/11

TEN Notification

The notification of a Temporary Event Notice has received an objection from the relevant Chief Officer of Police. It therefore is now brought before committee to determine the notification.

Summary of Notification

The licensable activity notified is: -
Sale by retail of alcohol

Thursday 27th October 2011 & Sunday 30th October 2011
between 10:30 – 01:00

Details of Event

The application states 'Private function for hotel residents and invited non resident guests'. No other details are provided.

Summary of Representations

The relevant Chief Officer of Police has already made a written objection on 6th October 2011 on the grounds that the temporary event would undermine the Crime Prevention Objective.

Full details can be found within the background papers. In brief they state 'The premises have been subject to a wide range of complaints of nuisance and disorder in or near its location'.

Previous Application

The Committee will recall that a similar application was made previously by Mr Stevens which came before this committee 4th October. The application was identical other than the terminal hour applied for was 02:00 hours. In that matter the committee issued a 'counter notice'.

Key Considerations

To consider what action should be taken, if any, to promote the licensing objectives of the prevention of crime and disorder.

Community Impact

The granting or refusing of the Notification may have a serious impact on the Community.

Legal Implications

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.

By virtue of Schedule 5 Section 16(6) there is no right of appeal to the Magistrates Court as any appeal has to be brought no later than 5 working days before the day on which the event period specified in the temporary event notice begins.

Consultees

The Police are the only responsible authority able to issue an objection notice under the act.

Appendices

Copy of TEN notification
Police Objection Notice

Background Papers

Background papers were available for inspection in the Council Chamber 30 minutes before the start of the hearing.