

Meeting:	Regulatory Sub-Committee
Meeting date:	17th MARCH 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

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:

Event Notifier	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.

8. This matter appeared before the Regulatory Committee on 24th February 2015 where it was decided to adjourn the matter, in the public interest, until today, to allow the Event Notifier to provide further information.

9. The following information and clarity has been sort:

- a. Is the event a wedding?
- b. The plan of Dewsall Court to be marked to show the following:
 - the location of the marquee
 - the location of the stage inside the marquee
 - the location and direction that any speakers will point
- c. Is the event taking place on land within the boundary of the area of Dewsall Court marked on the plan?
- d. If it is on the land owned by Dewsall Court why is their licence not being used?

10. The Event Notifier has contacted the authority and provided the information requested. Details can be found in the appendices.

Community Impact

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

Equality duty

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

Financial implications

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

Legal Implications

14. 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

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

Consultees

16. 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
- Appendix 3 – Email response from Event Notifier
- Appendix 4 – Plan of Dewsall Court from Event Notifier
- Appendix 5 – Decision Notice from Meeting of 24th February 2015
- Appendix 6 – Plan of Dewsall Court as attached to the Premises Licence

Background Papers

None.