

25 June 2021		ITEM: 4
Licensing Sub-Committee		
Determination Of Objection To Temporary Event Notice		
Wards and communities affected: All	Key Decision: Non-key	
Report of: Paula Parrott, Licensing Officer		
Accountable Assistant Director: Leigh Nicholson, Assistant Director Planning and Growth		
Accountable Director: Andy Millard, Director of Place		
This report is public		

Executive Summary

An objection has been received from Essex Police with regards to a Temporary Event Notice (TEN) submitted in relation to an open air cinema at Orsett Showground, Rectory Road, Orsett for 3rd to 4th July 2021. The objection relates to on the Prevention of Crime and Disorder licensing objective.

1. Recommendations:

1.1 That the Sub-Committee considers this report and appendices together with any oral submissions at the hearing and determines the application for the objection of a Temporary Event Notice.

2. Introduction and Background:

2.1 Section 104 (2) Licensing Act 2003, allows the Police or Environmental Health to object to a Temporary Event Notice if they believe that allowing the premises to be used in accordance with a Temporary Event Notice will undermine one or more of the licensing objectives.

2.2 The licensing objectives are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm.

- 2.3 The Licensing Department received a Temporary Event Notice on 15th June 2021 from the company trading as “Adventure Cinema”. A copy of the TEN is attached at **Appendix 1**.
- 2.4 The TEN relates to the Orsett Showground, Rectory Road, Orsett. The dates notified for the event are Saturday 3rd July 2021 20:30hrs to 23:00hrs and Sunday 4th July 2021 from 20:30hrs to 23:00hrs, for the purposes of the sale of alcohol and the provision of regulated entertainment. The person shown as the premises user is an Elias Cole of Ty Cert, Llandefalle, Brecon LD3 0NE.
- 2.5 A letter of acknowledgement of the TEN was sent on 16th June 2012 and a copy is attached at **Appendix 2**.
- 2.6 On Friday 18th June 2021 the Licensing Department received an objection notice from Gary Burke, Licensing Officer at Essex Police, outlining their objection that the applicant intends to run a bar at the event rather than table service, contravening current Covid Regulations, which is relevant to the prevention of crime and disorder licensing objective. The objection notice is attached at **Appendix 3**.
- 2.7 No other objection has been received from any other Responsible Authority.

3. Issues, Options And Analysis Of Options:

- 3.1 The committee, after considering the objection application, will need to consider what action, if any, to take in order to ensure that the licensing objectives are complied with.
- 3.2 The power to impose conditions on a TEN is conferred by s106 Licensing Act 2003. This is not a general power to impose conditions and can be exercised only where temporary events are held on premises, or parts of premises, for which a premises licence or Club Premises Certificate is in force and an objection notice is given.
- 3.3 A premises licence is in force at the Orsett Showground (the premises) and a copy is attached at **Appendix 4**.
- 3.4 The following options are available to the Licensing Sub-Committee:
- Allow the Temporary Event Notice as applied for;
 - Attach conditions if:
 - appropriate for the promotion of the licensing objectives;
 - The conditions are also imposed on a premises licence that has effect on this or part of the same premises, and
 - The conditions would not be inconsistent with the carrying out the licensable activities under the TEN.
 - To reject the Temporary Event Notice as applied for and issue a Counter Notice, which will prevent the event from going ahead.
- 3.5 The decision made by the Committee will take immediate effect. There is a right of appeal for both the person who has given the TEN and for the relevant

person that had submitted the objection notice. However no appeal may be brought later than 5 working days before the day on which the event period specified in the TEN.

3.6 In determining this application for an objection of the Temporary Event Notice by Essex Police, the Sub-Committee should have regard to the Council's Statement of Licensing Policy and to the guidance issued by the Secretary of State under s182 of the Licensing Act 2003.

3.7 The Sub-Committee are advised that the hearing is of a quasi-judicial nature and representations from all parties both written and verbal will form part of matters that are to be considered. Findings on issues of fact should be on the balance of probability.

3.8 The Sub-Committee are advised that the final decision should be based on the individual merits of the application and findings of fact made at the hearing.

4. Reasons For Recommendation:

4.1 These are the options available to the Sub-Committee

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 A copy of the objection has been served on the premises user.

6. Impact On Corporate Policies, Priorities, Performance And Community Impact

6.1 The Council has a duty under Section 17 of the Crime & Disorder Act 1998 to do all that it reasonably can to prevent:

- (a) crime and disorder in its area (including anti-social behaviour and other behaviour adversely affecting the local environment), and;
- (b) the misuse of drugs, alcohol and other substances in its areas.

In considering this duty the Sub-Committee should have due regard to the Licensing Act 2003, the Guidance issued by the Secretary of State under Section 182 of the Act and the Council's own Statement of Licensing Policy.

7. Implications

7.1 Financial

Implications verified by: **Laura Last**
Management Accounts

There are no direct financial implications for the Council.

7.2 **Legal**

Implications verified by: **Simon Scrowther**
Litigation Lawyer

Thurrock Council as Licensing Authority under the Licensing Act 2003 and subordinate legislation, is empowered to determine applications of this nature, Notice must be given of the Licensing Authority's decision on this matter. The decision could be subject to an appeal, which can be instigated by either the applicant or the person who made the representation.

7.3 **Diversity and Equality**

Implications verified by: **Rebecca Lee**
Team Manager – Adult Housing and Health

The Licensing Sub-Committee is of a quasi-judicial nature and whilst the Licensing Committee should ensure equality of treatment for all groups in the granting of licences, due regard should be given to its responsibility to promote the licensing objectives and its duties under Section 17 of the Crime and Disorder Act 1998. This includes full consideration of the need to prevent crime and disorder, ensure public safety, the prevention of public nuisance and the protection of children from harm. Where it finds that the need to comply with those duties is reasonably inferred, it must determine the application appropriately.

7.4 **Other implications (where significant) – i.e. Section 17, Risk Assessment, Health Impact Assessment, Sustainability, IT, Environmental**

The implications of Section 17 Crime and Disorder Act 1998 have been considered at 5.1 above.

Background Papers Used in Preparing This Report (include their location and identify whether any are exempt or protected by copyright):

- The Licensing Act 2003
- The Secretary of State's Guidance issued under section 182 Licensing Act 2003
- Thurrock Council's Statement of Licensing Policy

8. **Appendices To This Report:**

- Appendix 1 - Temporary Event Notice Application
- Appendix 2 - Letter of Acknowledgement
- Appendix 3 - Notice of Objection from Essex Police
- Appendix 4 – Premises licence for the Orsett Showground.

Report Author
Paula Parrott
Licensing Officer