

**BABERGH DISTRICT COUNCIL**

**FROM:** Head of Natural and Built Environment

**REPORT NUMBER:** **H206**

**TO:** LICENSING SUB-COMMITTEE

**DATE OF MEETING:** 16 March 2009

**LICENSING ACT 2003 - HEARING REPORT (TEMPORARY EVENT NOTICES)**

**1. PURPOSE OF REPORT**

1.1 For the Sub-Committee to consider an OBJECTION NOTICE given by the relevant 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 consultations for this type of authorisation.

**2. RECOMMENDATIONS**

2.1 The Sub-Committee must, having regard to the Section 104 Objection Notice (attached as Appendix 2), 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. THIS APPLICATION**

3.1 The details of the relevant Temporary Event Notice given under section 100 of the Licensing Act 2003 are as follows:

Premises-user:	Mr Mark Rothwell (existing DPS at White Hart PH)
Premises:	White Hart PH, 46 Bridge Street, Hadleigh, IPSWICH IP7 6DB
Date/time of event:	Friday 10 <sup>th</sup> April 2009 to Monday 13 <sup>th</sup> April 2009 (inclusive) (11am until 1am on 10 <sup>th</sup> /11 <sup>th</sup> April, midday until midnight on 12 <sup>th</sup> April and 11am until 10pm on 13 <sup>th</sup> April 2009)
Event details:	Beer festival with live music, including car park and marquee and sales of alcohol for consumption both ON and OFF the premises. 100+ persons specified (maximum of 499 persons applies to TENS). See Appendix 1
TEN received/ref:	05 March 2009 (TEN 09/0083)
Police objection:	06 March 2009

3.2 This premises already benefits from a premises licence (licence number BPL0085) and Mr Mark Rothwell is the DPS for the White Hart PH and Babergh personal licence holder BPA0148. The TEN seeks to replace authorisations of the premises licence for a four-day period over the Easter Bank Holiday weekend.

#### **4. GUIDANCE AND POLICY CONSIDERATIONS**

- 4.1 The Sub-Committee is referred generally to section 7 - 'Temporary event notices', and sections 2.1 to 2.18 - 'The licensing objectives – crime and disorder' in respect of this matter.
- 4.2 The Sub-Committee should have due regard to all relevant sections of the Council's Statement of Licensing Policy in respect of the determination of this application.

#### **5. KEY INFORMATION**

- 5.1 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. 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.
- 5.2 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.
- 5.3 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.
- 5.4 Licensing Authorities may not seek to attach any terms, conditions, limitations or restrictions on the carrying on of licensable activities at events being used under the authority of a TEN.

#### **6. PROCEDURE TO BE FOLLOWED AT HEARING**

- 6.1 A copy of the hearings procedure is attached to the Agenda.

#### **7. APPENDICES REFERRED TO**

- (a) Appendix 1: Temporary Event Notice 09/0083 (received 05 March 2009)
- (b) Appendix 2: Section 104 Objection Notice from Chief Officer of Police (received 06 March 2009)

MALCOLM FIRTH  
Head of Natural and Built Environment

**CONTACT:** Lee Carvell  
Principal Licensing Officer

**EMAIL:** [lee.carvell@babergh.gov.uk](mailto:lee.carvell@babergh.gov.uk)