

25 February 2022		ITEM:
Licensing Sub-Committee		
DETERMINATION OF OBJECTION TO TEMPORARY EVENT NOTICES.		
Report of: Dave Leonard, Licensing Officer		
Wards and communities affected: Warley	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exempt by reference to the descriptions in Schedule 12A of the Local Government Act 1972, it is hereby marked as being not for publication.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 a Temporary Event Notice.		

EXECUTIVE SUMMARY

The Licensing Office has received an objection from the Environmental Health Officer, Mr Chris Breen, with regards to a Temporary Event Notice (TEN) submitted in relation to three Platinum Jubilee Party events to be held at the Horse & Groom aka Fat Turk, Warley Road, Great Warley CM13 3AE on 2nd, 3rd & 5th June 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 11 February 2022 from Mr Attila Hunter for three Platinum Jubilee Party events to be held at the Horse & Groom aka Fat Turk, Warley Road, Great Warley CM13 3AE on 2nd, 3rd & 5th June 2022. A copy of the TEN is attached at **Appendix A**.
- 2.4 A letter of acknowledgement of the TEN was sent on 11 February 2022 and a copy is attached at **Appendix B**.
- 2.5 The TEN relates to three days of Platinum Jubilee Party events to be held at the premises including the outside dining area and car park, on Thursday 2nd & Friday 3rd June 2022 from 1200hrs-2100hrs and Sunday 5th June 2022 from 1200hrs-1900hrs for the purposes of the sale of alcohol and the provision of regulated entertainment.
- 2.6 The TEN, in its current submission without any written undertakings attached, effectively removes the conditions attached to the premises licence. A copy of the current premises licence, issued on 24 July 2015, together with a set of OS Street Maps and image to better identify the location, is attached at **Appendix C**.
- 2.7 On 16 February 2022 the Licensing Department received an objection notice from the Environmental Health Officer, Mr Chris Breen, being satisfied that the allowing of the premises to be used in accordance with the notice would undermine the licensing objective of the prevention of public nuisance. Mr Breen has expressed concerns that noise from a live band (or other amplified music played through speakers outdoors) will cause a disturbance to neighbouring properties. He also points out that noise and public nuisance issues from previous outdoor events at this premises have caused complaints to be raised to Brentwood Borough Council and considers it would be unreasonable for an event such as this to disturb nearby residents for three days. Mr Breen raises concerns that the management at the premises have not addressed how they will prevent public nuisance (noise of up to 450 people arriving/leaving, parking issues, amplified music, dropping of litter, singing/shouting, people smoking and drinking outside, extending beyond the boundary of the premises). Mr Breen's objection is attached at **Appendix D**.

2.8 The applicant, Mr Hunter, has since spoken with the Licensing Office and Mr Breen and, upon being advised of this Sub-Committee hearing to determine his notification, provided an email response to Mr Breen's representation on 21 February 2022. Mr Hunter's email response is attached at **Appendix E**.

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 each Temporary Event Notice being determined as applied for;
- To impose conditions on the TEN being determined as conferred by s106 Licensing Act 2003.
- To reject the Temporary Event Notice being determined 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 and 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 (11 February 2022)

Appendix B - Letter of Acknowledgement (11 February 2022)

Appendix C - Premises Licence, OS Maps and Image

Appendix D - Notice of Objection from Chris Breen (Environmental Health)

Appendix E - Written response from Mr Hunter (21 February 2022)

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DETERMINATION OF OBJECTION TO TEMPORARY EVENT NOTICE

HORSE & GROOM (aka FAT TURK).

WARLEY ROAD, GREAT WARLEY, BRENTWOOD CM13 3AE

Thursday 2nd, Friday 3rd & Sunday 5th June 2022

APPENDICES

Appendix A - Temporary Event Notification (received 11 February 2022)

Appendix B - Letter of Acknowledgement (acknowledged 11 February 2022)

Appendix C – Premises Licence, OS Maps and Images

Appendix D - Notice of Objection from Mr Chris Breen (Environmental Health)

Appendix E - Written response from Mr Attila Hunter (21 February 2022)