

REPORT TO LICENSING & APPEALS SUB-COMMITTEE

Agenda Item: 4

Hearing Date: 12 February 2024

Contact Officer: Emma McHugh

HEARING FOR THE CONSIDERATION OF AN OBJECTION NOTICE TO A TEMPORARY EVENT NOTICE

Applicant's Name	Barrie Stevenson
Premises Name	Forester's Arms
Address	67 High Street Swadlincote Derbyshire DE11 8JA

1. PURPOSE

- 1.1 To consider an objection notice made by Chief Officer of Police in response to five temporary event notices (TEN) made by Barrie Stevenson at The Forester's Arms on 26th January 2024. A copy of the TEN is attached at **Appendices 1-5**.

2. BACKGROUND

- 2.1 The premises user submitted five TENs on 26th January 2024 regarding the intended use of the premises for # at the above premises. The nature of the event for which the notification has been received is 'extended trading hours over St Patrick's Day', 'extended trading hours over Easter' 'extended trading hours over May Bank Holiday' and 'trading hours over August Bank Holiday'.

3. APPLICATION DETAILS

- 3.1 The TEN notifies the Licensing Authority that the above licensable activities will take place at the following days and times:

TEN	Days	Times
TEN 1	16 th to 17 th March 2024	00:00 to 02:00 each day
TEN 2	30 th March to 1 st April 2024	00:00 to 02:00 on 30 th and 31 st March and 23:00 to 02:00 on 1 st April
TEN 3	4 th to 6 th May 2024	00:00 to 02:00 on 4 th and 5 th May and 23:00 to 02:00 on 6 th May
TEN 4	25 th to 27 th May 2024	00:00 to 02:00 on 25 th and 26 th May and 23:00 to 02:00 on 27 th May
TEN 5	24 th to 26 th August 2024	00:00 to 02:00 on 24 th and 25 th August and 23:00 to 02:00 on 26 th August

- 3.2 A permitted temporary activity is a licensable activity that is carried on in accordance with a temporary event notice under section 100 and in compliance with the provisions of Part 5 of the Licensing Act 2003.
- 3.3 A TEN is subject to various restrictions and limits. Where the requirements for obtaining a TEN cannot be met, the licensable activity can only be authorised by way of a premises licence.
- 3.4 Officers are satisfied that this TEN has been properly served and the criteria in respect of TENs have been met.

4. CONSULTATION RESPONSES

- 4.1 In respect of a TEN, if the Chief Officer of Police or Environmental Health is satisfied that allowing the premises to be used in accordance with the notice would undermine any of the licensing objectives, he must give a notice to the Licensing Authority and premises licence user detailing the reasons for the objection.
- 4.2 Objection notices have been received from the Chief Officer of Police on 29th and 30th January 2024 on the grounds of prevention of crime and disorder. Copies of the objection notices are attached at **Appendix 6 and 7**.

5. OTHER RELEVANT CONSIDERATIONS

- 5.1 The Authority should consider its responsibilities under the Crime and Disorder Act 1998, and the Human Rights Act 1998 when considering the fair balance between the interests of the applicant and the rights of local residents.
- 5.2 Any decision taken by the Sub-Committee must be appropriate and proportionate to the objective being pursued.
- 5.3 Members are reminded that whenever they make a decision under the Licensing Act 2003, they have a duty to act with a view to promoting the licensing objectives.
- 5.4 When considering any representations, only those issues relating to the four licensing objectives should be considered and appropriate weight given to the importance and relevance to the application of each representation.
- 5.5 In making its decision, Members must also have regard to the Statutory Guidance issued under section 182 of the Licensing Act 2003 and the Council's own Licensing Policy. If Members depart from either, they must specify their reasons for doing so.

6. DETERMINATION

- 6.1 If having regard to the objection notice, The Sub-Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:
 - 1. Allow the licensable activities to take place as stated in the TEN;
 - 2. Impose one or more of the existing licence conditions from the premises licence on the TEN (insofar as such conditions are not

inconsistent with the event. A copy of the premises licence is attached at **Appendix 8**.

3. Issue a counter notice under section 105 of the Licensing Act 2003 meaning that the event cannot take place.

7. RIGHT OF APPEAL

7.1 Members should note that the premises user or persons making representations have the right of appeal against any decision made by the Sub-Committee. However, no appeal may be brought later than 5 working days before the day on which the TEN begins.

8. APPENDICES

1. Temporary Event Notice – 16th to 17th March 2024
2. Temporary Event Notice – 30th March to 1st April 2024
3. Temporary Event Notice – 4th to 6th May 2024
4. Temporary Event Notice – 25th to 27th May 2024
5. Temporary Event Notice – 24th to 26th August 2024
6. Police Objection
7. Police Objection
8. Premises Licence