

## **LICENSING APPLICATION – LICENSING ACT 2003**

### **PREMISES: 43 TILLINGHAM WAY, RAYLEIGH**

#### **1 PURPOSE OF REPORT**

- 1.1 This report introduces an application for a Temporary Event Notice (TEN) made under section 100 of the Licensing Act 2003.
- 1.2 During the consultation period, an objection was received from the Environmental Health Service regarding the planned event.
- 1.3 The application must be determined at the conclusion of the hearing at least 24 hours before the beginning of the event, in accordance with paragraph 26 (1) of the Licensing Act 2003 (Hearings) Regulations 2005 and section 105 (4) of the Licensing Act 2003.

#### **2 INTRODUCTION**

- 2.1 On 11 November 2021 a Temporary Event Notice was received by email from Anita Robertson of Eternity Events Essex, 39 Down Hall Road, Rayleigh, Essex.
- 2.2 Appendix A consists of a copy of the original application.
- 2.3 The Notice is for a 21<sup>st</sup> Birthday event to be held at 43 Tillingham Way, Rayleigh on 04 December 2021 from 1800 hours until 2359 hours on 04 December 2021.
- 2.4 The licensable activities are for the sale of alcohol and the provision for regulated entertainment. The maximum number of people attending the event is to be 100.
- 2.5 The venue does not hold a Premises Licence and no conditions can be applied to the application.

#### **3 BACKGROUND**

- 3.1 The application was sent to Essex Police and Environmental Health on 11 November 2021 for consultation with a deadline date of 16 November 2021 for representations.

##### **Representations**

##### **Responsible Authorities**

- 3.2 The application has been reviewed by Essex Police Licensing Team and no representations have been made against the application.

- 3.3 An Objection Notice has been received from Rochford District Council Environmental Health Team on the grounds that the use of the premises in accordance with the Temporary Event Notice would undermine the public nuisance objective of the Act.
- 3.4 Appendix B consists of a copy of the Objection Notice.

#### **4 LEGAL NOTICES**

- 4.1 Section 105(2)(a) (counter notice following police objection to temporary event notice) of The Licensing Act 2003 (Hearings) Regulations 2005 states a hearing must be held within 7 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under section 104(2).
- 4.2 All parties involved have been served with the relevant notices and documentation required by paragraphs 6 and 7 of The Licensing Act 2003 (Hearings) Regulations 2005.
- 4.3 The notices and documentation included an explanation of the rights of persons to attend hearings and to be represented, to give evidence and to call witnesses, the consequences of not attending, the procedure to be followed at a hearing, and, for applicants only, a copy of all relevant representations made.
- 4.4 Paragraphs 8 and 9 of the regulations require that parties notify the Licensing Authority, no later than 2 working days before the hearing, of those matters mentioned in paragraph 4.3 above. A pro-forma is sent to all parties for that purpose with the notices and documentation mentioned in paragraph 4.3 above.
- 4.5 At the time of drafting this report, there has been no response from any of the parties.
- 4.6 It is not known whether or not the premises user/s will be represented.

#### **5 RESOURCE IMPLICATIONS**

- 5.1 There are no direct resource implications arising from this decision.

#### **6 LEGAL IMPLICATIONS**

- 6.1 None other than already set out above within paragraphs 1 and 4.

#### **7 EQUALITY AND DIVERSITY IMPLICATIONS**

- 7.1 An Equality Impact Assessment has been completed and found there to be no impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

**8 RECOMMENDATION**

8.1 It is proposed that the Sub-Committee **RESOLVES**

- (1) To determine whether the event would undermine the licensing objective of the Public Nuisance and serve a counter notice stating the reasons for that decision.
- (2) To allow the licensable activities to go ahead as stated in the Notice.



Louisa Moss

Assistant Director, People & Communities

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**Background Papers:-**

None.

For further information please contact Steven Greener, Principal Licensing Officer on:-

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If you would like this report in large print, Braille or another language please contact 01702 318111.