

<b>MEETING:</b>	<b>REGULATORY SUB-COMMITTEE</b>
<b>DATE:</b>	<b>25 OCTOBER 2011</b>
<b>TITLE OF REPORT:</b>	<b>NOTIFICATION OF FOUR (4) TEMPORARY EVENT NOTICES IN RESPECT OF THE GOLDEN GALLEON, 61 COMMERCIAL ROAD, HEREFORD, HR1 2BP, AND THE ISSUE OF AN OBJECTION NOTICE IN RESPECT OF THE FOUR (4) EVENTS GIVEN BY THE CHIEF OFFICER OF POLICE FOR WEST MERCIA.' - LICENSING ACT 2003</b>
<b>PORTFOLIO AREA:</b>	<b>HEALTH &amp; WELLBEING SERVICE</b>

**CLASSIFICATION:** Open

### **Wards Affected**

Central

### **Purpose**

To consider the notification of a Four (4) Temporary Event Notices in respect of 'The Golden Galleon', 61 Commercial Road, Hereford, HR1 2BP and the issue of an objection notice in respect of the Four (4) events 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 and it's Special Policy covering the Cumulative Impact Area.

That the Committee determine each application separately and on their own merits.

## Key Points Summary

- Objection Notice issued by West Mercia Police

## Options

In respect of each of the four (4) notifications, 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 Event Notice

## Reasons for Recommendations

Ensures compliance with the Licensing Act 2003.

## Introduction and Background

### Background Information

Applicant	<b>Harjinder Singh</b> <b>61A Commercial Road, Hereford, HR1 2BP</b>	
Solicitor	<b>N/A</b>	
Type of application: <b>TENS Notification</b>	Date received: <b>15/11/11</b>	48 hour period concluded <b>17/11/11</b>

### TEN Notification

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

### Summary of Notification (One)

The licensable activity notified is: -  
Provision of Late Night Refreshment

16 - 18 December 2011      0130hrs to 0500hrs each day

### Summary of Notification (Two)

The licensable activity notified is: -  
Provision of Late Night Refreshment

23 - 25 December 2011      0130hrs to 0500hrs each day

### **Summary of Notification (Three)**

The licensable activity notified is: -

Provision of Late Night Refreshment

27 - 29 December 2011 0130hrs to 0500hrs each day

### **Summary of Notification (Four)**

The licensable activity notified is: -

Provision of Late Night Refreshment

30 December 2011 to 01 January 2012 0130hrs to 0500hrs each day

### **Details of Event**

All the application state 'Open late on Bank Holiday Weekend'.

*Facts: Bank Holidays during the Christmas Period are:*

*Monday 26 December 2011 – For Christmas Day*

*Tuesday 27 December 2011 – For Boxing Day*

*Monday 2 January 2012 – For New Year's Day*

### **Summary of Representations**

The relevant Chief Officer of Police has made a written objection on 16 November 2011 on the grounds that the temporary event would undermine the Crime Prevention Objective. Full details can be found within the background papers. They state 'This objection notice is issued based on the fact that the location is within the cumulative impact zone location for Hereford city centre and a serious concern regarding crime and disorder matters'.

## **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 TENs notifications  
Police Objection Notice

## **Background Papers**

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