

LICENSING ACT 2003**SUBMISSION OF TEMPORARY EVENT NOTICES**

Responsible Officer Jessica Moores, Public Protection Officer (Professional)
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1. Summary

To consider three Temporary Event Notices submitted for:

Townhouse, 35 Willow Street, Oswestry, SY11 1AQ

Shropshire Council being the authorised licensing authority for the above premises has received three Temporary Event Notices which cover a total period of 17 days.

The notices have been accepted as a valid submissions and during the statutory consultation period relevant representations were made. The notices are therefore required to be determined by way of a hearing of the Licensing Sub-Committee.

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

- The steps that are necessary to promote the 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 must make a decision in accordance with section 8 of this report.

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 parties/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 three Temporary Event Notices submitted for Townhouse, 35 Willow Street, Oswestry, SY11 1AQ

6. Background

6.1 Mr Mike Scott has submitted three Temporary Event Notices, covering a total period of 17 days, to have effect on the following dates:

- 30th November 2017 – 3rd December 2017
- 6th December 2017 – 11th December 2017
- 14th December 2017 – 20th December 2017

6.2 The Notices state the nature of the events as Christmas celebrations with a bar, food and entertainment held in a tipi within the walled garden of the premises. There will be live music on Thursdays, Fridays and Saturdays. The Notices seek to permit the following licensable activities outside the premises where the existing premises licence does not have effect:

- The supply of alcohol
- The provision of regulated entertainment
- The provision of late night refreshment

7. Objections Received (Responsible Authorities)

- 7.1 An objection was received to all three notices from Environmental Health on the grounds they believe they will undermine the Prevention of Public Nuisance objective of the Licensing Act 2003. The primary reason for the objection is the frequency of the events and the number of days covered by the notices in total. The Environmental Health Officer does not feel it is feasible to hold events over this many days, with the proposed timings and activities, and not cause a public nuisance. A similar previous event at the premises, held in a tipi, did generate one complaint to Environmental Health.
- 7.2 The Environmental Health Officer has contacted the organiser to explain the reasoning for their objection, and suggested two options which may make the events more acceptable.
- 7.3 The applicant has offered a modification to the timings of the notices as follows:
- The first notice to be for Friday 1st December 2017 only with licensable activities until 1am.
 - Withdrawing the second notice
 - The third notice to allow licensable activities until 00:00 on Friday 15th December 2017 and Saturday 16th December 2017 only.

The applicant has indicated that this is not their preferred option, and the original submission is what they wish to give notice for, however they are prepared to modify the notices as per the above as a compromise. The Environmental Health Officer did not feel that these modifications suitably addressed the concerns in their objection.

8. Options for Consideration

- 8.1 The options available to the Licensing Sub-Committee having considered all the relevant information are as follows:
- To issue a counter notice to prevent the events taking place
 - Not to issue a counter notice, allowing the events to take place
 - To impose relevant conditions applying to the existing premises licence to the Temporary Events Notices, allowing the events to take place
- 8.2 Members of the Sub-Committee should be advised that the applicant or any other person who made relevant representations in relation to the application may appeal against the decision made to the Magistrates' Court within 21 days of the date on which they were notified (and at least five working days before the event).

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 where a relevant representation 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 four licensing objectives. The licensing objectives are:
- The prevention of Crime and Disorder
 - Public Safety
 - The prevention of a Public Nuisance
 - The protection of Children from Harm
- 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 licence 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 (April 2017).
 The Licensing Act 2003 (Hearings) Regulations 2005.
 Application form.
 Copies of representations received.

Cabinet Member (Portfolio Holder)
 Cllr R Macey

Local Member
 Cllr Paul Milner

Appendices
 Appendix A – Location Plan