



**REPORT TO:** Licensing Appeals Sub-Committee 7 September 2022  
**AUTHOR/S:** Head of Climate, Environment & Waste  
**LEAD OFFICER:** Brooke O'Neill, Technical Officer - Licensing

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## Objection to Temporary Event Notice – Coach House Hotel, Newmarket Road, Melbourn, Royston, SG8 7PN.

### Purpose

1. To consider the objection to a Temporary Event Notice (TEN) made by Environmental Health.

### Recommendations

2. Members are requested to consider the TEN applied for, the objection received and determine whether to issue a counter notice under section 105 of the Licensing Act 2003. A counter notice will render any licensable activities provided (outside the permitted activities of the full Premises Licence?) unlawful.

This Sub-Committee has the power to determine this application in accordance with the provisions of the Licensing Act 2003 and the Council's Constitution.

### Introduction

3. Authorisation from the Council is required for the sale or supply of alcohol, the provision of regulated entertainment and the provision of late-night refreshments.

### Details – Background

4. On 4 August 2022, Mr Thake submitted a Temporary Event Notice. **APPENDIX A**
5. The event is described as follows:

**Date of event:** 17 September 2022

**Nature of the event:** Soul Night

### **Licensable activities:**

- The sale by retail of alcohol for consumption on the premises
- Relevant entertainment (Music)

**Licensable times requested:** 23:00 – 04:00 (Premises licence covers from 11:00 – 23:00)

**Number of people in attendance at any one time:** 400

6. A map of the area for intended use is attached as **APPENDIX B**.
7. A statutory noise nuisance was confirmed by Environmental Health on 22 August 2021, and subsequently a Noise Abatement Notice was served on the applicant Mr David Thake on 10 September 2021. This notice was not appealed. **APPENDIX C**

## **Consultation**

8. The TEN was sent to Environmental Health and the Police on 4 August 2022 (the same day it was received).
9. On 5 August 2022, an objection was received from Environmental Health. There was no objection from the Police. **APPENDIX D**

## **Considerations**

10. Section 104 of the Licensing Act 2003 provides that where a 'relevant person' (i.e. the Chief Officer of Police or the Environmental Health Service) are satisfied that allowing a premises to be used in accordance with a temporary event notice would undermine a licensing objective, that 'relevant person' is required to give a notice ("an objection notice") stating the reasons for being so satisfied.
11. Where a licensing authority receives an objection notice it is required, by section 105(2) of the Licensing Act 2003 to:
  - a) hold a hearing to consider the objection notice, unless the premises user, the relevant person who gave the notice and the licensing authority agree that a hearing is unnecessary;
  - b) having regard to the objection notice, give the premises user a counter notice if it considers it appropriate for the promotion of a licensing objective to do so.
12. In circumstances where an objection notice has been given (and not withdrawn) and the licensing authority has determined not to give a counter notice under section 105, the authority may impose one or more conditions on the standard temporary event notice if:
  - a) the authority considers it appropriate for the promotion of the licensing objectives to do so;
  - b) if the conditions are already imposed on the premises licence that has effect in respect of the premises;
  - c) the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.

13. The Sub Committee is asked to determine the notification of this TEN under Section 105 of the Licensing Act 2003 and to consider whether a counter notice should be issued in the circumstance. It must only issue a counter notice if they believe the event would undermine the crime prevention and public safety objectives set out in the Act.

## **Options**

1. The sub-committee may either: -
  - (a) Issue Counter Notice
  - (b) Impose conditions on the Temporary Event Notice
  - (c) Grant the Notice

## **Effect**

## **Conclusions/Summary**

2. The panel must consider the information provided and reach a decision after considering all the facts.

## **Background Papers**

- i. Statement of Licensing Policy (Licensing Act 2003)

## **Appendices**

- Appendix A: TEN Notification
- Appendix B: Map of the area
- Appendix C: Noise Abatement Notice
- Appendix D: Objection from Environmental Health
- Appendix E:
- Appendix F:
- Appendix G:

## **Report Author:**

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