

**REPORT TO THE LICENSING SUB COMMITTEE (HEARING)**

**Report No:**

<b>Date of Meeting</b>	<b>25 May 2010</b>
<b>Title of Report</b>	<b>Police Objection Notice received in respect of Temporary Events Notice for Chic-o-land, 9 New Road, Chippenham</b>
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**

A Temporary Event Notice was served on the Licensing Authority on Monday 10<sup>th</sup> May 2010 and on Wiltshire Police on Tuesday 11<sup>th</sup> May 2010 by Mr Fazal.

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 from Wiltshire Police was received by the licensing authority on Thursday 13<sup>th</sup> May 2010.

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

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## 1. Introduction

A Temporary Event Notice (TEN) was served on the licensing authority by Mr Fazal to extend the hours for late night refreshment from Midnight on Sunday the 30th May until 03:30 on Monday 31st May 2010 for the premises known as Chic-o-land, 9 New Road, Chippenham.

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. Options and Options Appraisal

The council is required to give the premises user a counter notice under section 105 of the Licensing Act 2003, if, having regard to the objection notice, the council considers it necessary for the promotion of the crime prevention objective. Such a counter notice would have the effect of cancelling the TENS.

## 3. Background Information

The premises have a premise licence under the Licensing Act 2003. The licence permits late night refreshment for the following hours.

Sunday to Wednesday	23:00 - 00:00
Thursday	23:00 - 03:30
Friday & Saturdays	23:00 - 03:00

## 4. Summary of Application

The temporary events notice is to extend the hours of licensable operation of the takeaway premises from 00:00 on Sunday 30 May until 03:30 on 31 May 2010.

To sell hot food and drink only.

## 5. 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.

## 6. Risk Analysis

Not applicable.

<b>Appendices:</b>	<ul style="list-style-type: none"> <li>• 1. Temporary Events Notice</li> <li>• 2. Wiltshire Police Objection letter</li> <li>• 3. Location plan (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>