

 Licensing Panel 29 May 2014		Agenda Item No. 4
Title	A Temporary Event Notice submitted for the Stareton Barn, The Courtyard, Kenilworth with objections from Warwickshire Police	
For further information about this report please contact	Emma Dudgeon, Licensing Enforcement Officer, Health and Community Protection. Tel: 01926 456113 Emma.dudgeon@warwickdc.gov.uk	
Wards of the District directly affected	None	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	N/A	
Background Papers	None	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No
Equality & Sustainability Impact Assessment Undertaken	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		
Head of Service	22.5.2014	Marianne Rolfe
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)	22.05.2014	Michael Coker
Consultation & Community Engagement		
N/A		
Final Decision?		Yes
Suggested next steps - None		

1. SUMMARY

- 1.1 A temporary event notice under the Licensing Act 2003 was submitted to Warwick District Council to permit licensable activities at Stareton Barn, The Courtyard, Stareton, Kenilworth on Saturday 31 May 2014. Warwickshire Police have submitted an objection notice to the temporary event notice.

2. RECOMMENDATION

- 2.1 The panel may decide not to allow the temporary event to proceed and to issue the user with a counter notice if it considers it necessary for the promotion of the crime prevention objective to do so. A notice stating the reasons for the decision must also be issued.
- 2.2 The panel may decide to allow the temporary event to proceed and must give a notice stating the reasons for the decision.

3. REASONS FOR THE RECOMMENDATION

- 3.1 On 15 May 2014 the Licensing Department received temporary event notice from Mr Thomas Barnacle, to authorise licensable activities at Stareton Barn, The Courtyard, Stareton. The application form is attached as Appendix 1.
- 3.2 The table below shows what the applicant has applied for on the temporary event notice.

Date	31 May 2014
Times	14:00 – 23:59
Event description	Charity disco with pay bar
Licensable activities requested	Sale of alcohol on the premises Regulated entertainment Late night refreshment
Maximum number of people attending	450

- 3.3 The Police and local Environmental Health authority have powers to object to a TEN where they are satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective.
- 3.4 On 20 May 2014 the licensing department received an objection to the temporary event notice from Warwickshire Police. The objection is attached as Appendix 2.
- 3.5 In accordance with section 105 of the Licensing Act 2003, the licensing authority must hold a hearing to consider the objection notice unless the police, premises user and licensing authority agree that a hearing is unnecessary. The hearing must be concluded, and notice of the decision given to the premises user and the Police, no later than 24 hours before the temporary event is due to commence.
- 3.6 The panel can only consider those licensing objectives detailed in the objection received from Warwickshire Police and the panel cannot add conditions to the temporary event notice. If the panel decide the event cannot go ahead a counter notice must be issued.

- 3.7 There are no public advertising requirements for temporary event notices and 'other persons' (including local residents and businesses) are not entitled to raise representations for this type of licensing process.
- 3.8 A map of the area of the premises is attached as Appendix 3.
- 3.9 When considering the application the panel must give appropriate weight to:-
- a) The representation received.
 - b) Statutory guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.
 - c) The Council's Licensing Policy Statement (attached as Appendix 4)
 - d) The relevant Licensing Objectives, which are:-
 - The Prevention of Crime and Disorder
 - Public Safety
- 3.10 Details of the procedure adopted by the Licensing Committee for Panel Hearings have been supplied to the applicant and those making representations. The procedure will be explained more fully by one of the Council's Legal Team at the commencement of the hearing.

4. **BUDGETARY FRAMEWORK**

- 4.1 None.

5. **ALTERNATIVE OPTION(S) CONSIDERED**

- 5.1 No alternatives may be considered

6. **BACKGROUND**

- 6.1 None