

REPORT TO LICENSING & APPEALS SUB-COMMITTEE

Agenda Item: 3 **Hearing Date:**

Contact Officer: Mark Lomas – Licensing Officer (Enforcement)

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

Applicant's Name	Mr Stephen Hollingsworth
Premises Name	Melbourne Sporting Partnership
Address	Cockshut Lane, Melbourne, Derbyshire, DE73 8DG.

1. PURPOSE

- 1.1 To consider an objection notice made by the Chief Officer of Police in response to a temporary event notice (TEN) made by Mr Stephen Hollingsworth at Melbourne Sporting Partnership, Cockshut Lane, Melbourne, DE73 8DG on Saturday 19th May 2024. A copy of the TEN is attached at **Appendix 1**.

2. BACKGROUND

- 2.1 The premises user submitted a TEN on Tuesday 30th April 2024 regarding the intended use of the premises for the sale of alcohol by retail to the public on the premises only, at the above premises for 60 persons. The nature of the event for which the notification has been received is 'a televised International Boxing event'. The premises has an authorising premises licence that permits licensable activities on the premises until midnight on a Friday and Saturday evening. A copy of the premises licence is attached at **Appendix 2**.

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:

Activity	Days	Times
Sale by retail of alcohol to members of the public on the premises only.	One	Midnight to 0100hrs.

- 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 and/or the Environmental Health Department are 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 An objection notice has been received from the Chief Officer of Police on 1st May 2024 on the grounds of Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance, and the Protection of Children from Harm. Police request that the conditions from the premises licence are attached to the TEN as this would alleviate their concerns about the undermining of the licensing objectives. A copy of the objection notice is attached at **Appendix 3**.
- 4.3 It is only the Licensing Authority who is permitted to attach premises licence conditions to a TEN. Please note that the premises user has agreed to attaching their premises licence conditions to the TEN.

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. Allow the licensable activities to take place as stated in the TEN in line with the recorded agreement between the Chief Officer of Police and the applicant for the existing licence conditions to be imposed on the TEN.
 3. 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 2**.
 3. Issue a counter notice under section 105 of the Licensing Act 2003 meaning that the event cannot take place.

8. RIGHT OF APPEAL

8.1 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.

9. APPENDICES

1. A copy of the Temporary Event Notice submitted by Mr Stephen Hollingsworth.
2. A copy of the Premises Licence for Melbourne Sporting Partnership, Cockshut Lane, Melbourne, DE73 8DG.
3. Representation submitted by the Chief Officer of Police.