

BABERGH DISTRICT COUNCIL

FROM: Head of Natural and Built Environment

REPORT NUMBER: **J58**

TO: LICENSING SUB-COMMITTEE

DATE OF MEETING: 14 July 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/she 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:

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|---------------------|--|
| Premises-user: | Mr Derek Smith (premises licence holder/DPS at Vita Nightclub) |
| Premises: | Vita Nightclub, East Street, SUDBURY CO10 2TP |
| Date/time of event: | Saturday 25 July 2009 (i.e. the Saturday am following on from Friday trading) 03:00hrs to 04:00hrs |
| Event details: | Extension of hours for regulated entertainment, late night refreshment and alcohol (ON) sales - for one hour beyond existing licensed hours of 03:00hrs. Premises normal closure is 03:30hrs. Maximum number of people present 300. See Appendix 1 |
| TEN received/ref: | 06 July 2009 (TEN 09/270) |
| Police objection: | 06 July 2009 |

- 3.2 This premises already benefits from a premises licence (licence number BPL0073) and Mr Derek Smith is both the premises licence holder and DPS for Vita Nightclub. The TEN seeks to extend licensable activities until 4am on 25 July 2009 for an event which will include the attendance of a television soap opera actor/actress at the venue.

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 09/270 (received 06 July 2009)
- (b) Appendix 2: Section 104 Objection Notice from Chief Officer of Police (received 06 July 2009)

MALCOLM FIRTH
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