

Licensing Act 2003 - Temporary Event Notice (TEN)

1 PURPOSE OF REPORT

- 1.1 This report introduces an Issue of a Temporary Event Notice made under section 100 of the Licensing Act 2003.
- 1.2 The Issue 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 An application was submitted by John Smith using the Electronic Government Portal on 28 November 2019 at 1210 hours under reference number Rochford-910937.
- 2.2 The application was downloaded and submitted to Essex Police Licensing Team and Rochford District Council Environmental Health team on 28 November 2019 at 1257 hours for consideration in accordance with Section 100 of the Licensing Act 2003. The deadline for the consultation was three (3) working days, which concluded on 3 December 2019.
- 2.3 A copy of the application is attached as **Appendix A**.

3 THE APPLICATION

- 3.1 The application relates to a request to extend the existing licensable activities within a licensed premise known as Crafty Casks, 33 Eastwood Road, Rayleigh, Essex. SS6 7JD.
- 3.2 The premises currently holds a premises licence under reference RDC/19/00215/LAPRE. The current licence restricts the listenable activity to sale of alcohol only between 1200 – 2330 hours Monday to Sunday.
- 3.3 A copy of the Premises Licence is attached as **Appendix B**.
- 3.4 The Temporary Event Notice (TEN) application is to include:-
 - Regulate Entertainment from 2300 hours on 31 December 2019 to 0100 hours on 01 January 2020 to cover the activity outside the hours of the live music deregulation.
 - Sale of alcohol from 2330 hours on 31 December 2019 to 0100 hours on 01 January 2020 outside the hours of the Premises Licence.
- 3.5 The application is for up to 100 persons present within the premises at any one time.

4 REPRESENTATIONS

- 4.1 No objections were made by Essex Police against this application.
- 4.2 An Objection Notice has been received from the 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.
- 4.3 **Appendix C** consists of a copy of the Objection Notice.

5 NOTICES

- 5.1 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.
- 5.2 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.
- 5.3 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 5.2 above. A pro-forma and pre-paid envelope was included for that purpose with the notices and documentation mentioned in paragraph 5.2 above.

6 LEGAL IMPLICATIONS

- 6.1 The provisions of Licensing Act 2003, The Licensing Act 2003 (Hearings) Regulations 2005, Guidance issued under Section 182 Licensing Act 2003 and the Statement of Licensing Policy, approved by Full Council for the period 7 January 2005 – 6 January 2008 need to be considered by Members in determining the issue.
- 6.2 The Licensing Authority must serve any notices required under section 105 (3) of the Licensing Act 2003 at least 24 hours before the beginning of the event.

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

To determine the issue, having considered all representations made at the hearing.

The Sub-Committee has the following options:-

- (1) Where the Sub-Committee supports the representation and considers it necessary to give a Counter Notice for the promotion of the public nuisance objective, give the Premises User and Rochford District Council Environmental Health Team a Counter Notice and a notice stating the reasons for their decision; or
- (2) Where the Sub-Committee does not support the representation and does not consider it necessary to give a Counter Notice for the promotion of the public nuisance objective, give the Premises User and Rochford District Council Environmental Health Team a notice of their decision and a notice stating their reasons.



Louisa Moss

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Background Papers:-

None.

For further information please contact Steven Greener on:-

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