

TEMPORARY EVENT NOTICE

Committee	Licensing Sub-Committee
Officer Contact	Stephanie Waterford, Residents Services
Papers with report	Appendix 1 - Temporary Event Notice Application (Standard) Appendix 2 - Metropolitan Police Service objection Appendix 3 - Environmental Protection Unit objection Appendix 4 - Previous 2015 TEN Applications
Ward(s) affected	Botwell
NOT FOR PUBLICATION This report contains confidential or exempt information	Appendix 5 - Further Police Information in support of objection is included in Part 2 as it contains information relating to the financial or business affairs of any particular person (including the Authority holding that information) and the public interest in withholding the information outweighs the public interest in disclosing it (exempt information under paragraph 7 of Part 1 of Schedule 12A to the Local Government (Access to Information) Act 1985 as amended).

1.0 SUMMARY

- 1.1 To consider objections to a standard Temporary Event Notice by the Metropolitan Police Service and the Environmental Protection Unit to the application served by Miss Claudette St Paul for an event between the 17th and 19th July 2015 at The Lounge, Dawley Road, Hayes.

2.0 RECOMMENDATION

- 2.1 That the Licensing Sub Committee determine the application.

3.0 INFORMATION

- 3.1 On the 30th June 2015, a Temporary Event Application was received from Miss Claudette St Paul. The application was for the following licensable activities:

1. The sale of alcohol
2. The provision of regulated entertainment
3. The provision of late night refreshment

- 3.2 The applicant describes the event as 'disco and party nights' broken down over three days as follows;

Fri 17th July - into Sat 18th July - until 02.00am
Sat 18th July - into Sun 19th July - until 03.00am
Sun 19th July - into Mon 20th July - until 01.30am

A copy of the application is attached as **Appendix 1**

- 3.3** The notice was forwarded to the Police Licensing Officer and the Environmental Protection Unit on 1st July 2015 and a three working day consultation period began. On 3rd July 2015, notices of objection from the Police Licensing Officer and the Environmental Protection Unit were received.

The Police objection is attached as **Appendix 2** with further supporting information contained in Part 2 at **Appendix 5**.

The EPU objection is attached as **Appendix 3**.

- 3.4** Records show that four other Temporary Event Notices have been served by Miss St Paul during the 2015 calendar year. These events are detailed below;

22nd Feb - 22nd Feb until 05.00 - Refused

This Late TEN was served on 11th Feb 2015 and was objected to by the Police. Due to this being a 'Late' TEN, the application is automatically refused and a Counter Notice was issued on 12th February 2015.

28th Feb - 1st Mar until 04.00 - Refused

This Late TEN was served on 16th Feb 2015 and was objected to by EPU. Due to this being a 'Late' TEN, the application is automatically refused and a Counter Notice was issued on 17th February 2015.

13th Jun - 14th Jun until 04.00 - Granted

This 'Standard TEN' was served on 2nd June 2015. No objections were received and an acknowledgement was issued on 8th June 2015.

20th Jun - 21st Jun until 04.00 - Granted

This 'Standard TEN' was served on 2nd June 2015. No objections were received and an acknowledgement was issued on 8th June 2015.

Copies of these applications and the determinations are attached as **Appendix 4**

4.0 LEGAL IMPLICATIONS

Where it is proposed to use premises for one or more licensable activities during a period not exceeding 168 hours, an individual may give to the licensing authority notice of that proposal (a "temporary event notice").. The Police and the Council's Environmental Protection Unit ("EPU") are required to object to temporary event notices where it is considered that the proposed temporary event would undermine the licensing objectives.

The procedure to be followed by the licensing authority on receipt of a temporary event notice depends on whether the notice is a "Standard Temporary Event Notice" or a "Late Temporary Event Notice". A Standard Temporary Event Notice is one where at least 10 clear working days notice is given to the licensing authority. A Late Temporary Event Notice is one where between 5 and 9 clear working days notice is given to the licensing authority.

Procedure for Standard Temporary Event Notices:

Where a licensing authority receives a Police or EPU objection to a standard temporary event notice, they must hold a hearing to determine whether the temporary event should be permitted, unless all parties and the licensing authority agree that a hearing is not necessary. The purpose of the hearing is for the licensing authority to consider whether, having regard to the objections, the licensing objectives would be undermined if the temporary event were to be permitted. The applicant and any objectors may agree modifications to the temporary event notice in order to overcome objections, and if so agreed, the relevant objections are deemed to have been withdrawn. If all objections are withdrawn, the event may proceed in accordance with the temporary event notice.

Where the objections have not been withdrawn, if the licensing authority considers that allowing the temporary event would undermine the licensing objectives, it must issue a counter notice to the applicant refusing permission for the temporary event. The licensing authority may allow a temporary event to go ahead subject to such conditions as it considers necessary in order to promote the licensing objectives. The licensing authority's decision must be made at least 24 hours prior to the start of the proposed event. The Council must provide reasons for any decision that it makes.

Procedure for Late Temporary Event Notices

Where a licensing authority receives a Police or EPU objection to a late temporary event notice, they must automatically issue a counter notice to the applicant refusing permission for the temporary event at least 24 hours before the start of the proposed temporary event.

Appeals

In the case of decisions on Standard Temporary Event Notices, where a Counter Notice is issued by the Licensing Authority, the premises user, Police and/or EPU have the right to appeal the decision of the Sub-Committee to the Magistrates' Court within a period of 21 days beginning with the day on which the premises user was notified by the Licensing Authority of the decision. No appeal may be brought later than five working days before the day on which the event specified in the TEN begins. No appeal may be made where a counter notice is issued following an objection to a Late Temporary Event Notice.