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| 18 June 2024 | | ITEM: 3 |
| Licensing Sub-Committee | | |
| Determination of Objection to a Temporary Event Notice | | |
| Wards and communities affected: Stanford le Hope West | Key Decision: Non-key | |
| Report of: Elizabeth Cox – Licensing Officer | | |
| Accountable Assistant Director: Michael Dineen, Assistant Director for Investigation, Enforcement and Community Protection & Safety (Incl. Emergency Planning and Resilience) | | |
| Accountable Director: Daniel Fenwick – Director of Corporate Services | | |
| This report is Public | | |
| Version: Final Version | | |

Executive Summary

An objection has been received from Thurrock Council Environmental Protection with regards to a Temporary Event Notice submitted in relation to an event at the New Courthouse, 39 King Street, Stanford le Hope, SS17 0HL. The objection relates to the licensing objective of the Prevention of Public Nuisance.

Commissioner Comment:

Reports for Licensing Sub-Committee do not require Commissioner comment

1. Recommendation(s)

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 5 June 2024 from Adam Lakey for an event on 31 August 2024. A copy of the TEN is attached at **Appendix 1**

- 2.4 The TEN relates to an event described as a 'Discotheque' in the garden of the premises for up to 499 people.
- 2.5 A letter of acknowledgement of the TEN was sent electronically on 5 June 2024 and a copy is attached at **Appendix 2**.
- 2.6 On 7 June 2024 the Licensing Department received an Objection Notice from Sadie Stowell on behalf of Environmental Protection, outlining her reasons for the objection that allowing the TEN would undermine the licensing objective of the Prevention of Public Nuisance.

The reasons for being so satisfied are that the premises is surrounded by residential properties and has been served with a noise abatement notice following previous complaints.

A copy of the objection notice is attached at **Appendix 3**.

- 2.7 No objection was received from Essex Police.
- 2.8 To assist the Sub-Committee, a copy of the current New Courthouse premises licence is attached at **Appendix 4**. A location map is attached as **Appendix 5**.

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 impose the conditions from the premises licence on the TEN being determined as conferred by s106 Licensing Act 2003.
 - 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

9. Appendices to the report:

- Appendix 1 - Temporary Event Notice
- Appendix 2 – Letter of Acknowledgement
- Appendix 3 – Notice of Objection from Environmental Protection
- Appendix 4 – Copy of Premises Licence for New Courthouse
- Appendix 5 – Location map

Report Author

Elizabeth Cox

Licensing Officer