

WILTSHIRE COUNCIL

NORTHERN AREA LICENSING SUB COMMITTEE

16th December 2015

Police Objection Notice; Received in respect of two Temporary Events Notices for 17a Station Hill, Chippenham, Wiltshire, SN15 1EQ

1. Purpose of Report

- 1.1 To determine the Objection Notice received from Wiltshire Police for a Temporary Events Notice (TEN) in respect of 17a Station Hill, Chippenham, Wiltshire, SN15 1EQ

2. Background Information

- 2.1 Two Temporary Events Notices were served on the Licensing Authority and Wiltshire Police on Tuesday 8th December 2015 in respect of 17a Station Hill, Chippenham, Wiltshire, SN15 1EQ. One of which is regarded as a Late Temporary Event Notice covering the period of 16th – 21st December 2015.
- 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 on Wednesday 9th December 2015 for both the Late Temporary Event Notice and Standard Temporary Event Notice.
- 2.4 Where an objection notice is received in respect of a Late TEN, the Licensing Authority must serve a counter notice, which is effectively a refusal of the TEN. Wiltshire Council (as the Licensing Authority) must however hold a hearing to consider the objection notice for the Standard Temporary Event Notice covering the period of 24th - 26th December 2015.
- 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 Two Temporary Event Notices were served on the Licensing Authority by Mr Robin James Puddephatt. One TEN covers the period of Wednesday 16th December to Monday 21st December 2015, and therefore is regarded as a Late Temporary Event Notice under Section 100A(1)(b) of the Licensing Act 2003.

After receiving the objection notice from Wiltshire Police, a Counter Notice was given by the Licensing Authority under Section 104(2) in respect of a Late Temporary Event Notice.

The Standard TEN covers the period of Thursday 24th to Saturday 26th December. A copy of this TEN is attached as **Appendix 1**.

- 3.2 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 2**.
- 3.3 The premises currently holds a Premises License under the Licensing Act 2003 since 1st December 2014. The Licensing Sub-Committee determined the Premises Licence application at a Hearing on 26th November 2014, following receipt of representations, and subsequent to a Hearing for a Provisional Statement on 12th April 2013. A copy of the current Premises Licence is attached as **Appendix 3**.

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 a licensing objective. The effect of the counter notice is, effectively to cancel the TEN. 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: Roy Bahadoor
Public Protection Officer - Licensing

Date of report: - 11th December 2015

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 Temporary Event Notice**
- 2 Wiltshire Police Objection Notice**
- 3 SN15 Premises Licence**