

## REPORT TO LICENSING & APPEALS SUB-COMMITTEE

Agenda Item: 3

Hearing Date: Tuesday 4<sup>th</sup> June 2024

Contact Officer: Faye Norman

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

<b>Applicant's Name</b>	Joseph Mitchell
<b>Premises Name</b>	The Hilton Brook
<b>Address</b>	Witham Close, Hilton, Derbyshire, DE65 5JR

#### 1. PURPOSE

1.1 To consider an objection notice made by Chief Officer of Police in response to a temporary event notice (TEN) made by Joseph Mitchell at The Hilton Brook, Witham Close, Hilton, Derbyshire, DE65 5JR on 15<sup>th</sup> - 16<sup>th</sup> June 2024. A copy of the TEN is attached at **Appendix 1**.

#### 2. BACKGROUND

2.1 The premises user submitted a TEN on 17<sup>th</sup> May 2024 regarding the intended use of the premises for the sale by retail of alcohol and the provision of regulated entertainment at the above premises. The nature of the event for which the notification has been received is for a summer event to include a drive in or outdoor cinema on 15<sup>th</sup> June 2024 and for a screen to be positioned in the car park to show the Euro's football game with the possibility of an outdoor bar on 16<sup>th</sup> June 2024.

#### 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	15 <sup>th</sup> June 2024	18:00hrs – 00:00hrs
	16 <sup>th</sup> June 2024	16:00hrs – 23:00hrs
The provision of regulated entertainment	15 <sup>th</sup> June 2024	18:00hrs – 00:00hrs
	16 <sup>th</sup> June 2024	16:00hrs – 23:00hrs

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 An objection notice has been received from Chief Officer of Police on 23<sup>rd</sup> May 2024 on the grounds of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. 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. Issue a counter notice under section 105 of the Licensing Act 2003 meaning that the event cannot take place.
- 6.2 As this TEN is not in connection with licensable activities at a licensed premises, conditions may not be imposed on the TEN.

#### **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. Copy of the Temporary Events Notice
2. Copy of the Objection received from The Chief Officer of Police