

**Report to:** Licensing Sub Committee

**Date:** 30 October 2023

**Title:** Temporary Event Notice – Objection Received

**Report of:** Director of Service Delivery

**Ward:** Lewes Castle

**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.

**Reasons for recommendations:** A Temporary Event Notice has been received, pursuant to Section 100 Licensing Act 2003. Environmental Protection have lodged an objection.

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## **1 Introduction**

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

1.2 Lewes District Council received a TEN on 16 October 2023 under Section 100 Licensing Act 2003 from Martin Thomas, who will be the premises user.

## **2 The Temporary Event Notice**

2.1 TEN details :

Saturday 11 November 2023 to Sunday 12 November 2023, 20:00 – 02:00 at Shed 15 Phoenix Place Lewes BN7 1JX for the licensable activities of Late Night Refreshment and Regulated Entertainment. **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 Protection

3.2 An Environmental Protection objection was received on 19 October 2023 against the TEN on the grounds of Prevention of Public Nuisance. **Appendix 2** and a map of the area is at **Appendix 3**.

3.3 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 TEN is not an application. It is a notification to the Licensing Authority that an individual intends to use a 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.

5.3 The Sub Committee can only impose conditions on a TEN if the premises already has a premises licence in place. In this case, the premises does not hold a current premises licence.

### **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) Licensing Act 2003 the premises user may appeal a decision to give a Counter Notice and Environment Protection may appeal a decision not to give a Counter Notice, to the Magistrates' Court within 21 days of the decision being notified to the appellant. No appeal may be brought later than five working days before the event (11 November 2023 is the date of the event).

8.2 The Legal Section considered this Report on 23 October 2023 (Iken 12485-LDC-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 Environmental Protection
Appendix 3	Map of the area