

Date of Meeting	1 August 2011
Title of Report	Police Objection Notice received in respect of Temporary Events Notice for The Carpenters Arms, 26 Roundstone Street, Trowbridge, BA14 8DG
Link to Corporate Priorities	None - this is a statutory requirement
Public Report	Yes – This matter is governed by the Licensing Act 2003 (Hearings) Regulations. These provide that hearings should be held in public unless the Licensing Authority considers that the public interest in excluding the public outweighs the public interest in the hearing taking place in public.

### Summary of Report

Two Temporary Event Notices (TENS) was served on the Licensing Authority on Wednesday 20 July 2011 and Wiltshire Police on Thursday 21 July 2011, by Mrs Tamnatha Davis.

Where the Chief officer of Police, who receives a copy of the notice, is satisfied that allowing the premises to be used in accordance with the notice would undermine the crime prevention objective, he must give a notice stating the reasons why he is so satisfied (an objection notice) within 48 hours to the Licensing Authority and the premises user.

An objection notice issued by Wiltshire Police, dated Friday 22 July 2011, was served on the Licensing Authority. (Appendix 3).

Wiltshire Council (as the Licensing Authority) must hold a hearing to consider the Police objection.

In accordance with Section 105 the Licensing Authority must, having regard to the objection notice, give the premises user a counter notice under this section, if it considers it necessary for the promotion of the crime prevention objective to do so.

### Officer Recommendations

**None. Officers are not permitted to make a recommendation – the decision is to be reached by members of the Licensing Sub Committee.**

Other than those implications agreed with the relevant Officers and referred to below, there are no other implications associated with this report.

Financial Implications	Legal Implications	Community & Environmental Implications	Human Resources Implications	Equality & Diversity Implications
None	Yes	None	None	None
<b>Contact Officer</b>	Mrs Maggie Jones Licensing Officer, (West Hub) 01225 770536 Maggie.Jones@Wiltshire.gov.uk			

## **1. Introduction**

Two Temporary Event Notices (TENs) were served on the Licensing Authority, by Mrs Davis for two separate events to be held in the function room of The Carpenters Arms Public House.

The police may only object on the grounds that they are satisfied that allowing the premises to be used in accordance with the notice would undermine the crime prevention objective. In such circumstances, the police must give an objection notice to the Council and the premises user stating the reasons why they are so satisfied within 48 hours of receiving the TEN from the premises user.

The sub-committee may consider only the crime prevention objective in these circumstances; the other three objectives specified by the Licensing Act 2003 (public safety, the prevention of public nuisance and the protection of children from harm) may not be considered.

## **2. Background Information**

The premises, including the function room, have a premise licence issued under the Licensing Act 2003, licence number WW0500972LAPRCO. (Appendix 4)

The licence permits the sale of alcohol (on and off sales) recorded music, live music, facilities for dancing and performance of dance for the following hours.

Monday to Saturday	1100 - 2300
Sunday	1200 - 2230

## **3. Summary of Application**

The two temporary events notices, as applied for, are as follows:

- (i) Jamaican Independence Party, Saturday 6 August 2011 – 2100 hours to 0230 hours, sale by retail of alcohol, provision of regulated entertainment and the provision of late night refreshment. (Appendix 1)
- (ii) Wedding reception, Friday 12 August 2011 – 2000 hours to 0130 hours, sale by retail of alcohol, provision of regulated entertainment and the provision of late night refreshment. (Appendix 2)

## **4. Legal Implications**

In accordance with Section 105 the Licensing Authority must, having regard to the objection notice, give the premises user a counter notice under this section, if it considers it necessary for the promotion of the crime prevention objective to do so.

## **5. Risk Analysis**

Not applicable.

## **6. Right of Appeal**

It should be noted that there is a right to appeal the decision made by the Licensing Sub Committee at the Magistrates Court.

Both parties have been informed of the date, time and location of the hearing and their right to attend and be represented.

<b>Appendices:</b>	<ul style="list-style-type: none"><li>• <b>1. Temporary Events Notice</b></li><li>• <b>2. Temporary Events Notice</b></li><li>• <b>3. Wiltshire Police Objection letter</b></li><li>• <b>4. Existing Premises Licence</b></li><li>• <b>5. Location plan</b></li></ul>
<b>Background Documents Used in the Preparation of this Report:</b>	<ul style="list-style-type: none"><li>• <b>The Licensing Act 2003</b></li><li>• <b>The Licensing Act (Hearings) Regulations 2005</b></li><li>• <b>Guidance issued under sect 182 of the Licensing Act 2003</b></li><li>• <b>Wiltshire Council Statement of Licensing Policy</b></li></ul>