

Agenda Item No: 4

Report No: 133/15

Report Title: Application for a Temporary Event Notice at Cinque Ports, 49 High Street, Seaford BN25 1PP

Report To: Licensing Sub-Committee Date: 7 October 2015

Report By: Director of Service Delivery

Contact Officer(s)-

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1. The Application:

1.1 Premises User: Mr Robert Thomsett

1.2 Premises: Cinque Ports, 49 High Street, Seaford BN25 1PP

1.3 Type of application: Notice given under section 100 of the Licensing Act 2003 to carry on a temporary activity at 49 High Street, Seaford.

1.3.1 A temporary event notice is a process of notification to the local authority and police that allows licensable activities to be carried on at premises that do not have a premises licence or a club certificate in place for the times applied.

1.4 Licensable activities:

1.4.1 Sale of alcohol for consumption on and off the premises, regulated entertainment and late night refreshment from 8pm until 2am on Saturday 10th October through to Sunday 11th October.

1.5 Purpose of Report

1.5.1 To consider the application for a temporary event notice as a result of an objection notice from Environmental Health.

1.5.2 The Licensing Act requires a Licensing Sub Committee to consider such applications when an appropriate notice of objection under any of the four licensing objectives has been made by either the Police or Environmental Health.

1.5.3 Only the Police and Environmental Health may object to a temporary event notice on the grounds that the issue of the temporary event notice will undermine any of the licensing objectives. Any such objection must be made within 3 working days of receipt of the notification.

- 1.5.4** The Licensing Authority shall then arrange a hearing which must be held within 7 working days beginning with the day after the end of the period within which the Police and Environmental Health may give an objection notice, but in any case the determination must be given at least 24 hours before the event is due to begin.

2. Background Information

- 2.1** The Cinque Ports is a small to medium size public house situated in an area of residential properties along with some business and retail outlets in the old Seaford High Street near to the town centre and the main shopping area. The premises have a ground floor open plan bar to the front and to both sides with a rear lounge area. To the side is a small external yard with double doors that serves as the smoking area. It is covered and has tables and chairs for customers use for smoking and the consumption of alcohol. The entrance to the premises is at the front from the High Street pavement and there is a lobby and doors between the street and the bar area.
- 2.2** The Premises Licence for the Cinque Ports was the subject of a Review Hearing in November 2010 due to receipt of an application for public nuisance, and crime and disorder issues raised by local residents. The result of this Review was to impose certain conditions which were agreed and placed on the Premises Licence.

3 Representations Received

- 3.1** Environmental Health have served notice on the Premises User Mr Robert Thomsett and Lewes District Council objecting to the temporary event notice for the 10th to 11th October 2015 on the grounds of public nuisance.

4. Licensing Policy Consideration

- 4.1** There are no sections contained in the Council's Licensing Policy that refer to Temporary Event Notices. If a relevant objection is made by Environmental Health and no compromise can be reached between the parties a hearing must be held .

- 4.2** The options available to the Licensing Sub Committee are:

To grant or refuse the temporary event.

Conditions can be imposed on a TEN if the conditions are

- Imposed on a premises licence that has effect in respect of the same premises as the temporary event notice, and
- Consistent with the carrying out of the licensable activities which forms part of the temporary event notice.

- 4.3** Following the Committee's decision both Environmental Health and the Premises User have a right of appeal to the Magistrates Court within 21 days.

5. National Guidance:

- 5.1** The Home Office has issued Guidance under Section 182 of the Licensing Act 2003. This Guidance is provided to assist Licensing Authorities to carry out their functions under the Act and the relevant sections for consideration are contained in Part 2 for public nuisance, and Part 7 for Temporary Event Notices

Financial Appraisal

There are no financial implications to this report

Legal Implications

These are contained within the body of this report

Sustainability Implications

I have completed the Sustainability Implications Questionnaire and there are no impacts either positive or negative (reference LDC 47582)

Background Papers

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Appendices:

1. 1 e.mail of objection from Environmental Health with supporting witness statement
2. Location Plan of the site and immediate surrounding area
3. Premises Licence – Cinque Ports Public House
3. Relevant sections of Home Office Guidance issued under Section 182 of the Licensing Act 2003. Section 2.14 Public Nuisance, and Section 7 Temporary Event Notices