

Southend-on-Sea Borough Council

Agenda
Item No.

Report of Director of the Department for Place
To
Licensing Sub-Committee

on
27th July 2017

Report prepared by: Lloyd Coombes

Temporary Event Notice Subject to Objection Notice from the Responsible Authorities

RE: Southend On Sea Beach (East of Sealife Centre), Eastern Esplanade, Southend-On-Sea, Essex, SS1 2ER,

LICENSING ACT 2003

A Part I Public Agenda Item

1. Purpose of Report

- 1.1 This report considers an application by Mr Michael Mansaray for the grant of a Temporary Event Notice (TEN) made under Section 100 of the Licensing Act 2003.

2. Recommendation

- 2.1 That the Sub-Committee considers the Objection Notice.
- 2.2 If, having regard to the Objection Notice, the Sub-Committee considers that it is necessary for promotion of any of the Licensing Objectives, a Counter Notice must be issued preventing the Temporary Event from proceeding.
- 2.3 The Sub-Committee is obliged to reach its decision at the conclusion of the hearing, and to give the reasons for its decision.

3 Background

- 3.1 Temporary Event Notices (TEN's) are the successor to Occasional Licences, Occasional Permissions and Special Orders of Exemption issued by the Justices, and to Occasional Licences for entertainments issued by the Local Authority. Unlike the approvals given by the Justices, they may cover any combination of licensable activities, but there are limits as to the size and number of events which may be held in a particular premises or site, and the number of Notices which individuals may give, in each calendar year.
- 3.2 Where no Objection Notice is given by the Police or Environmental Protection team, the Licensing Authority merely acknowledges the Notice and the event

may proceed, although a procedure has been put in place to notify other relevant authorities who may wish to be aware.

- 3.3 Delegated Authority is given to officers to serve Counter Notices in respect of events which exceed the statutory limits, and to reject Notices which are not made in accordance with the Act.

4 Proposals

- 4.1 The notification was given to the Licensing Authority on 12th July 2017 and is for the grant of a Temporary Event Notice (TEN). Responsible Authorities then have three working days to consider the application. The last day of consultation for this application was the 17th July 2017.

- 4.2 Details of the application which are to be determined by the Sub-Committee can be briefly summarised as follows:

- a) The notice is for an event to be held on the beach located eastwards of the Sea Life Centre on Eastern Esplanade.
- b) The licensable activity applied for is regulated entertainment from 10:00 hours to 19:30 hours Saturday 5th August 2017.
- c) The maximum number of people listed as attending the event is to be 499.

5 Notice Procedures

- 5.1 "Premises Users" giving Temporary Events Notices are required to give their Notices in duplicate with the application fee to the Licensing Authority, at least 10 working days before the day on which the proposed event is due to start. They must also give a copy to the Police and the Environmental Protection Team. Objection Notices must be given within three working days, if satisfied that allowing the event in question to be used in accordance with the TEN would undermine the Licensing Objectives, namely:

- Crime and disorder
- Public Nuisance
- Public Safety
- The Protection of Children from Harm

- 5.2 Representations have been received from a Responsible Authority, namely: the Police.

- 5.3 A copy of the Objection Notice has been forwarded to the Sub-Committee Members.

6 Matters for Consideration

- 6.1 An Objection Notice having been given and not withdrawn, the Licensing Authority is obliged to hold a hearing.

- 6.2 In carrying out its licensing functions, the Licensing Authority must also have regard to:-
- i) It's Licensing Statement, and
 - ii) The Guidance issued by the Secretary of State.
- 6.3 The Licensing Authority has, in accordance with the requirements of the Act, prepared and published a Statement of Licensing Policy, following formal consultation. Copies of this document, together with the statutory guidance, have been made available to all Licensing Committee Members.
- 6.4 The Licensing Authority must decide whether or not to issue a Counter Notice, but may not impose conditions. At any time before the hearing, the Responsible Authorities may (with the agreement of the premises user) modify the TEN. In such cases, the Objection Notice is treated as having been withdrawn.

7 Background Paper

- 7.1 Council's Statement of Licensing Policy.
- 7.2 The Home Office Guidance to Licensing Authorities, April 2017 issue (Chapter 7).