

20 January 2022	ITEM:
Licensing Sub-Committee	
DETERMINATION OF OBJECTION TO TEMPORARY EVENT NOTICES.	
Report of: Dave Leonard, Licensing Officer	
Wards and communities affected: Ingatestone, Fryerning & Mountnessing	Key Decision: Non-key
This report is public	
<i>If the report, or a part of this, has been classified as being either confidential or exempt by reference to the descriptions in Schedule 12A of the Local Government Act 1972, it is hereby marked as being not for publication. The press and public are likely to be excluded from the meeting during consideration of any confidential or exempt items of business to which the report relates.</i>	
Date of notice given of exempt or confidential report: not applicable	
Purpose of Report: To determine an objection from Environmental Health for two Temporary Event Notices.	

EXECUTIVE SUMMARY

An objection has been received from Environmental Health Officer, Mr Allan Wright, with regards to two Temporary Event Notices (TENs) submitted in relation to private hire party events to be held at The Library Bar & Restaurant High Street, Ingatestone CM4 9DU on Saturday 29 January 2022 & Sunday 30 January 2022 and Saturday 5 February 2022 & 6 February 2022. The objection relates to the prevention of public nuisance licensing objective.

1. RECOMMENDATIONS:

1.1 That the Sub-Committee

a) Considers this report and appendices together with any oral submissions at the hearing and determines the application for the objection of a Temporary Event Notice.

2. INTRODUCTION AND BACKGROUND:

2.1 Section 104 (2) Licensing Act 2003, allows the Police or Environmental Health to object to a Temporary Event Notice if they believe that allowing the premises to be used in accordance with a Temporary Event Notice will undermine one or more of the licensing objectives.

2.2 The licensing objectives are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm.

2.3 The Licensing Department received a Temporary Event Notice on 10 January 2022 from Mr Carrington Longe for a private hire party event to be held on 29 & 30 January 2022. New to this process, Mr Longe's notification had a few flaws. A copy of the TEN, together with a clarifying email, is attached at **Appendix A**.

2.4 The TEN relates to a private hire party event to be held at The Library Bar & Restaurant, High Street, Ingatestone CM4 9DU on Saturday, 29 January 2022 from 1900hrs to 0200hrs on Sunday 30 January 2022, for the purposes of the sale by retail of alcohol & the provision of regulated entertainment. Mr Longe is the current designated premises supervisor at The Library Bar & Restaurant.

2.5 A letter of acknowledgement of the TEN was sent on 10 January 2022 and a copy is attached at **Appendix B**.

2.6 On Wednesday 12 January 2022 the Licensing Department received an objection notice from Environmental Health Officer, Mr Allan Wright, stating that the noise pollution caused would undermine the prevention of public nuisance licensing objectives.

The Environmental Health team are currently investigating a noise complaint that has been received from a member of the public. The objection notice is attached at **Appendix C**.

2.7 No further objection has been received from any other Responsible Authority.

2.8 The Licensing Department received a Temporary Event Notice on 11 January 2022 from Mr Carrington Longe for a private hire party event to be held on 5 & 6 February 2022. A copy of the TEN is attached at **Appendix D**.

2.9 The TEN relates to a private hire 30th Birthday party event to be held at The Library Bar & Restaurant, High Street, Ingatestone CM4 9DU on Saturday, 5 February 2022 from 1900hrs to 0200hrs on Sunday 6 February 2022, for the purposes of the sale by retail of alcohol and the provision of regulated entertainment and late-night refreshment.

2.10 A letter of acknowledgement of the TEN was sent on 11 January 2022 and a copy is attached at **Appendix E**.

2.11 On Wednesday 12 January 2022 the Licensing Department received an objection notice from Environmental Health Officer, Mr Allan Wright, stating that the noise pollution caused would undermine the prevention of public nuisance licensing objectives.

The Environmental Health team are currently investigating a noise complaint that has been received from a member of the public. The objection notice is attached at **Appendix F**.

2.12 No further objection has been received from any other Responsible Authority.

2.13 To assist the Sub-Committee, a copy of the current Library Bar & Restaurant premises licence, issued on 13 May 2021 (together with OS Maps to better define the location) is attached at **Appendix G**.

3. ISSUES, OPTIONS AND ANALYSIS OF OPTIONS:

3.1 The committee, after considering the objection application, will need to consider what action, if any, to take in order to ensure that the licensing objectives are complied with.

3.2 The power to impose conditions on a TEN is conferred by s106 Licensing Act 2003. This is not a general power to impose conditions and can be exercised only where temporary events are held on premises, or parts of premises, for which a premises licence or Club Premises Certificate is in force and an objection notice is given.

3.3 The following options are available to the Licensing Sub-Committee:

- Allow the Temporary Event Notice as applied for;
- To impose conditions on a TEN as conferred by s106 Licensing Act 2003.
- To reject the Temporary Event Notice as applied for and issue a Counter Notice, which will prevent the event from going ahead.

3.4 The decision made by the Committee will take immediate effect. There is a right of appeal for both the person who has given the TEN and for the relevant person that had submitted the objection notice. However, no appeal may be brought later than 5 working days before the day on which the event period specified in the TEN.

3.5 In determining this application for an objection of the Temporary Event Notice by Environmental Health, the Sub-Committee should have regard to the Council's Statement of Licensing Policy and to the guidance issued by the Secretary of State under s182 of the Licensing Act 2003.

- 3.6 The Sub-Committee are advised that the hearing is of a quasi-judicial nature and representations from all parties both written and verbal will form part of matters that are to be considered. Findings on issues of fact should be on the balance of probability.
- 3.7 The Sub-Committee are advised that the final decision should be based on the individual merits of the application & findings of fact made at the hearing.

4. REASONS FOR RECOMMENDATION:

- 4.1 These are the options available to the Sub-Committee

5. CONSULTATION (including Overview and Scrutiny, if applicable)

- 5.1 Copies of both objections have been served on the premises user.

6. IMPACT ON CORPORATE POLICIES, PRIORITIES, PERFORMANCE AND COMMUNITY IMPACT

- 6.1 The Council has a duty under Section 17 of the Crime & Disorder Act 1998 to do all that it reasonably can to prevent:
- (a) crime and disorder in its area (including anti-social behaviour and other behaviour adversely affecting the local environment), and;
 - (b) the misuse of drugs, alcohol and other substances in its areas.

In considering this duty the Sub-Committee should have due regard to the Licensing Act 2003, the Guidance issued by the Secretary of State under Section 182 of the Act and the Council's own Statement of Licensing Policy.

The Licensing Sub-Committee is of a quasi-judicial nature and whilst the Licensing Committee should ensure equality of treatment for all groups in the granting of licences, due regard should be given to its responsibility to promote the licensing objectives and its duties under Section 17 of the Crime and Disorder Act 1998. This includes full consideration of the need to prevent crime and disorder, ensure public safety, the prevention of public nuisance and the protection of children from harm. Where it finds that the need to comply with those duties is reasonably inferred, it must determine the application appropriately.

BACKGROUND PAPERS USED IN PREPARING THIS REPORT (include their location and identify whether any are exempt or protected by copyright):

- The Licensing Act 2003
- The Secretary of State's Guidance issued under section 182 Licensing Act 2003
- Brentwood Borough Council's Statement of Licensing Policy

APPENDICES TO THIS REPORT:

Appendix A - Temporary Event Notice Application (29 & 30 January 2022)

Appendix B - Letter of Acknowledgement

Appendix C - Notice of Objection from Allan Wright (Environmental Health)

Appendix D - Temporary Event Notice Application (5 & 6 February 2022)

Appendix E - Letter of Acknowledgement

Appendix F - Notice of Objection from Allan Wright (Environmental Health)

Appendix G – Library Bar & Restaurant Premises Licence & OS Maps

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