

LICENSING SUB-COMMITTEE



Report subject	Units 3a and 3b Sharp Road, Poole, BH12 4BG
Meeting date	28 November 2023
Status	Public Report
Executive summary	<p>Mr Catalin-Mihai Foca has submitted a standard Temporary Event Notice (TEN) to cover a 24-hour period from 31st December 2023 to 1st January 2024 to permit –</p> <ul style="list-style-type: none"> • The sale by retail of alcohol (on sales only); and • Late Night Refreshment.
Recommendations	<p>Members are asked to decide whether to: -</p> <ul style="list-style-type: none"> a) Grant the Temporary Event Notice as made; or b) Refuse the Temporary Event Notice as made by way of a Counter Notice. <p>Members of the Licensing Sub-Committee are asked to make a decision at the end of the hearing after all relevant parties have been given an opportunity to speak.</p> <p>There is no provision to impose conditions as the premises do not have an existing premises licence or club premises certificate at the venue.</p> <p>Members must give full reasons for their decision.</p>
Reason for recommendations	<p>The Licensing Authority has received objection notices from Environmental Health and Dorset Police as relevant persons under the prevention of crime and disorder, public safety and prevention of public nuisance licensing objectives.</p> <p>The Licensing Authority may only consider aspects relevant to the notice that have been raised in the objections by the relevant persons.</p> <p>Where an objection notice has been received and the concerns have not been resolved through modification and agreement to allow the event to proceed, the Scheme of Delegation set out in the Council's Constitution states that these applications should be dealt with by the Licensing Sub-Committee.</p>

Portfolio Holder(s):	Councillor Kieron Wilson – Housing and Regulatory Services
Corporate Director	Jillian Kay – Wellbeing
Report Authors	Sarah Rogers – Senior Licensing Officer
Wards	Alderney & Bourne Valley
Classification	For Decision

Background

- The Temporary Event Notice (TEN) is intended to be a light touch process and as such, the carrying on of licensable activities does not have to be authorised by the Licensing Authority on an application.
 - Standard TEN** – must be submitted giving at least ten working days' notice, excluding the day the notice is given and the day of the event.
 - Late TEN** - Applicants can apply for a 'late TEN' up to 5 working days before the event and can apply for up to 10 late TENs per calendar year.
- The person who intends to hold the temporary event submits a notification to the Licensing Authority which outlines the proposed activities dates and times as well as where the event will take place.
- Once notification is received only the Police or Environmental Health can object to the event and can either seek to prevent the event or modify the arrangements of the event.
- Mr Catalin-Mihai Foca submitted a notification for a TEN on 14 November 2023 for a New Years Eve private party at a warehouse, Unit 3a and 3b Sharp Road, Bournemouth.
- The notice has applied for the sale of alcohol on the premises and late-night refreshment for a continuous 24-hour period commencing 31st December 2023 until 1st January 2024. A copy of the submitted TEN is attached at Appendix 1.
- A copy of a plan showing the location of the premises is attached at Appendix 2.

Consultation

- The notice was served on the relevant persons - Environmental Health and Dorset Police - on the 14 November 2023.
- Both parties have submitted objection notices to the TEN these which are attached at Appendix 3.

Options Appraisal

- Before making a decision, Members are asked to consider the following matters:
 - The objection notices made by relevant persons.

- The relevant licensing objectives, namely the prevention of crime and disorder, public safety and the prevention of public nuisance.
10. The Committee's decision is whether to issue a counter notice. If a counter notice is issued this means the event cannot take place. A notice with reasons for the decision must also be given.
 11. If the Committee decide not to issue a counter notice and allow the event to go ahead it must be noted that no conditions can be attached to the TEN.
 12. The TEN can be modified (times, layout of venue, licensable activities) but only with the agreement of the premises user and all relevant persons.
 13. The committee are therefore asked whether to
 - Issue a counter notice to prevent the event taking place or
 - Permit the event to go ahead as applied for, or
 - Permit the event with modifications subject to the agreement of all parties.

Summary of financial implications

14. There are no financial implications.

Summary of legal implications

15. If Members decide to refuse the application, by way of a Counter Notice, the premises user may appeal to the Magistrates' Court within a period of 21 days beginning with the day that the applicant is notified by the Licensing Authority of the decision appealed against.
16. If the TEN is allowed, and a counter notice is not issued, the relevant parties may appeal to the Magistrates' Court within a period of 21 days beginning with the day that they are notified by the Licensing Authority of the decision.
17. No appeal may be brought later than five working days before the day on which the event period specified in the TEN begins.

Summary of human resources implications

18. There are no human resources implications.

Summary of sustainability impact

19. There are no sustainability impact implications.

Summary of public health implications

20. There are no public health implications.

Summary of equality implications

21. There are no equality implications.

Summary of risk assessment

22. There is no requirement for a risk assessment.

Background papers

BCP Council – Statement of Licensing Policy

[SOLP 2020-2025 \(bcpcouncil.gov.uk\)](http://bcpcouncil.gov.uk)

Hearing Regulations

<https://www.legislation.gov.uk/ukxi/2005/44/made>

Licensing Act 2003 Section 182 Guidance (revised August 2023)

[Revised Guidance issued under section 182 of the Licensing Act 2003
\(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

Appendices

- 1 – Copy TEN Notice
- 2 – Location Plan
- 3 – Objection Notices from Relevant Parties