

## REPORT TO LICENSING & APPEALS SUB-COMMITTEE

**Agenda Item: 3**

**Hearing Date: Monday 23<sup>rd</sup> August 2021**

Contact Officer: Mark Lomas

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

<b>Applicant's Name</b>	Neil HAY
<b>Premises Name</b>	The Colvile Arms
<b>Address</b>	Main Street, Lullington, Derbyshire, DE12 8EG

#### **1. PURPOSE**

- 1.1 To consider an objection notice made by Environmental Health in response to a Temporary Event Notice (TEN) made by Mr Neil Hay at The Colvile Arms, Main Street, Lullington, Derbyshire, DE12 8EG for an event on Saturday 4<sup>th</sup> September 2021. A copy of the TEN is attached at **Appendix 1**.

#### **2. BACKGROUND**

- 2.1 The premises user submitted a TEN that was received by the Licensing Authority on Friday 13<sup>th</sup> August 2021 regarding the intended use of the premises for the sale by retail of alcohol to the public and regulated entertainment in a marquee at the above premises. The nature of the event for which the notification has been received is a wedding.

#### **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
The sale by retail of alcohol	Saturday	1300hrs to 2330hrs
The provision of regulated entertainment	Saturday	1930hrs to 2330hrs

- 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 TEN's 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 An objection notice has been received from Environmental Health on Friday 13<sup>th</sup> August 2021 on the grounds of the prevention of public nuisance. A copy of the objection notice is attached at **Appendix 2**.

## 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 3**.
  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 submitted by Mr Neil Hay and received by the Licensing Authority on Friday 13<sup>th</sup> August 2021.
2. Representation submitted by Mr John Mills (Environmental Health Department) on Friday 13<sup>th</sup> August 2021 following receipt of the TEN.

3. Copy of the Premises Licence for The Colvile Arms, Main Street, Lullington, Derbyshire DE12 8EG

