
Meeting: Licensing Sub-Committee
Date: 17 June 2015
Subject: Temporary Event Notice to which an objection from the Police Licensing Officer has been received.
Report of: Head of Public Protection
Summary: The report provides information so that the Licensing Sub Committee can determine whether or not a Temporary Event Notice to which an objection has been received should be allowed.

Advising Officer: Marcel Coiffait, Director of Community Services
Contact Officer: Margaret James, Principal Public Protection Officer - Licensing
Function of: Licensing Committee of a licensing authority
Public/Exempt: Public
Wards Affected: Dunstable Icknield
Ward Councillors Cllr David McVicar, Cllr John Chatterley
Location HQ Sports Bar, Units 5/6 Grove Park, Court Drive, Dunstable
Applicant Jamie Head
Applicant's agent N/A
Reason for consideration by Sub-Committee Objection by the Police Licensing Officer in regard to which allowing a Temporary Event Notice would undermine the Prevention of crime & disorder objective.
Recommended decisions: **The sub-committee determines the notice in accordance with the Statutory Guidance issued under s182 of the Licensing Act 2003, our Licensing Policy and the information contained within this report.**
That, having regard to the notice and relevant representations, the sub-committee takes such of the steps mentioned below as it considers necessary for the promotion of the licensing objectives.
That the sub-committee provides the reasons for its decision

CORPORATE IMPLICATIONS

Council Priorities:

- Promote health and wellbeing and protecting the vulnerable.

Financial:

1. There are no direct financial implications for the Council.

Legal:

2. Licensing applications are considered pursuant to specific legislation, explained within the report.
3. Any decision made by the Sub-Committee could be the subject of an appeal to the Magistrates Court by the license applicant or by an objector to the application.

Risk Management:

4. All Council members are aware that any licensing matter decision which is unreasonable or unlawful could be open to challenge and could result in reputational damage and potential financial penalty.
5. The report details the options available to the Sub-Committee in determining the application/s and recommends a decision/s which could be reached. Any decision taken by the Sub-Committee could be the subject of an appeal to the Magistrates Court.

Staffing (including Trades Unions):

6. Not Applicable.

Equalities/Human Rights:

7. To ensure that any decision does not unfairly discriminate, public authorities must be rigorous in reporting to Members the outcome of an equality impact assessment and the legal duties.
8. Public Authorities must ensure that decisions are made in a way which minimises unfairness and without a disproportionately negative effect on people from different ethnic groups, disabled people, women and men. It is important that Councillors are aware of this duty before they take a decision.
When decisions are made, decision makers must have the relevant data, including the results of equality impact assessment, and of consultation and involvement, to ensure they reach an informed decision.

Public Health

9. N/A

Community Safety:

10. The Sub-Committee is required under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and is reminded of the Council's responsibility to co-operate in the reduction of crime and disorder in Central Bedfordshire.

Sustainability:

11. Not applicable.

Procurement:

12. Not applicable.

Details of the application

13. This is notice of a Temporary Event Notice from Jamie Head. Attached as Appendix A. This is to use an extended area outside the premises for the sale of alcohol.

Representations

14. Representations have been received from the Police Licensing Officer. Attached as Appendix B. The premises are currently under an action plan from the Police Licensing Officer, shown at Appendix C. Any other relevant information will be provided by the Police Licensing Officer at the hearing.

Application Guidance

15. In accordance with the provisions of the Licensing Act 2003 and the Council's scheme of delegation, all Temporary Event Notices where a relevant representation has been made must be determined by a sub-committee.
16. The sub-committee must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 Section 7(7.32 to 7.40). See Appendix D and the Council's Statement of Licensing Policy.
17. Members should not allow themselves to pre-determine the notice or to be prejudiced in favour or opposed to the notice and shall only determine the notice having had an opportunity to consider all relevant facts.

Options

18. The Sub-Committee must consider the notice and any submissions made in writing, and determine the notice.
The options available are:
 - Accept the notice
 - Accept the notice (to include extending the conditions on the premises licence and to apply these to the Temporary Event Notices) Appendix E shows current conditions.
 - To refuse the notice. (Following which the Council will issue a Counter Notice)

19. The Sub-Committee determination must be based upon:-

- The merits of the notice and the representation (including supporting information) presented by all the parties.
- The steps that are necessary for promotion of the four licensing objectives.
- The Policy of the Licensing Authority.
- The Guidance issued by the Secretary of State for the Home Office under s182 of the Licensing Act 2003

20. The Sub-Committee must provide clear and relevant reasons for their decision

Appendices:

Appendix A – Temporary Event Notice

Appendix B – Objection Notice

Appendix C – Action plan

Appendix D – Guidance on Temporary Event Notices

Appendix E – Premises licence conditions

Background Papers: (open to public inspection)

The Licensing Act 2003

Central Bedfordshire Council Licensing Policy

(on website)