



GENERAL LICENSING SUB-COMMITTEE
1 March 2019

ITEM 5a

Report sponsor: Richard Antcliff, Director of
Public Protection and Streetpride

Report author: Ann Walker, Senior Environmental
Health Officer

Receipt of Objection Notice in Respect of Temporary Event Notice

Purpose

- 1.1 A Temporary Event Notices have been received by Derby City Council's Licensing Team from Miss Jessica Rose Deas on 20 February 2019 in respect of the Riverside Centre, Pride Park, Derby DE24 8HY.
- 1.2 The sale by retail of alcohol; the supply of alcohol by or on behalf of a club to a member of the club; the provision of regulated entertainment; and the provision of late night refreshment must be licensed under the Licensing Act 2003.
- 1.3 Where no licence exists, any individual aged 18 or over, subject to specific criteria being met, can issue a Temporary Event Notice to the Licensing Authority.
- 1.4 This Notice allows licensable activities to take place without the need for any further authorisation.
- 1.5 Only the Police and the Council's Environmental Protection Team may object to a Temporary Event Notice on the two licensing objectives, an objection on behalf of Derbyshire Constabulary has been received and hence attendance at committee today.
- 1.6 The two Licensing objectives are:
 - a) the prevention of crime and disorder
 - b) the prevention of public nuisance
- 1.7 The General Licensing Sub Committee can decide to :
 - uphold the objection notice received and serve a counter-notice on the notifying individual
 - or
 - impose one or more of the existing licence conditions on the Temporary Event Notice if it considers it appropriate for the promotion of the licensing objectives
 - or
 - reject the objection notice.

Recommendations

- 2.1 To consider the information in the report and the objection notice received from Derbyshire Constabulary in respect of the Temporary Event Notice received on 22 February 2019.

Reason

- 3.1 To ensure the licensing objectives are upheld in relation to the Riverside Centre, Pride Park, Derby DE24 8HY.

Supporting information

- 4.1 A Temporary Event Notices were received by Derby City Council's Licensing Team from Jessica Deas. A copy is attached at appendix 1.
- 4.2 The Licensing Team received an objection notice from Derbyshire Constabulary on 22 February 2019. A copy is attached at appendix 2.
- 4.3 The responses from all Responsible Authorities are detailed in the table below;

RESPONSIBLE AUTHORITY	OBJECTION	OBJECTION WITHDRAWN	NO OBJECTION	NO RESPONSE
Derbyshire Constabulary	X			
Environmental Protection			X	

- 4.4 The licensable activities covered by the Temporary Event Notice are for:
- the sale by retail of alcohol (on the premises)
 - the provision of regulated entertainment

- 4.5 The date and times applied for are:

Saturday 27 April 2019 - 21.00hrs to 04.30hrs.

- 4.6 A location plan of the premises is attached at appendix 3.
- 4.7 The Committee is obliged to determine this objection notice with a view to promoting the licensing objectives which are:
- the prevention of crime and disorder;
 - the prevention of public nuisance;
- 4.8 In making its decision, the Committee is also obliged to have regard to national Guidance issued under Section 182 of the Licensing Act 2003 and the Council's own Licensing Policy.
- 4.9 The Council recognises the importance of securing proper integration with and attaching relevant conditions that reflect local strategies.
- 4.10 The Council has a duty to act in a manner which is compatible with the Human Rights Act 1998.
- 4.11 A Licence is regarded as property for the purposes of the Human Rights Act 1998. Article 1 of the First Protocol states that:
- “Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
- The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.”
- 4.12 The Committee must also take into account the effect on local residents. Article 8 states:
- Everyone has the right to respect for his private and family life, his home and his correspondence.
 - There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
- 4.13 Three stage test to be applied:
- Is the interference in accordance with the law?
 - Is the interference necessary in a democratic society in pursuit of one of the legitimate aims set out above?
- Is the decision proportionate ie. Striking a fair balance between the demands of the general interests of the community and the requirement to protect the individual's fundamental rights?

Public/stakeholder engagement

5.1 Not applicable

Other options

6.1 Not applicable

Financial and value for money issues

7.1 Notifier will forfeit the temporary event notice fee of £21 paid

Legal implications

8.1 The Committee is obliged to make a determination under the Licensing Act 2003

Other significant implications

9.1 Not applicable

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal	Not Applicable to Licensing Sub Committees	
Finance	Not Applicable to Licensing Sub Committees	
Service Director(s)	Not Applicable to Licensing Sub Committees	
Report sponsor	Not Applicable to Licensing Sub Committees	
Other(s)	Not Applicable to Licensing Sub Committees	

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Background papers:	None
List of appendices:	Appendix 1 – Temporary Event Notice Appendix 2 – Objection from Derbyshire Constabulary. Appendix 3 – Location Plan