



Committee and Date

Licensing Act Sub-Committee

Wednesday 24th August 2016

Item

3

Public

LICENSING ACT 2003

APPLICATION FOR A TEMPORARY EVENT NOTICE

Responsible Officer Simon Ditton, Public Protection Officer (Specialist)
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1. Summary

To consider an application for a Temporary Event Notice ('TEN').

Premises: The Buttermarket, Howard Street, Shrewsbury, Shropshire, SY1 2LF. A location plan is attached to the report as Appendix A.

Shropshire Council being the authorised licensing authority for the above premises has received an application for a TEN.

The application has been accepted as a valid application and during the statutory period for objections, relevant representations were made by the Council's Noise Pollution Team. The application is required to be determined by way of a hearing of the Licensing Sub-Committee.

In determining the application the licensing authority must give appropriate weight to:

- the Prevention of Public Nuisance licensing objectives;
- the representations (including supporting information) presented by all parties;
- Guidance issued under Section 182 of the Licensing Act 2003;
- Shropshire Council's Licensing Policy.

After considering all the relevant issues the licensing authority may either issue the TEN or issue a counter notice.

Following a hearing, the licensing authority should give its decision and provide reasons to support it. This will be important if there is an appeal by any of the parties.

All parties are required to be notified of a decision and that decision should be accompanied by information on the right of the party to appeal.

2. Recommendations

That the Sub-Committee determines the application in accordance with the Statutory Guidance issued under s182 of the Licensing Act 2003, the Council's Statement of Licensing Policy, the information contained within this report, supporting documentation and having had due regard to the applicant and the authorised bodies making relevant representations.

That the Sub-Committee determines the application in accordance with the options in paragraph 8.

That the Sub-Committee provides the reasons for its decision.

REPORT

3. Human Rights Act Appraisal

The Committee is required to consider the consequences of refusal or approval on the applicant's human rights.

4. Financial Implications

None.

5. Purpose of Report

To consider an application for a TEN for the smoking area of The Buttermarket, Howard Street, Shrewsbury, Shropshire, SY1 2LF.

6. Background

6.1 Mrs Claire Doster, has made an application for a TEN for the smoking area within the property boundary at The Buttermarket. The requested licensable activities are the provision of regulated entertainment (a DJ playing light background music) and the provision of late night refreshment (a pay BBQ) for the 27th and 28th August and 2nd September, for the hours 22.00 to 04.00 inclusive. (The application also requested 3rd September for the same hours, but the maximum period that a TEN can be issued for is 168 hours, which expires at 21.59 on 3rd September).

6.2 The area covered by the Premises Licence for The Buttermarket does not include the smoking area which is the subject of the TEN. Mrs Doster is though the designated premises supervisor under that Licence.

7. Objections Received

7.1 It is only the Police and/or the Council's Noise Pollution Team that can object to a TEN. The Police have no objection to this TEN. The Council's Noise Pollution Team can only do so if they consider that the event would undermine

the prevention of Public Nuisance licensing objective. If there is the issuance of an objection notice, then the licensing authority must consider the objection (by way of a hearing) before a counter notice can be issued. The Noise Pollution Team may withdraw their objection notice if the user of the premises agrees to modify the event. At the time of preparing this report, the applicant had not put forward any measures to satisfy the Noise Pollution Team concerns.

- 7.2 The Noise Pollution Team have objected given that complaints were received in the past when a DJ played in external places. In addition the provision of late night refreshment in external areas would have the potential for public nuisance from smoke and odour and therefore object to both external live music and late night refreshments elements of the TEN

8. Options for Consideration

- 8.1 The Licensing Authority has been asked to consider the issue of a Temporary Event Notice to permit regulated entertainment and the provision of late night refreshment.
- 8.2 The options available to the Licensing Sub-Committee having considered all the relevant information are as follows:
- To issue the Temporary Event Notice
 - To issue a Counter Notice

9. Standard of Decision Making

- 9.1 In accordance with the provisions of the Licensing Act 2003 and the Council's scheme of delegation, all applications for a TEN where an objection notice has been made need to be determined by this Sub-Committee.
- 9.2 When determining the application, the Sub-Committee should only consider issues, which relate to the licensing objective that covers the prevention of a Public Nuisance.
- 9.3 Members of the Sub-Committee must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy. Members of the Sub-Committee may deviate from the statutory guidance and licensing policy only if they deem that there is good reason to do so.
- 9.4 Members of the Sub-Committee should not allow themselves to predetermine the application or to be prejudiced in favour or opposed to the TEN and shall only determine the application having had an opportunity to consider all relevant facts.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Shropshire Council Licensing Policy.
Guidance issued under section 182 of the Licensing Act 2003 (Mar 2015).
The Licensing Act 2003 (Hearings) Regulations 2005.
Temporary Event Notice application form.
Copy of representation received.
Premises Licence PL/SC1607.

Cabinet Member (Portfolio Holder)

Cllr M Price

Local Member

Cllr A Bannerman

Appendices

Appendix A – Location Plan