

MEETING:	REGULATORY SUB-COMMITTEE
DATE:	8 SEPTEMBER 2014
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
REPORT BY:	LICENSING OFFICER

1. Classification

Open

2. Key Decision

This is not an executive decision

3. Wards Affected

Bromyard

4. 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.

5. Recommendation(s)

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.**

6. Key Points Summary

Objection Notice issued by West Mercia Police

7. 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

8. Reasons for Recommendations

To ensure compliance with the legislation.

9. Introduction and Background

Background Information

Applicant	Charmain Brooke The Royal Oak, Etnam Street, Leominster, HR6 8EJ	
Premises	The Hop Pole, 9 The Square, Bromyard, HR7 4BP	
Solicitor	Not known	
Type of application: TEN	Date received: 28th August 2014	End of 2 nd Working Day 1st September 2014

10. 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.

11. Summary of Notification

The licensable activity notified is: -
Sale by retail of alcohol
Regulated Entertainment
Late Night Refreshment
All the above on and off the premises

Friday 12th September to Sunday 14th September 2014
between 09:00 – 01:00

Details of Event

The application states 'Bromyard Folk festival for Residents and Non-Residents to be able to take alcohol in plastic cup's outside the premises.'

Summary of Representations

The relevant Chief Officer of Police made a written objection by email on 1st September 2014 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 has been subject to numerous complaints of crime and disorder in last 3 years, in 2014 alone there have been 17 recorded incidents'.

12. Current Premises Licence

The current licence authorises

1. A performance of live music (Indoors)
2. Any playing of recorded music (Indoors)
3. Sale by retail of alcohol (For consumption both on and off the premises)

Between the hours of:

Monday-Thursday, Sunday: 11:00 - 00:15
Friday-Saturday: 11:00 – 00:15

There is a condition attached to the licence which states:

OPEN CONTAINERS

NO OPEN CONTAINERS TO BE REMOVED FROM THE PREMISES EXCEPT FOR CONSUMPTION IN ANY EXTERNAL AREA PROVIDED FOR THAT PURPOSE.

The Licence is held by:

The Hop Pole (Bromyard) Ltd
Meriden House, 6
Great Cornbow
Halesowen
B63 3AB
0121 585 6655

And the designated premises supervisor is:

Mr Russell Warren Stevense
The Old Vicarage
Marlsborough
Kingsbridge
Devon
TQ7 3RR

13. Key Considerations

To consider what action should be taken, if any, to promote the crime prevention licensing objectives in accordance with the recommendation.

14. Equality and Human Rights

No implications have been identified.

15. Financial Implications

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

16. Community Impact

The granting of the licence as applied for may have an impact on the Community.

17. 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.

18. Consultees

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

19. Risk Management

No risk identified

20. Appendices

- a. TEN Application Form
- b. Police Objection

21. Background Papers

Background papers were available for inspection in the room called Shire 4, the Shirehall, Hereford 30 minutes before the start of the hearing.