

MIDDLESBROUGH COUNCIL

AGENDA ITEM 3

COMMITTEE REPORT

LICENSING SUB COMMITTEE

15 NOVEMBER 2013

REPORT OF THE ASSISTANT DIRECTOR OF DEVELOPMENT AND PLANNING SERVICES

APPLICATION FOR TEMPORARY EVENT NOTICE

Premises User: Peter Craig

Ref.No.

Premises: 31 Station Street, Middlesbrough TS1 1SR

Application received : 15 October 2013

Summary of the nature of the proposed event: DJ Event

Requested Licensable Activities:

The sale by retail of alcohol, provision of regulated entertainment

Summary of proposed date and time of event:

22.00 – 04.00 on Saturday 7 December 2013

Full details of the application have been reproduced at Appendix 1.

1. Notification to Police:

A copy of the notice was served on Cleveland Police on 15 October 2013.

2. Legislation

The Licensing Act 2003 allows for the issue of a Temporary Events Notice (TENS) which permits licensable activities on a temporary basis without the need for a premises licence. They are often used for venues which do not have the benefit of a premises licence and by existing premises licence holders to extend the hours for licensable activities.

There are a number of limitations imposed by the Licensing Act 2003 on the use of Temporary Events Notices. These include:-

- A maximum of 499 to attend the event at any one time.
- A maximum of 12 TENS may be given in a calendar year for any particular premises.
- A maximum duration of 168 hours (7 days) for any event authorised by a TEN.
- A maximum total duration of events authorised by a TEN in relation to individual premises (21 days in a calendar year).
- A minimum period of 24 hours between events authorised under separate TENS for the same premises.

The Licensing Act 2003 permits only the Police and Environmental Health Officer to object to a TEN on the basis of any of the 4 licensing objectives.

3. Background

The premises consists of an industrial unit previously used as a showroom and factory. The premises does not currently have the benefit of a premises licence.

4. The Objection

On 18 October 2013 an objection notice was received from Cleveland Police under Section 104 Licensing Act 2003 which objects to the Temporary Event Notice under the grounds of crime and disorder and public safety. (see Appendix 2).

5. The Licensing Policy

Members are referred to the following relevant sections of the Council's Licensing Policy.

Crime and Disorder starting at page 32

Public Safety starting at page 30

And any other sections of the Policy which Members consider to be relevant.

6. Guidance to the Licensing Act 2003

Members are referred to the following relevant sections of the Guidance.

Temporary Event Notices Starting at para 7.1

Crime and Disorder Starting at para 2.1

Public Safety Starting at para 2.8

And any other sections of the Guidance which Members consider to be relevant.

7. Members' Options

Members may consider the following options:

1. To allow the Temporary Event to take place consistent with the application.
2. Uphold the objection by the Police on the grounds of the prevention of crime and disorder and issue a counter notice to the premises user under Section 105(3) Licensing Act 2003.

Members are reminded that any aggrieved party (i.e. Premises User, Chief Officer of Police) may appeal any decision of the Licensing Committee to the Magistrates Courts.

Contact Officer: Tim Hodgkinson
Principal Licensing Officer
Tel. 728720

15 November 2013

For admin use only:

Decision:

Reasons: