

## **REPORT TO LICENSING & APPEALS SUB-COMMITTEE**

**Agenda Item: 4**

**Hearing Date: 20<sup>th</sup> June 2019**

Contact Officer: Mark Lomas – 01283 595890

### **HEARING TO CONSIDER THE TEMPORARY EVENT NOTICE - SECTION 105(2) OF THE LICENSING ACT 2003.**

<b>Applicant's Name</b>	Richard Locke
<b>Premises Name</b>	Lockestock Family and Camping Music Festival at Broughton Heath Golf Club
<b>Address</b>	Bent Lane, Church Broughton, DE65 5BA

#### **1. PURPOSE**

- 1.1 To consider the objection notice submitted by Derbyshire Constabulary and South Derbyshire District Council Environmental Health Department, to the Temporary Event Notice given in respect of the above premises. To consider any supporting evidence given by the Police, the Environmental Health Department officer or the applicant in order to determine whether to issue a counter notice in respect of this Temporary Event Notice.

#### **2. BACKGROUND**

- 2.1 The applicant submitted a Temporary Event Notice which was received by South Derbyshire District Council Licensing Authority on Friday 7<sup>th</sup> June 2019 for the Lockestock Family Camping and Music Festival to be held at Broughton Heath Golf Club from Friday 5<sup>th</sup> July to Sunday 7<sup>th</sup> July 2019. **(Appendix 1.)**
- 2.2 The premises is a Golf Club with a bar/function room and a Driving range, the bar/function room holds a premises licence with the Licensing Authority however the golf driving range is not licensed. It is located in a semi-rural area adjacent to Church Broughton Tennis Club with residential dwellings also being located in the vicinity of the premises.  
The area denoted for the purpose of this Temporary Event Notice at the premises is the Golf Driving Range area only **(Appendix 2).**

#### **3. APPLICATION DETAILS**

- 3.1 The applicant notified the Authority of the following:

<b>Activity</b>	<b>Days</b>	<b>Times</b>
Sale by retail of alcohol for consumption on and off the premises.	Friday 5 <sup>th</sup> July to Sunday 7 <sup>th</sup> July 2019	1200hrs to 2300hrs

Regulated Entertainment - Live Music and Recorded Music.	Friday 5 <sup>th</sup> July 2019 Saturday 6 <sup>th</sup> July 2019.	1800hrs to 2300hrs 1100hrs to 2300hrs
Opening hours to the public for 450 persons only.	Friday 5 <sup>th</sup> July to Sunday 7 <sup>th</sup> July 2019.	1500hrs to 1400hrs

The applicant for the event holds a Personal Licence with South Derbyshire District Council. The licence number is LAPER/1251 and the licence was issued on the 4<sup>th</sup> April 2019.

- 3.2 The Personal Licence entitles the applicant to sell alcohol or authorise the sale of alcohol in any premises in England or Wales for which a Premises Licence has been granted.
- 3.3 A Personal Licence Holder can hold up to 50 temporary events in any one calendar year and up to 12 events per premises.
- 3.4 Although a person may hold a licence, a Personal Licence should not be seen as evidence of business competence.
- 3.5 A formal objection notice to the Temporary Event Notice has been received from Derbyshire Constabulary who have objected under the Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and Protection of Children from Harm licensing objectives – **(Appendix 3)**.
- 3.6 A formal objection notice to the Temporary Event Notice has also been received from South Derbyshire District Council Environmental Health Officer, John Mills have objected under the Prevention of Public Nuisance licensing objectives – **(Appendix 4)**.
- 3.7 Where an objection notice is given in respect of a Temporary Event Notice the Panel must after having regard to the objection notice decide to take one of the following steps as it considers necessary for the promotion of the licensing objectives:
  - (a) to issue a counter notice to the premises user and to give reasons for this; or
  - (b) not to issue a counter notice.

#### 4. Case for the Applicant

Mr Locke has been invited to attend the hearing.

## **5. Relevant Guidance and Members options.**

- 5.1 When determining and considering the objection members must do so with a view to the promotion of the four licensing objectives;
- (a) The Panel must give appropriate weight to:
- The steps that are appropriate to promote the licensing objectives;
  - The representations presented by all the parties;
  - The Section 182 Guidance; and
  - The Licensing Authority's Statement of Licensing Policy
- (b) The Panel must have regard to any representation made by Derbyshire Constabulary, South Derbyshire District Council Environmental Health Department and the applicant as well as any supporting evidence.
- (c) If the Panel considers it necessary for the promotion of the crime prevention and/or public safety and/or prevention of public nuisance and/or protection of children from harm licensing objective, to do so it must issue a counter notice under Section 105 of the Licensing Act 2003. The effect of such a notice is to prevent the event from taking place. A copy of the notice and reasons for issuing it must be given to the premises user, Derbyshire Constabulary and South Derbyshire District Council's Environmental Health Department. If the Panel decides not to issue a counter notice the event may take place.
- (d) The Panel is asked to note that it may not modify the notice or attach conditions.
- 5.2 Members must only determine the objection representations once they have heard and/or read all the available evidence.
- 5.3 Members must have regard to the Human Rights Act 1998 when determining any representation before them.
- 5.4 Furthermore, Members are reminded that any parties to the hearing, have a right of appeal over any decision they reach.

## **6. Right of Appeal**

- 6.1 If the Panel make a decision to issue a counter notice to prohibit the event, or, not to do so and to allow the event, then either party to the hearing may appeal to the Magistrates' Court within 21 days of notification of the decision.
- 6.2 The Magistrates' Court may:
- (a) Dismiss the appeal;
- (b) Substitute for the decision appealed against any other decision which could have been made by the licensing authority; or
- (c) Remit the case to the licensing authority to dispose of it in accordance with the direction of the court.

## **APPENDICES**

1. Temporary Event Notice submitted by Richard Locke to South Derbyshire District Council on 7<sup>th</sup> June 2019.
2. Two (2) Aerial Plans of Broughton Heath Golf Club with the location of the site of the TEN denoted thereon.
3. Representation from Derbyshire Constabulary submitted on 12<sup>th</sup> June 2019.
4. Representation from South Derbyshire District Council Environmental Health Department on 12<sup>th</sup> June 2019.