

WILTSHIRE COUNCIL

NORTHERN AREA LICENSING SUB COMMITTEE

4TH JUNE 2013

Police and Environmental Health Authority Objection Notice; Received in respect of Four Temporary Events Notices for WOMAD Charlton Park, Malmesbury Wiltshire SN16 9DG

1. Purpose of Report

- 1.1 To determine the Objection Notices received from Wiltshire Police and Wiltshire Council Environmental Protection team for four Temporary Events Notices in respect of WOMAD Charlton Park Malmesbury Wiltshire.

2. Background Information

- 2.1 Four Temporary Events Notices were served on the Licensing Authority and Wiltshire Police on Thursday the 16th May 2013 in respect of WOMAD Charlton Park Malmesbury Wiltshire. The Notices were not accepted until payment was received on Friday the 17th May.
- 2.2 If the police or the Environmental Health Authority believe that allowing the premises to be used in accordance with the TEN`s will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. The objection notice must be given within three working days of their receipt of the TEN`s.
- 2.3 An objection notice was received by the Licensing Authority from Wiltshire Police and Wiltshire Council Environmental Protection team on Wednesday the 22nd May 2013.
- 2.4 Wiltshire Council (as the Licensing Authority) must hold a hearing to consider the objection notices.
- 2.5 In accordance with Section 105 of the 2003 Act the Licensing Authority must, having regard to the objections give a counter notice on the basis of the objection, if it considers it appropriate to do so for the promotion of a licensing objective. Alternatively, it may impose on the Temporary Event Notice one or more of conditions that are on the existing premises licence for the same premises.

3. Consultation and Representations

- 3.1 Four Temporary Event Notices were served on the licensing authority by Mr Christopher Paul Smith. The first TEN is to cover the Core Crew Camping Bar and is to authorise the sale of alcohol from 18:00 hours on Tuesday the 23rd of July through to 04:00 each day until Monday the 29th of July 2013. This TEN also authorises the provision of late night refreshment each day. As this TEN does not cover regulated entertainment the Environmental Health protection team has not objected, however Wiltshire Police have.

The second TEN`'s is to authorise all licensable activities at the Backstage Bar from 12:00 on Wednesday the 24th July through to 04:00 on Monday the 29th July 2013.

The third TEN`'s is to authorise all licensable activities at the San Frans Disco Bar from 23:00 on Thursday the 25th July through to 04:00 on Monday the 29th July 2013.

The fourth TEN`'s is to authorise the sale of alcohol and the provision of late night refreshment at Molly`s Bar from 23:00 on Thursday the 25th July through to 04:00 on Monday the 29th July 2013.

A copy of each TEN`s application is attached as **Appendix 1**.

- 3.2 The objection notice received by the licensing authority from the Environmental Health Protection team concerns the prevention of public nuisance objective. The objection notice is attached as **Appendix 2**.

The objection notice received by the licensing authority from Wiltshire Police concerns the prevention of crime and disorder licensing objective. The objection notice is attached as **Appendix 3**.

The premises currently have a premises license under the Licensing Act 2003 which is attached as **Appendix 4**.

4. Legal Implications

- 4.1 Under Section 105 of the 2003 Act the licensing authority must hold a hearing to consider any objections from the police or the Environmental Health Authority. As mentioned above, the Authority must serve a counter notice, if they consider it appropriate to do so to promote the licensing objective. The effect of the counter notice is, effectively to cancel the TEN, so that the proposed activities covered by the TEN are not authorised to take place. Alternatively where, as here, there is an existing premises licence in effect, the Authority may instead impose one or more of the conditions from that premises licence on the TEN, if it is considered appropriate to do so for the promotion of the licensing objectives and where the imposition of those conditions would not be inconsistent with the licensable activities proposed by the TEN.

5. Officer Recommendations

- 5.1 Officers are not permitted to make a recommendation – the decision is to be reached by the members of the Licensing Sub Committee.

6. Right of Appeal

- 6.1 It should be noted that the Applicant and those Authorities who have served an objection notice may appeal the decision made by the Licensing Sub Committee to the Magistrates Court. The appeal must be lodged with the Magistrates Court within 21 days of the notification of the decision.
- 6.2 No appeal may be brought later than five working days before the day on which the event period specified in the temporary event notice begins

Report Author: Kate Golledge
Public Protection Manager Licensing
Kate.golledge@wiltshire.gov.uk

Date of report: - 23rd May 2013

Background Papers Used in the Preparation of this Report

- **The Licensing Act 2003**
- **The Licensing Act (Hearings) Regulations 2005**
- **Guidance issued under Section 182 of the Licensing Act 2003**
- **Wiltshire Council Licensing Policy**

Appendices

- 1 TEN`s applications x four**
- 2 Environmental Health Authority objection notice**
- 3 Wiltshire Police objection notice**
- 4 WOMAD premises licence**