

PART A

Report to: Licensing Sub-Committee
Date of meeting: 16 October 2015
Report of: Head of Community and Customer Services
Title: Temporary Event Notice
Eighty3, 83 The Parade, High Street, Watford WD17 1LN
15/01573/TENPER

1.0 SUMMARY

- 1.1 A Temporary Event Notice (TEN) has been given by Mr Shovaughn McDonald in respect of an event to be held at the premises known as Eighty3 at 83 The Parade, High Street, Watford, in the early hours of 1 November 2015. Representations have been received from the Police with regards to this TEN.

2.0 RECOMMENDATION

- 2.1 That the Licensing Sub-committee determines whether or not to issue a counter-notice in respect of the TEN for 1 November 2015 for the premises, to the premises user and to the Police, giving its reasons.

Contact Officer:

For further information on this report please contact: Austen Young Licensing Officer telephone 01923 278474: email: austen.young@watford.gov.uk

Report approved by: *Alan Gough, Head of Community and Customer Services*

3.0 APPLICATION

- 3.1 Type of authorisation applied for
Temporary Event Notice (TEN) for Eighty3, 83 The Parade, High Street, Watford.

It is not indicated that the TEN applies to a specific area of the premises, and therefore this TEN is deemed to apply to the whole of the premises.

- 3.2 Proposed premises user
Shovaughn McDonald

- 3.3 Description of event (reproduced directly from the TEN)
Extension of licensable activities.

- 3.4 Maximum number of people intended to be on the premises at any one time
400

This figure includes any staff, organisers, and performers, as well as members of the public.

- 3.5 Licensable activities

Licensable activity	Applied for
Sale by retail of alcohol	✓
Supply of alcohol by or on behalf of a club	X
Provision of regulated entertainment	✓
Provision of late night refreshment	✓

- 3.6 Hours:

Reference	Day	Times
15/01573/TENPER	Sunday 01/11/2015	02:30 – 03:30

The TEN states that the venue will close at 04:00 to allow 30 minutes drinking up time.

4.0 RESPONSIBLE AUTHORITIES

- 4.1 Police
The Police have made objections to the TEN in their role as a responsible authority. The objections are on the grounds that the licensing objectives of the prevention of crime and disorder and promotion of public safety would be undermined. The objections are attached at appendix 1.

- 4.2 Environmental Health
No objections

5.0 CONDITIONS

- 5.1
- (1) A copy of the TEN must be prominently displayed on the premises or in the custody of the premises user or a nominated deputy, and must be produced on demand to an authorised officer.
 - (2) Where the relevant licensable activities include the supply of alcohol, all such supplies are to be made by or under the authority of the premises user.
 - (3) The premises user is subject to the other general enforcement provisions in the Licensing Act 2003, such as not allowing unauthorised licensable activities to take place.
 - (4) The Police and authorised officers have the power to enter premises where a TEN is in force to assess the impact of the notice on the crime prevention objective.
 - (5) The Police have powers to close premises instantly that are disorderly, likely to become disorderly or are causing nuisance as a result of noise from the premises.
 - (6) There are no powers for the licensing authority to modify the dates or hours given in the notice.

5.2 The Sub-committee may choose to attach one or more of the conditions from an existing premises licence where:

1. an objection notice has been received from a relevant person and not been withdrawn; and
2. the Licensing Sub-committee has chosen not to issue a counter notice.

Paragraph 7.28 of the statutory guidance also provides information on this matter.

5.3 This option is open to the Sub-committee in this case as the proposed premises does hold a premises licence. The existing licence is attached at appendix 2.

6.0 TEMPORARY EVENT NOTICES

- 6.1
- (1) Temporary event notices must be applied for no less than 10 days in advance of the proposed event. Notices given with 'between five and nine days' notice are still valid but are considered 'late temporary event notices'.
 - (2) No more than 499 people (including visitors, staff, stewards etc) may be present at any one time in premises covered by a TEN.
 - (3) Licensable activities under a TEN may not last for more than 168 hours

at a time. There must be a break of at least 24 hours between two TENS.

- (4) A personal licence holder may give a maximum of fifty TENS in any one calendar year (including 10 late TENS). A non-personal licence holder may give up to five TENS in a calendar year (including two late TENS).
- (5) No more than 12 TENS may be given in any one calendar year for any particular premises, and the maximum aggregate number of days must not exceed 21 days in a calendar year.
- (6) A TEN given by an “associate” (such as a spouse or employee) is counted towards these limits.
- (7) If the Sub-committee agrees that the relevant licensing objective/s would be undermined as a result of the TEN, it can issue a counter notice to the proposed premises user and to the relevant parties giving its reasons.
- (8) If the Sub-committee does not agree that the relevant licensing objective/s would be undermined as a result of the TEN, it must issue a notice to the proposed premises user and to the relevant parties giving its reasons, identifying where appropriate whether any conditions from an existing premises licence or club premises certificate are to be in force during the event.
- (9) There is a right of appeal to the Magistrates’ Court by the Police, Environmental Health, or the proposed premises user within 21 days of being notified of the decision of the licensing authority, providing it is no later than five working days before the day on which the proposed event is to take place.

7.0 OFFICERS’ OBSERVATIONS

- 7.1 Officers are aware that the Police have arranged a meeting with representatives of the premises on Thursday 15 October 2015 to discuss the Police objection. This report is published before this meeting is due to take place, and therefore officers advise that the outcome of this meeting should be discussed, as any agreements reached during this meeting may have an effect upon proceedings.
- 7.2 The Police’s objections are concerned with the management of the venue and their ability to hold a safe, responsible, event at the premises, including searching customers on entry, checking their ages, and confirming that they are not banned from the Town Centre venues, and the risk that these actions pose to the licensing objectives. The Police are also concerned that the premises may exceed their capacity, affecting public safety.
- 7.3 These concerns have arisen following recent incidents at the premises. In the Police objection, it is noted that these incidents occurred on Sunday 4 October 2015. Officers can confirm that the premises did benefit from a TEN on Sunday

4 October for the sale of alcohol, provision of regulated entertainment, and provision of late night refreshment, between 02:30 and 03:30. Prior to 02:30, the premises were operating under their existing Premises Licence. The TEN for 1 November 2015 is the first TEN received since the events of 4 October 2015.

- 7.4 The Sub-committee does have the power to impose one or more of the conditions from the existing Premises Licence for Eighty3 upon this TEN if the event is to be permitted. Officers consider that the following conditions would be appropriate to promote the licensing objectives and to address the Police's concerns:

Annex 2, Condition 9

Challenge 21 scheme to be adopted where photographic ID (UK driving licence, passport or other ID with PASS logo) must be asked for from any person appearing to be under the age of 21.

Annex 2, Condition 10

An ID scan system will be installed and used from 9pm on Monday, Thursday, Friday and Saturday and on any nights when the venue remains open beyond midnight and or door supervisors are present. If the system should breakdown then Police will be informed immediately and repair carried out as soon as practicable.

Annex 2, Condition 13

Random searching will take place of those suspected of carrying drugs or offensive weapons.

Annex 2, Condition 16

The maximum number of persons to be allowed on any one time in the Premises shall not exceed 400 people (including staff) at any one time.

Annex 2, Condition 17

An accurate record shall be kept of the number of persons admitted to the premises.

- 7.5 The conditions mentioned in paragraph 7.4 have been identified as being appropriate for the promotion of the licensing objectives and to address the Police's concerns due to the actions required under these conditions, such as requesting ID from certain customers, using the ID scan system, searching customers and having a set capacity limit.

This does not restrict the Sub-committee's power to attach conditions from the licence that they consider are appropriate to promote the licensing objectives and address the Police's concerns. Members are reminded that they do not have the power to attach any other conditions to this notice, or to amend the wording of existing licence conditions.

- 7.6 Officers advise that the licensing authority's Statement of Licensing Policy states that, where objections are received against a premises which falls within

the Town Centre as defined by Policy LP3, as this premises does, that the TEN will be considered on its own merits.

- 7.7 The Sub-committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the Borough.
- 7.8 The Sub-committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property, which may include licences in existence, and the protection of private and family life.
- 7.9 The officers' observations and the comments regarding the representations are in no way meant to bind Members. They are for guidance only and Members may attach whatever weight they see fit.

Appendices

Appendix 1 – Police objections

Appendix 2 – existing premises licence

Background Papers

The following background papers were used in the preparation of this report.

If you wish to inspect or take copies of the background papers, please contact the officer named on the front page of the report.

Licensing Act 2003

Amended guidance issued under section 182 of the Licensing Act 2003

(Home Office March 2015)

Licensing Act (Hearings) Regulations 2005

Watford Borough Council Statement of Licensing Policy 2013 - 2018

(November 2013)

File Reference

Eighty3