

Meeting: Licensing Sub-Committee
Date: 5 July 2018
Subject: **Objection notice given for a Temporary Event Notice
Grove Park, Court Drive, Dunstable, LU5 4GP**
Report of: **Head of Public Protection**
Summary: The report provides information to the Licensing Sub-Committee about objection notices in relation to three temporary event notices (TEN) given under the Licensing Act 2003, to assist them in determining the outcome.

Advising Officer: Marcel Coiffait, Director of Community Services
Contact Officer: Nicola O'Donnell, Licensing Compliance Officer
Function of: Licensing Committee of a licensing authority
Public/Exempt: Public
Wards Affected: Dunstable Icknield
Ward Councillors Cllr David McVicar & Cllr John Chatterley
Location Grove Park, Court Drive, Dunstable, LU5 4GP
Applicant Jamie Head (HQ Sports Bar)
Applicant's agent N/A
Reason for consideration by Sub-Committee The Environmental Health Officer and Bedfordshire Police have both raised objections to three temporary event notices submitted for 'An England Games Fan Zone' under the grounds of the prevention of crime & disorder, the protection of children from harm and the prevention of public nuisance.
Recommended decisions: **The sub-committee determines the application in accordance with the Statutory Guidance issued under the Licensing Act 2003, our Licensing Policy and the information contained within this report
That, having regard to the application and relevant representations, the sub-committee takes such steps mentioned below as it considered necessary for the promotion of the licensing objectives.
That the sub-committee provides the reasons for its decision.**

CORPORATE IMPLICATIONS

Council Priorities:

Determination of this matter meets a particular Council priority as follows:

- Promote health and wellbeing and protecting the vulnerable.
- Enhancing Central Bedfordshire
- Creating Stronger Communities

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 has a risk of 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.

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 Temporary Event Notice

13. Three temporary event notices were submitted electronically by Jamie Head of HQ Sports Bar, Dunstable on 21 June 2018. The temporary event notices are for an England Games Fan Zone. The applicant proposes to erect a fenced off area within Grove Park directly opposite the HQ Sports Bar. The applicant would like to show England football matches on a large screen and provide an outside bar within the fenced off area. He also proposes to provide extra door staff during the event. A copy of all three temporary event notices is attached at Appendix A. A map of the area is attached at Appendix B. Additional information provided by the applicant is attached at Appendix C.

Licensable Activities	Proposed hours
Sale by retail of alcohol	6 th July 14:00 to 00:00 or 7 th July 11:00 to 22:00
Sale by retail of alcohol	10 th July or 11 th July 13:00 to 23:00
Sale by retail of alcohol	14 th or 15 th July 11:00 to 22:00

Representations

14. Three objection notices were received from Bedfordshire Police on 24 June 2018 on the grounds of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm. Three objection notices were received from the environmental health officer on 26 June on the grounds of the prevention of public nuisance. Copies of the objection notices are attached at Appendix D. The Police have also provided some additional information regarding an incident that they attended and a meeting held on 22 May 2018, please see Appendix E.

Application Guidance

15. In accordance with the provisions of the Licensing Act 2003 and the Councils scheme of delegation, all applications with relevant representations must be determined by a sub-committee
16. When determining the application, Members should only consider issues, which relate to the licensing objectives , which in this case are:

The prevention of crime & disorder
The prevention of public nuisance
The protection of children from harm

17. The sub-committee must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 section 7.2 to 7.7, 7.25 to 7.31 and 7.32 - 7.35 and the Council's Statement of Licensing Policy. (Sections 6.3 refer to Temporary Event notices and sections 7.1, 7.3 and 7.4 refer to the relevant licensing objectives).
18. Members should not allow themselves to pre-determine the application or to be prejudiced in favour or opposed to the representations and shall only determine the application having had an opportunity to consider all relevant facts.

Options

Option A: Give the premises user a counter notice under Section 105(2) of The Licensing Act 2003 if it is considered appropriate for the promotion of a licensing objection to do.

Option B: Disregard the objection notices.

Appendices:

Appendix A – Temporary Event Notices

Appendix B – Map of area

Appendix C – Additional information from applicant

Appendix D – Objection notices

Appendix E – Additional information from Bedfordshire Police

Background Papers: (open to public inspection)

The Licensing Act 2003

Central Bedfordshire Council Licensing Policy

(on website)