

**FOR THE CHAIR AND MEMBERS OF  
THE LICENSING SUB-COMMITTEE C  
FOR 23 MAY 2018**

## **SERVICE OF TEMPORARY EVENT NOTICE**

**Premises User:** John Taylor

**Ref.No.** OL/18/09

**Premises:** Soho, 77-81 Albert Road, Middlesbrough, TS1 2RU

**Notice received:** 9 May 2018

**Description of premises and nature of the proposed event:**

Nightclub - Extended hours for Bank Holiday for sale of alcohol and regulated entertainment

**Date and time of the proposed event:**

28 May 2018 – Sale alcohol until 4.00am, Regulated Entertainment until 4.30am, Doors close at 4.30am

**Full details of the notice have been reproduced at Appendix 1.**

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### **1. Notification to Responsible Authorities:**

In accordance with the Licensing Act, a copy of the notice has been sent to Cleveland Police and the Council's Environmental Health Service.

### **2. Legislation**

The Licensing Act 2003 allows for the service of a Temporary Event Notice (TEN) which permits licensable activities to be carried out on a temporary basis without the need for a premises licence. They are often for venues which do not have the benefit of a premises licence and by existing premises licence holders proposing to extend the hours for licensable activities.

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

### **3. Background**

The premises operates as a nightclub in Middlesbrough town centre, trading with the benefit of a premises licence. The terminal hour for the sale of alcohol, regulated entertainment and late night refreshment is 3.00am on a daily basis, whilst the premises are allowed to remain open to the public on these days until 3.30am. A copy of the current premises licence is attached at **Appendix 2**.

### **4. The objection**

On 14 May 2018, an objection was received from Cleveland Police under Section 104 of the Licensing Act 2003 in relation to the licensing objective for the prevention of crime and disorder. A copy of the objection notice is attached at **Appendix 3**.

On 17 May 2018, a response to the Police objection was provided by the Premises user. A copy of the response is attached at **Appendix 4**.

### **5. The Licensing Policy**

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

Prevention of Crime and Disorder	Page 20
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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.

Prevention of Crime and Disorder	Starting at paragraph 2.1
Temporary Event Notices	Starting at para 7.1

In particular, paragraph 7.28 of the guidance states that if the licensing authority receives an objection notice from the Police or the Environmental Health Authority (EHA) that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection unless all parties agree that it is unnecessary. The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers it appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions (a "notice (statement of conditions)") and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and should not take place. In this case, the licensing authority must give a counter notice.

### **7. Members' Options**

Members may consider the following options:

1. To allow the Temporary Event to take place consistent with the notice.

2. To allow the Temporary Event to take place with the imposition of one or more of the conditions from the existing premises licence.
3. Uphold the objection from the Police on the grounds of the prevention of crime and disorder and issue a counter notice under Section 105 (3) of the Licensing Act 2003.

Members are reminded that any party to the hearing aggrieved by the decision may appeal to the Magistrates' Court, but no appeal may be brought later than five working days before the day on which the event period specified in the temporary event notice begins.

Contact Officer:        Steve Wearing  
                                  Principal Licensing Officer  
                                  Tel. 728713

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