

# FAREHAM

## BOROUGH COUNCIL

### Report to the Licensing Panel

Date: 14 May 2021

Report of: The Licensing Officer

Subject: Licensing Act 2003 – Hearing in respect of Objection Notice received from the Hampshire Constabulary in respect of a Temporary Event Notices for a street party in Valerian Avenue, Fareham

#### **SUMMARY**

This report advises members of the Panel of a Temporary Event Notice received by this Authority on 29<sup>th</sup> April 2021 regarding an event at Valerian Avenue, to be held on 18<sup>th</sup> September 2021. An Objection Notice from the Police was subsequently received relating to the Prevention of Crime and Disorder licensing objective in respect of the Temporary Event Notice and a hearing to determine the Notice has consequently become necessary.

#### **RECOMMENDATION**

It is recommended that the Licensing Panel determine the application having regard to the provisions of section 182 of the Licensing Act 2003 and associated regulations, the Council's Licensing Policy and the Objection Notice received from the Police.

## **BACKGROUND**

- 1 The Licensing Act 2003 requires that premises which are used for the supply of alcohol, regulated entertainment and late-night refreshment hold a premises licence and individuals who supply, or authorise the supply of, alcohol on licensed premises also require a licence.
- 2 In addition, where an individual wishes to use premises for one or more licensable activities for which the premises does not have a premises licence permitting those activities, an individual may give the Licensing Authority a Temporary Event Notice. The applicant need only give the Licensing Authority 10 working days Notice of such an event although there are certain exemptions.
- 3 Such Notices are normally only required to be acknowledged by the Head of Environmental Health under delegated powers but, in the event of an Objection Notice being received from the Police regarding the proposed temporary event, the matter is then referred to the Licensing Panel to determine.
4. The Temporary Event Notice process is intended to be a light touch system, to allow village halls, schools and clubs etc to apply easily for, and put on, one-off events involving the sale of alcohol and/or public entertainment. Only the Police and Environmental Health are allowed to object to Temporary Event Notices and only where they consider any of the licensing objectives would be undermined.
5. Where an Objection Notice has been served, the Panel must consider the Temporary Event Notice and determine if it is necessary to issue a Counter Notice for the promotion of the crime prevention objective, effectively preventing the event from going ahead or whether event could go ahead as Notified to the Council. The panel can also if it deems necessary attach conditions to the Notice, on the prescribed form attached as Appendix E, so as the event is able to go ahead without undermining the Licensing Objectives.
6. Section 4(3)(a) of the Licensing Act requires the authority to have regard to its Statement of Licensing Policy when carrying out its licensing functions together with any guidance issued by the secretary of state under the Licensing Act 2003.

## **PROCEDURE FOR THE HEARING OF THE TEMPORARY EVENT NOTICE**

7. The standard procedure for the hearing of the Temporary Event Notice can be seen as Appendix A.

## **THE TEMPORARY EVENT NOTICE**

8. This Notice was in respect of a street Party in Valerian Avenue, Fareham.
9. The applicant is Lord Andrew Francis.

10. The proposed premises are a public street which is not already licensed under the Licensing Act 2003.
11. The event is due to take place on 18<sup>th</sup> September 2021 from 16:00 – 23:00
12. The licensable activities applied for during this period are the sale by retail of alcohol and the provision regulated entertainment.
13. A copy of the Temporary Event Notice can be seen as Appendix B to this report.

### **OBJECTION NOTICE**

14. **The Police** have issued an Objection Notice regarding the Temporary Event Notice. A copy of the Objection Notice in this case is attached as Appendix C.

### **NOTICE OF HEARING**

15. Before any hearing is held the Licensing Authority is required to give Notice of that Hearing to the Applicant and the Police. In this instance this Notice must be at least 2 days before the hearing date. The Notice was intended to be given on 6 May 2021 is attached as Appendix D.
16. Any decision made by the Panel must be in accordance with the Licensing Objectives, the Council's Licensing Policy and the Section 182 guidance issued by the Secretary of State, together with the Act and Regulations.

### **CONCLUSION**

17. The Licensing Panel is asked to review the information in this report and determine the application.

### **APPENDICES:**

Hearings procedure  
Temporary Event Notice Application  
Police Representation  
Notice of Hearing

APPENDIX A  
APPENDIX B  
APPENDIX C  
APPENDIX D

**Background papers:** None

**Enquiries:** For further information on this report please contact Pearl Gillies.

# FAREHAM

## BOROUGH COUNCIL

### APPENDIX A

#### PROCEDURE FOR HEARINGS BY THE LICENSING PANEL TEMPORARY EVENT NOTICES

##### GENERAL

- 1 This procedure will be followed for hearings held by the Licensing Panel to determine applications for Temporary Events where notice has been given in accordance with the Licensing Act 2003 and where notice of objection has been given by the Police.
- 2 Hearings shall be held in public unless the Panel considers that the greater public interest is served by excluding the public from the meeting in accordance with Schedule 12A of the Local Government Act 1972. Circumstances when it may be appropriate to do so include where there is a likelihood of disclosing exempt information relating to the applicant.
- 3 Parties to the hearing will be the applicant and the Police. The parties to the hearing may be accompanied by a representative, who may present the case on their behalf.
- 4 The Licensing Officer will not be a party to the hearing but will facilitate proceedings by conducting such pre-decision discussions as may be required and by presenting at the hearing a summary report of the application and any representations, together with the Officer's comments as to how these relate to the relevant legislation and the appropriate licensing policy.
- 5 Where any party intends to produce documents in support of his/her case they shall have been asked to do so in advance of the date of hearing. In the event that a document is submitted for consideration for the first time at the hearing, the Chairman may adjourn the hearing to a later time or date. It is expected that such adjournments will only be used in exceptional circumstances. The Chairman may in any event adjourn the hearing at any time before the Panel reaches its decision for any other reason he/she considers appropriate.
- 6 Each party when asked will present details of any witnesses to be called.

## **AT A HEARING in accordance with THE LICENSING ACT 2003**

- 1 **The Chairman of the Licensing Panel** will outline the procedure to be observed.
- 2 **The Chairman** will ask the applicant whether any modification is to be made to the submitted application.
- 3 **The Licensing Officer** will present a summary of the application and of the objection received and will comment upon their relevance to the Licensing Act 2003.
- 4 **The Applicant** may comment on the application and on the objection made addressing the relevant licensing objective (i.e. the prevention of crime and disorder).
- 5 **The Panel** may seek clarification of points.
- 6 **The Police** shall make representations relating to the licensing objective of preventing crime and disorder and may be questioned by members of the Licensing Panel and/or applicant.
- 7 **The Police** may make a closing statement.
- 8 **The Applicant** may make a closing statement.
- 9 **The Licensing Panel** will then withdraw from the hearing to deliberate in private. In the event of uncertainty on any of the evidence, all parties will be recalled to the hearing whilst the point in question is clarified. In the event that the Licensing Panel has sought advice on points of law, the legal adviser shall explain to all parties what advice was given.
- 10 If the Licensing Panel is able to complete its deliberations within a reasonable time, **the parties to the hearing** shall be invited to return and **The Chairman** shall announce the Panel's decision. Otherwise the parties will be advised when they may expect to receive written notice of the decision.