

Report to: Licensing Sub Committee

Date: 25th October 2021

Title: Temporary Event Notice – Objection Received

Report of: Director of Service Delivery

Ward:

Purpose of report: To provide information in order that the Sub Committee can determine a Temporary Event Notice.

Officer recommendation(s): The Sub Committee is asked to determine a Temporary Event Notice in accordance with the Licensing Act 2003 (as amended), Lewes District Council Licensing Policy and the Home Office Guidance issued per Section 182 Licensing Act 2003, whilst having due regard to the applicant’s submissions and relevant representations.

Reasons for recommendations: A Temporary Event Notice has been received, pursuant to Section 100 Licensing Act 2003. An objection notice has been lodged by Sussex Police.

Contact Officer(s): Name: Paul Thornton
Post title: Specialist Advisor (Licensing)
E-mail: paul.thornton@lewes-eastbourne.gov.uk
Telephone number: 01323 415140

1 Introduction

1.1 To consider a Temporary Event Notice in view of an objection notice submitted by a relevant person (Sussex Police) under section 104(2) of the Licensing Act 2003. A Temporary Event Notice relates to the temporary carrying on of licensable activities which are not authorised by a premises licence. Sussex Police has submitted an objection notice.

1.2 Lewes District Council has received a Temporary Event Notice under Section 100 Licensing Act 2003 from Roger Thorpe, who will be the premises user.

2 The Application

2.1 Temporary Event Notice details :

Friday 5 November 2021 16:00 to 00:00 at ‘Front of 3 Garages, Corner of Stansfield Road and Landport Road, Lewes’, for the licensable activity of Sale of

Alcohol for consumption off the premises only. Lewes Bonfire Celebrations are being held on this night. **Appendix 1.**

3 Objection received from Responsible Authorities:

3.1 The following Statutory Bodies (described as Responsible Authorities by the Licensing Act 2003) were consulted about this application:

- Sussex Police
- Lewes District Council Environmental Health

3.2 Sussex Police objected to the Temporary Event Notice on the grounds of the Prevention of Crime and Disorder, the Prevention of Public Nuisance and Public Safety. **Appendix 2.**

3.3 Lewes Bonfire Celebrations are being held on this night and Sussex Police cite an increase in Crime and Disorder, anti-social behaviour and large crowds at the location as a basis for their objection.

3.4 Section 104(2) Licensing Act 2003 states that "where a relevant person who is given a temporary event notice is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective, the relevant person must give a notice stating the reasons for being so satisfied (an 'objection notice').

4 Objection received from others

4.1 No other objections have been received.

5 Licensing Sub Committee Information

5.1 The Sub Committee should be aware that a Temporary Event Notice is not an application. It is a notification to the Licensing Authority that an individual intends to use premises for one or more licensable activities.

5.2 If the Sub Committee, having regard to the objection notice, determine the event should not go ahead it must give the premises user a counter notice if it considers it appropriate for the promotion of a licensing objective to do so

6 Options

6.1 The following options are therefore available to the Sub Committee (Section 105 Licensing Act 2003)

- a. Where it decides not to give a counter notice – gives the premises user and each relevant person notice of the decision.
- b. In any other case, give the premises user and each relevant person a counter notice and a notice stating the reasons for its decision.

7 Financial appraisal

7.1 There are no financial implications associated with the content of this Report.

8 Legal Implications

8.1 Members are asked to note that under Schedule 5 (16) 2003 Act the premises user may appeal the decision to give a Counter Notice and Sussex Police may appeal the decision not to give a Counter Notice within 21 days of the decision being notified to the appellant. No appeal may be brought later than 5 working days before the event (5 November 2021).

8.2 The Legal Section considered this Report on 15 October 2021 (IKEN-10498-MW).

9 Risk management implications

9.1 There are no risks associated with the content of this Report.

10 Equality analysis

10.1 An Equality Analysis is not constructive in this instance.

11 Environmental sustainability implications

11.1 There are no sustainability and/or carbon reduction implications associated with this Report.

12 Appendices

- Appendix 1 Temporary Event Notice
- Appendix 2 Objection Notice from Sussex Police