

PART A

Report to: Licensing Sub-Committee
Date of meeting: 24 November 2014
Report of: Head of Community and Customer Services
Title: Temporary Event Notice
Disco, Oceana, 127 The Parade, High Street, Watford WD17 1NA
14/01503/TENPER

1.0 SUMMARY

1.1 A Temporary Event Notice (TEN) has been given by Mr Alex O'Reilly in respect of an event to be held within the Disco bar at Oceana, 127 The Parade, High Street, Watford, on 21 December 2014. An objection notice has been received from the Police with regards to this TEN.

2.0 RECOMMENDATIONS

2.1 That the Licensing Sub-Committee determines whether or not to issue a counter-notice in respect of the TEN for 21 December 2014 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 Oceana, 127 The Parade, High Street – specifically the area within the premises known as Disco.

3.2 Proposed premises user

Alex O'Reilly

3.3 Description of event (reproduced directly from the TEN)

Extended trading hours

All other premises licence conditions will be observed for the duration of this TEN

3.4 Maximum number of people allowed to attend the event at one time

499 (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
14/01503/TENPER	Sunday 21/12/2014	03:00 – 06:00

The TEN states that the venue will close at 06:30 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 objective of the prevention of crime and disorder 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 are part of a larger premises which 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 events 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 either the Police 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 advise that, although the Sub-Committee do have the power to impose one or more of the conditions from the existing Premises Licence for Oceana upon this TEN, the premises user has already voluntarily indicated within the TEN that they intend to observe all existing licence conditions.
- 7.2 The Police’s objections are concerned with the ability to provide Police resources to manage this event and the public who are in attendance, and the impact that this event would have upon the town centre’s dispersal, with limited transport options being available at 6am specifically being mentioned.
- 7.3 The Police are also concerned about how allowing this TEN would set a precedent for other such TENs, from this venue or other venues. The Sub-Committee are reminded that each case must be considered on its own merits, and therefore can not take into account whether allowing this TEN will result in further requests for such hours.
- 7.4 Officers did arrange for the both the Police and the premises user to meet prior to this hearing to discuss the TEN and the submitted objections. The meeting was useful in that it allowed both parties to discuss the event and how it would

be managed informally, outside of a hearing, as well as to discuss general concerns regarding the TEN. However, as neither the TEN nor the objections were withdrawn at the end of this meeting, a hearing is still required to determine whether this TEN should be allowed or not.

- 7.5 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.
- 7.6 The 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.
- 7.7 The 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.
- 7.8 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 October 2014)

Licensing Act (Hearings) Regulations 2005

Watford Borough Council Statement of Licensing Policy 2013 - 2018
(November 2013)

File Reference

Oceana