

27 November 2023		ITEM: 4
Licensing Sub-Committee		
Determination of Objection to a Temporary Event Notice		
Wards and communities affected: Grays Riverside	Key Decision: Non-key	
Report of: Elizabeth Cox – Licensing Officer		
Accountable Head of Service: Michael Dineen, Assistant Director for Investigation, Enforcement and Community Protection & Safety (Incl. Emergency Planning and Resilience)		
Accountable Director: Claire Demmel – Interim Director of Public Realm		
This report is public		

Executive Summary

An objection has been received from Essex Police with regards to a Temporary Event notice submitted in relation to a Christmas carol concert at Grays Town Park Cafe. The objection relates to the licensing objective of the Prevention of Crime and Disorder.

1. RECOMMENDATIONS:

1.1 The Sub-Committee considers this report and appendices together with any oral submissions at the hearing and determines the objection of a Temporary Event Notice

2. Introduction and Background:

2.1 Section 104 (2) Licensing Act 2003, allows the Police or Environmental Health to object to a Temporary Event Notice if they believe that allowing the premises to be used in accordance with a Temporary Event Notice will undermine one or more of the licensing objectives.

2.2 The licensing objectives are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

- 2.3 The Licensing Department received a Temporary Event Notice (TEN) on 16 November 2023 from Tina Holland for an event on 13 December 2023. A copy of the TEN is attached at **Appendix A**.
- 2.4 The TEN relates to a Christmas carol concert with the sale of mulled wine to customers between 6:30pm – 8:30pm for up to 40 people.
- 2.5 A letter of acknowledgement of the TEN was sent electronically on 16 November 2023 and a copy is attached at **Appendix B**.
- 2.6 On 21 November 2023 the Licensing Department received an Objection Notice from Simon Barnes, Licensing Officer with Essex Police, outlining his objection that the Police are satisfied that allowing the premises to be used in accordance with the notice would undermine the prevention of crime and disorder licensing objective.

The reasons for being so satisfied are that the area to be used falls within the boundary of the Grays Public Spaces Protection Order (PSPO).

A copy of the objection notice is attached at **Appendix C**. A copy of the PSPO is attached at **Appendix D**.

- 2.7 No objection was received from Environmental Health.

3. Issues, Options and Analysis of Options:

- 3.1 The committee, after considering the objection notice, will need to consider what action, if any, to take in order to ensure that the licensing objectives are complied with.
- 3.2 The power to impose the conditions from the premises licence on a TEN is conferred by s106 Licensing Act 2003. This is not a general power to impose conditions and can be exercised only where temporary events are held on premises, or parts of premises, for which a premises licence or Club Premises Certificate is in force and an objection notice is given.
- 3.3 The following options are available to the Licensing Sub-Committee:
 - Allow the Temporary Event Notice being determined as applied for;
 - To reject the Temporary Event Notice being determined as applied for and issue a Counter Notice, which will prevent the event from going ahead.
- 3.4 The decision made by the Committee will take immediate effect. There is a right of appeal for both the person who has given the TEN and for the relevant person that had submitted the objection notice. However, no appeal may be brought later than 5 working days before the day on which the event period specified in the TEN

3.5 In determining this application for an objection of the Temporary Event Notice by Essex Police, the Sub-Committee should have regard to the Council's Statement of Licensing Policy and to the guidance issued by the Secretary of State under s182 of the Licensing Act 2003.

3.6 The Sub-Committee are advised that the hearing is of a quasi-judicial nature and representations from all parties both written and verbal will form part of matters that are to be considered. Findings on issues of fact should be on the balance of probability.

3.7 The Sub-Committee are advised that the final decision should be based on the individual merits of the application & findings of fact made at the hearing

4. Reasons for Recommendation:

4.1 These are the options available to the Sub-Committee

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 A copy of the objection notice has been served on the premises user.

6. Impact on corporate policies, priorities, performance and community impact

6.1 Section 17 of the Crime and Disorder Act 1998 places a duty on local authorities to do all that it can to prevent –

(a) crime and disorder in its area (including anti-social behaviour and other behaviour adversely affecting the local community), and;

(b) the misuse of drugs, alcohol and other substances in its areas.

In considering this application in relation to these duties the authority should have due regard to Section 61(1) (b) Local Government (Miscellaneous Provisions) Act 1976, Thurrock Council's guidelines on previous convictions or cautions and any submissions made by the applicant.

7. Statement of Licensing Policy

7.1 There are no specific parts of the policy that is relevant to this hearing.

8. Relevant Section of the Secretary of State's Guidance

8.1 Section 7 relates to Temporary Events Notices

8.2 Section 14.49 relates to Public Spaces Protection Orders

9. Appendices to the report:

- Appendix A - Temporary Event Notice
- Appendix B – Letter of Acknowledgement
- Appendix C – Notice of Objection from Essex Police
- Appendix D – Copy of Grays Public Spaces Protection Order

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