

**LICENSING PANEL
26 MARCH 2018**

**REPORT ON TEMPORARY EVENT NOTICE FOR MARKET INN
(Chief Officer: Environment and Public Protection)**

1. INTRODUCTION

- 1.1 The Licensing Act 2003 (“the 2003 Act”) allows a person (“premises user”) wishing to hold an event at which licensable activities are carried on, to give notice to the Council of the event, known as a temporary event notice (“TEN”).
- 1.2 The TEN, in effect, exempts the premises user from the need for a licence, in order that licensable activities can take place.
- 1.3 The premises user must, in addition to the Council, serve copies of the notice on Thames Valley Police and the Council’s Environmental Health Department responsible for noise nuisance. Both of these as “relevant persons”, have the right to object to the TEN should they feel the activities proposed will undermine the licensing objectives.
- 1.4 On this occasion, an objection notice has been received from Thames Valley Police. The objection relates to the prevention of crime and disorder licensing objective.
- 1.5 The panel is asked to consider the objection notice in relation to the TEN and decide whether to serve a counter notice to the premises user.

2. APPLICATION

- 2.1 A TEN was served on 12/03/2018. A copy of the notice and application summary is attached at **Annex A**.
- 2.2 The TEN was served by Mr Richard Heap, who is the designated premises supervisor at the Market Inn. The TEN is to authorise the following activities:
- (i) The sale by retail of alcohol
 - (ii) The provision of regulated entertainment
- 2.3 The TEN is to authorise the above activities to take place at the Market Inn, Market Street, Bracknell, during the following dates and times:
- | | | |
|----------|------------|---------------|
| Saturday | 31/03/2018 | 01:00 - 03:00 |
| Sunday | 01/04/2018 | 01:00 - 03:00 |
- 2.4 The event is described as a ‘back to school’ fancy dress party.
- 2.5 A map showing the location of the proposed event is attached at **Annex B**.

3. OBJECTION RECEIVED

- 3.1 Section 104 of the 2003 Act (as amended by section 112 of the Police Reform and Social Responsibility Act 2011) permits both the Chief Officer of Police and the Council’s Environmental Health team to serve an objection notice in relation to a TEN, on the basis of any of the licensing objectives.

3.2 On 15 March 2018, the Thames Valley Police Licensing Officer served an objection notice, as they are of the view that the event described would undermine the prevention of crime and disorder licensing objective. The objection notice is attached at **Annex C**.

4. RELEVANT GUIDANCE

4.1 Statutory guidance has been issued under Section 182 of the 2003 Act. The panel must have regard to this guidance when determining this application, below are some relevant extracts.

4.2 The 2003 Act provides four objectives which must be promoted when licensing functions are carried out:

- (i) The prevention of crime and disorder;
- (ii) Public safety;
- (iii) The prevention of public nuisance; and
- (iv) The protection of children from harm.

4.3 Licensing authorities should look to the police as the main source of advice on crime and disorder. (2.1 of Section 182 Guidance)

4.4 If the police or EHA (Environmental Health Authority) believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. The objection notice must be given within the period of three working days following the day on which they received the TEN. (7.33 of Section 182 Guidance)

4.5 Where a standard TEN was given, the licensing authority must consider the objection at a hearing before a counter notice can be issued. At the hearing, the police, EHA and the premises user may make representations to the licensing authority. Following the hearing, the licensing authority may decide to impose conditions which already apply to an existing premises licence or club premises certificate at the venue, or issue a counter notice to prevent the event going ahead. (7.34 of Section 182 Guidance)

4.6 "Relevant persons" may contact the premises user to discuss their objections and try to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified (for example, by changing the details of the parts of the premises that are to be used for the event, the description of the nature of the intended activities or their duration). The other relevant person has to agree for the modification to be made. (7.36 of Section 182 Guidance)

5. PANEL OPTIONS

5.1 The panel must, having regard to the objection notice, take such steps as it considers necessary for the promotion of the licensing objectives, either:

- (i) Do nothing if they do not accept the objection notice submitted (meaning the event can go ahead as planned); or
- (ii) Serve a counter notice if satisfied that the promotion of the licensing objectives will adversely be affected by the TEN; or

- (iii) Add conditions already present on the premises licence and allow the event to go ahead as planned. The conditions currently stated on the premises licence for the Market Inn are attached at **Annex D**. These conditions will not be applicable during the period of the TEN unless specifically added by the panel.

5.2 Should the premises user or either of the relevant persons feel aggrieved at the decision, they may appeal to the Magistrates' Court.

Background Papers

The Licensing Act 2003

Guidance issued under section 182 of the Licensing Act 2003

Contact for further information

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