



Agenda Item 4

Licensing and Regulatory Panel
8 June 2023

Title: Objection to a Temporary Event Notice received under the Licensing Act 2003 for Goa Cream, Chesford Bridge Fields Bericote Road, Blackdown, Royal Leamington Spa, CV32 6QP
Lead Officer: Emma Morgan
Portfolio Holder: Councillor Hunt
Public report: Yes
Wards of the District directly affected: Cubbington and Leek Wootton

Contrary to the policy framework: No
Contrary to the budgetary framework: No
Key Decision: No
Included within the Forward Plan: No
Equality Impact Assessment Undertaken: No
Consultation & Community Engagement: No
Final Decision: Yes
Accessibility checked: Yes

Officer/Councillor Approval

Officer Approval	Date	Name
Team Leader	16.5.2023	Rachael Russell
Legal Services	17.5.2023	Sue Mullins

1. Summary

- 1.1 Warwick District Council, as the Licensing Authority, has received a valid Temporary Event Notice, for Goa Cream, Chesford Bridge Fields Bericote Road, Blackdown, Royal Leamington Spa, CV32 6QP. A representation has been received in relation to this notice for the consideration of the panel in the determination of the notice.

2. Options available to the Panel

- 2.1 Members are asked to consider the information contained in this report.

The following options are available to members:

Option 1 – issue a counter notice for the event which will prevent it from taking place;

Option 2 – not to issue a counter notice and allow the event to take place as applied for.

3. Details for Consideration

- 3.1 When considering the application the panel must also give appropriate weight to:-
- a) The representations 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 5)
 - d) The Licensing Objectives, which are:-
 - i) The Prevention of Crime and Disorder.
 - ii) Public Safety.
 - iii) The Prevention of Public Nuisance.
 - iv) The Protection of Children from Harm.

However, it must only consider those licensing objectives which have been referred to in the representations received.

- 3.2 The Council's Statement of Licensing Policy provides that the authority will take an objective view on all applications and will seek to attach appropriate and proportionate conditions to licences where necessary to ensure the promotion of the four licensing objectives. Each application will be judged on its own merits.
- 3.3 Details of the procedure adopted by the Licensing and Regulatory 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.

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- 3.4 Mr Piers Ciappara applied for Temporary Event Notice for Goa Cream, Chesford Bridge Fields, Bericote Road, Blackdown, Royal Leamington Spa, CV32 6QP on 28 April 2023. The notice is for an event taking place on 15 September 2023 for three days, On the application form it is described as a charity fund raiser in the form of a weekend family festival. A copy of the Temporary Event Notice submitted by the applicant is attached as appendix 1.
- 3.5 Warwickshire Police and WDC Environmental Health have powers to object to a Temporary Event Notice where they are satisfied that allowing the premises to be used in accordance with this notice would undermine a licensing objective.
- 3.6 In accordance with section 105 of the Licensing Act 2003, the licensing authority must hold a hearing to consider the objection unless the relevant responsible authority, 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 relevant responsible authority no later than 24 hours before the temporary event is due to commence.
- 3.7 The Licensing Department has received an objection from Environmental Health. This is attached as appendix 2.
- 3.8 Environmental Health received further complaints in relation to a private event held 19 May 2023 to 21 May 2023. Therefore, Environmental Health have submitted further evidence attached as appendix 3.
- 3.9 An aerial view showing the location of the premises (taken from google maps) is attached as appendix 4.

4. Legal Comments

- 4.1 The statutory provisions relating to Temporary Event Notices ("TEN"s) are set out in Part 5 of the Licensing Act 2003 and guidance is contained in Part 7 of the Section 182 Guidance.
- 4.2 Section 7.2 of the guidance states "The system of permitted temporary activities is intended as 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. Instead, a person wishing to hold an event at which such activities are proposed to be carried on (the "premises user") gives notice to the licensing authority of the event (a "temporary event notice" or "TEN")
- 4.3 Section 7.6 of the guidance states "The police or EHA ("relevant persons" for the purposes of TENs) may intervene to prevent such an event taking place by sending an objection to the licensing authority, which the licensing authority must consider on the basis of the statutory licensing objectives and decide whether the event should go ahead....If a relevant person sends an objection, this may result in the licensing authority imposing conditions on a TEN but only where the venue at which the event is to be held has an existing premises licence or club premises certificate. When giving a TEN, the

premises user should consider the promotion of the four licensing objectives.”

- 4.4 Section 7.34 of the guidance states “Where a standard TEN was given, the licensing authority must consider the objection at a hearing before a counter notice can be issued. At the hearing, the police, EHA and the premises user may make representations to the licensing authority. Following the hearing, the licensing authority may decide to impose conditions which already apply to an existing premises licence or club premises certificate at the venue or issue a counter notice to prevent the event going ahead.

5. Policy Framework

5.1. Fit for the Future (FFF)

5.1.1 The Council’s FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects.

5.1.2 The FFF Strategy has 3 strands, People, Services and Money, and each has an external and internal element to it, the details of which can be found [on the Council’s website](#). The table below illustrates the impact of this proposal if any in relation to the Council’s FFF Strategy.

5.2. FFF Strands

5.2.1 External impacts of proposal(s)

People - Health, Homes, Communities - The licensing policy recognises that residents within, and visitors to the District, need a safe and healthy environment to live, work and visit; and that safe and well run entertainment premises are important to the local economy and vibrancy of the District.

Services - Green, Clean, Safe – None.

Money- Infrastructure, Enterprise, Employment - The licensing policy relates to current legislation, and, where possible, to local factors, allowing flexibility and the potential to expand and augment the local economy and promote cultural issues.

5.2.2. Internal impacts of the proposal(s)

People - Effective Staff – None.

Services - Maintain or Improve Services - None.

Money - Firm Financial Footing over the Longer Term - None.