

BABERGH DISTRICT COUNCIL

<u>FROM:</u> Place Directorate	<u>REPORT NUMBER:</u> L135
<u>TO:</u> Licensing Sub-Committee	<u>DATE OF MEETING:</u> 23 January 2012

LICENSING ACT 2003 - HEARING REPORT

1. Purpose of Report

- 1.1 For the Sub-Committee to consider an OBJECTION NOTICE given by the Chief Officer of Police under section 104 of the Licensing Act 2003, in respect of a Temporary Event Notice (TEN). The Chief Officer of Police has powers to object to a TEN where he is satisfied that allowing the premises to be used in accordance with the TEN would undermine the crime prevention objective. Only the Police can object to a TEN - there are no other responsible authority or interested party rights for this type of authorisation.

2. Recommendations

- 2.1 The Sub-Committee must, having regard to the section 104 objection notice (attached as Appendix B), consider whether or not to give a Counter-Notice to the premises-user under section 105 of the Licensing Act 2003 to prevent the event from going ahead.

The Sub-Committee is able to resolve this matter.

3. Financial Implications

- 3.1 Statutory fees as prescribed by Regulation apply to Licensing Act 2003 processes. Any party may appeal a decision taken by the Licensing Authority, which carries a potential cost/resource impact.

4. Risk Management

- 4.1 None, other than those that inherently apply to the Licensing Authority when carrying out its licensing functions.

5. Consultations

- 5.1 See 1.1 of this report.

6. Equality Analysis

- 6.1 There are no equality and diversity implications arising directly from this report.

7. Shared Service / Partnership Implications

- 7.1 None.

8. Key Information

- 8.1 The Sub-Committee must consider the police Objection Notice, confining its deliberations to the crime prevention objective, and determine whether to issue a Counter-Notice on the premises-user to stop the proposed temporary event from going ahead. A notice stating the reasons for the decision will also need to be given. To re-iterate, as the Sub-Committee's consideration is confined to the crime prevention objective other licensing objectives such as prevention of public nuisance may NOT be considered by the Sub-Committee.
- 8.2 Should the Sub-Committee determine not to issue a Counter-Notice, and allow the event to go ahead, then a notice giving reasons for the decision will need to be served on the premises-user and Chief Officer of Police.
- 8.3 For either outcome, an appeal may be made to the Magistrates' Court within 21 days, commencing on the day on which either party was notified of the decision either to issue, or not issue, a Counter Notice. However, no appeal may be brought later than 5 working days before the first day of the relevant event period.
- 8.4 Licensing Authorities may not seek to attach any terms, conditions, limitations or restrictions on the carrying on of licensable activities at events operating under the authority of a TEN.
- 8.5 The details of the relevant Temporary Event Notice given under section 100 of the Licensing Act 2003 are as follows:

Premises-user:	Mr Derek Smith (premises licence holder/DPS at Infinity Nightclub)
Premises:	Infinity Nightclub, East Street, SUDBURY CO10 2TP
Date/time of event:	From 21:00hrs on Saturday 4 th February 2012 until 04:00hrs on Sunday 5 th February 2012
Event details:	Personal appearance by television personality Kirk Norcross. TEN to override and extend premises licence entitlements BPL0073 for this special event. Sale of alcohol ON the premises, regulated entertainment and provision of late night refreshment for maximum of 350 persons at any one time. Premises licence BPL0073 entitlement for licensed activities ceases at 03:00hrs with closure to the public at 03:30hrs. See Appendix 1
TEN received/ref:	12 January 2012 (TEN 12/0022)
Police objection:	13 January 2012

- 8.6 This premises already benefits from a permanent premises licence (licence number BPL0073 issued 20 September 2005) and Mr Derek Smith is the premises licence holder and DPS for Infinity Nightclub.

9. Appendices

Title	Location
(A) Temporary Event Notice 12/0022 12.01.2012	Attached
(B) Objection Notice from Chief Officer of Police 13.01.2012	Attached

10. Background Documents

- 10.1 None

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