

## REPORT TO THE LICENSING SUB COMMITTEE (HEARING)

<b>Date of Meeting</b>	<b>25 October 2011</b>
<b>Title of Report</b>	<b>Police Objection Notice received in respect of Temporary Events Notices for Jax Landing, 1 Bath Road Chippenham, SN15</b>
<b>Public Report</b>	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) were served on the Licensing Authority on Wednesday 12 October 2011 and Wiltshire Police on Thursday 13 October 2011, by Mr Rudi Lee.

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 14 October 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, issue 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 Linda Holland, Senior Licensing Officer, (North Hub) 01249 706410 Linda.holland@Wiltshire.gov.uk			

## 1. Introduction

Two Temporary Event Notices (TENs) were served on the Licensing Authority, by Mr Lee for two separate weekends.

The Police may only object on the grounds that, they are satisfied that allowing the premises to be used in accordance with the notice(s) 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 2 working days 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 held a Premises Licence from 25 November 2009 until 16 September 2011 when the Licensing Authority was informed that the Premises Licence holder - Pizzaz Leisure Limited had been dissolved 29 September 2009. In September 2009 when the company was in the process of being dissolved no attempt was made by the licence holder to protect the licence by way of issuing an interim notice within the required 7 day period. The Premises Licence being an asset of the dissolved company ceased to exist at that point. The premise has therefore been trading for the past two years without a valid licence unbeknownst to the regulatory authorities.

A copy of the old Premises Licence LN 003307 NL is attached as **Appendix 4**.

Under the old Premises Licence, Wiltshire Police and the Licensing Team had serious concerns over the management of the premises, the lack of any management plan and associated policies and procedures to enable the premises to operate in the night time economy effectively and safely under the four licensing objectives.

A copy of a letter sent to Mr Poole at the premises in June 2011 is attached as **Appendix 5**.

## 3. Summary of Application

The two Temporary Events Notices, as applied for, are as follows:

- (i) Halloween Weekend, 28 – 30 October 2011, sale by retail of alcohol, provision of regulated entertainment and the provision of late night refreshment.

28 & 29 October 2011      11:00 to 02:00

30 October 2011

19:00 to 23:30

Copy of the Temporary Events Notice is attached as **Appendix 1**.

- (ii) Bonfire Weekend, Friday 4 November – 6 November 2011, sale by retail of alcohol, provision of regulated entertainment and the provision of late night refreshment.

4 & 5 November 2011 11:00 to 02:00

A copy of the Temporary Events Notice is attached as **Appendix 2**.

Supporting papers are being prepared by Wiltshire Police as part of their evidence and they will be circulated as soon as they become available as **Appendix 7**.

#### **4. Legal Implications**

In accordance with Section 105 the Licensing Authority must, having regard to the objection notice, issue 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>• 1. Temporary Events Notice</li><li>• 2. Temporary Events Notice</li><li>• 3. Wiltshire Police Objection letter</li><li>• 4. Old Premises Licence</li><li>• 5. Letter to Designated Premises Supervisor</li><li>• 6. Location plan</li><li>• 7. Supporting Papers from Wiltshire Police (To follow)</li></ul>
<b>Background Documents Used in the Preparation of this Report:</b>	<ul style="list-style-type: none"><li>• The Licensing Act 2003</li><li>• The Licensing Act (Hearings) Regulations 2005</li><li>• Guidance issued under sect 182 of the Licensing Act 2003</li><li>• Wiltshire Council Statement of Licensing Policy</li></ul>