

Public Agenda Item: **Yes**

Title: **Licensing Act 2003 – Objection to a Temporary Event Notice in respect of Town Hall, Castle Circus, Torquay TQ1 3DR on 14th March 2020.**

Wards Affected: **Tormohun**

To: **Licensing Sub-Committee** On: **2nd March 2020**

Contact Officer: **Mandy Guy**
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1. **Key points and Summary**

- 1.1 To consider and determine a Temporary Event Notice, in respect of the Premises detailed above.
- 1.2 The application relates to all the Corporate Priorities within the Community Plan.
- 1.3 The matters raised relate to the Licensing Objective, “Public Safety”.
- 1.4 The matter must be considered on its merits having received details of the issues arising either at a hearing or by written representation if all parties have agreed that a hearing is not necessary. Having regard to the Objection Notices, a decision must be made to take such steps as are necessary for the promotion of the licensing objectives “Public safety”. These are either:-
 - (a) to serve a Counter Notice, or
 - (b) not to serve a Counter Notice, for the event.

A Counter Notice would prohibit the temporary event from taking place.

- 1.5 Reasons for the decision must be given for inclusion in the appropriate Notice required to be served on the applicant and the Responsible Authority at the determination of the matter.

2. Introduction

- 2.1 The Temporary Event Notice (TEN) has been submitted under Section 100 of the Licensing Act 2003 for the above premises. Details of the Temporary Event Notice are shown in Appendix 1.

Brief descriptions of the proposed events are as follows:

The TEN covers one day starting at 16.00 and finishing at 23.59 on Saturday 14th March 2020.

Throughout the above times the licensable activities that are intended to be carried out are the Sale by Retail of Alcohol and the Provision of Regulated Entertainment.

The Applicant has described the event in section 2 of the Temporary event Notice as a "Memorial charity fundraiser and white collar boxing event".

- 2.2 Torbay Council as Licensing Authority is satisfied that the applicant has met the administrative requirements of Section 100 but is unable to acknowledge the notifications as an Objection Notice has been received from Environmental Health, under section 104(2). The Authority is also satisfied that the Objection Notice has been received within the appropriate time-scale and has not been subsequently withdrawn. See Appendix 2
- 2.3 The Authority is required to conduct a hearing by the provisions of Section 105(2) unless all parties agree that this is not necessary.
- 2.4 Section 106A (2) of the Act states:-
The relevant licensing authority may impose one or more conditions on the standard temporary event notice if
(a)the authority considers it appropriate for the promotion of the licensing objectives to do so,
(b)the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the temporary event notice, and
(c)the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.
A copy of the premises is shown as Appendix 3.
- 2.5 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including details of the procedure to be followed at the hearing.
- 2.6 If the decision of the Licensing Sub-Committee is to issue a Counter Notice, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 16(2) of Schedule 5, to the applicant.

- 2.7 If the decision of the Licensing Sub-Committee is not to issue a Counter Notice, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 16(3) of Schedule 5 to the Responsible Authority who issued the Objection Notice.
- 2.8 Following such Appeal, 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,
- and may make such order as to costs as it thinks fit.

Steve Cox
Environmental Health Manager (Commercial)

Appendices

- Appendix 1 Temporary Event Notice for 14th March 2020
- Appendix 2 Objection Notice from an Environmental Health Officer
- Appendix 3 Copy of Premises Licence PL0144 Town Hall, Torquay

Documents available in members' rooms

None

Background Papers:

The following documents/files were used to compile this report:

Torbay Council Licensing Policy 2016-2021.