



Please ask for:

Gaynor Williams

Direct dial:

(023) 9254 5503

Fax:

(023) 9254 5360

E-mail:

ehs@gosport.gov.uk

My Ref: **08/00726/LATEN**

Your Ref:

Tuesday, 22 July 2008

PUBLIC NOTICE

MEETING: LICENSING SUB-BOARD

DATE: 25TH JULY 2008

TIME: 13:00:00

VENUE: COUNCIL CHAMBER TOWN
HALL

SENIOR LICENSING OFFICER: RUSSELL BRAY

BOROUGH SOLICITOR

MEMBERS OF THE SUB-BOARD

Councillor BRADLEY

Councillor CARTER

Councillor MRS CULLY

FIRE PRECAUTIONS

(To be read if members of the public are present)

In the event of the fire alarm (continuous ringing sound) sounding, please leave the room immediately.

Proceed downstairs by way of the main stairs or as directed by GBC staff, follow any of the emergency exit signs. People with disability or mobility issues please identify yourself to GBC staff who will assist in your evacuation of the building.

Environmental Services Unit: David Jago – Environmental Services Manager

Switchboard Telephone Number: **(023) 9258 4242**

Britdoc Number: **DX136567 Gosport 2** Website: **www.gosport.gov.uk**

AGENDA

1. APOLOGIES FOR NON-ATTENDANCE

2. DECLARATIONS OF INTEREST

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter, any personal or personal and prejudicial interest in any item(s) being considered at this meeting.

3. TO CONSIDER APPLICATIONS RECEIVED (copies attached)

Application: Temporary Event Notice
Premises:
Address: Land At Stokes Bay
West Of Military Road
Gosport
Reference: 08/00726/LATEN

IMPORTANT NOTICE:

- If you are in a wheelchair or have difficulty in walking and require access to the venue on the First Floor of the Town Hall for this meeting, assistance can be provided by Town Hall staff on request.
- Please note that mobile phones should be switched off for the duration of the meeting.

If you require any of the services detailed above please ring Gaynor Williams on 023 9254 5503.

GOSPORT BOROUGH COUNCIL

REPORT TO THE:	LICENSING SUB-BOARD
MEETING DATE:	25th JULY 2008
REPORT OF:	ENVIRONMENTAL SERVICES MANAGER
APPLICATION:	OBJECTION TO A TEMPORARY EVENT NOTICE. THE ARENA AREA, STOKES BAY GOSPORT NOTIFICATION NUMBER 08/00726/LATEN

REPORT TO THE:	LICENSING SUB-BOARD
MEETING DATE:	25th JULY 2008
REPORT OF:	ENVIRONMENTAL SERVICES MANAGER
APPLICATION:	OBJECTION TO A TEMPORARY EVENT NOTICE. THE ARENA AREA, STOKES BAY GOSPORT NOTIFICATION NUMBER 08/00726/LATEN

1.0 INTRODUCTION.

- 1.1 Notification has been received from Mr P Chegwyn of a temporary event to take place between the 31st July and the 3rd August 2008. The event will take place within a designated area that forms part of the Stokes Bay Arena Site. A counter notice objecting to the event has been received from Hampshire Constabulary.

2.0 BACKGROUND INFORMATION.

- 2.1 The Licensing Act 2003 provided for the licensing of temporary events for a limited duration and for a maximum number of persons using a system of simple notification. This facility is principally to permit licensable activities to take place without the need for a Premises Licence or Club Premises Certificate. Temporary Event Notices may also be used to permit licensable activities to take place that are not included on an existing Premises Licence or a Club Premises Certificate. This facility is often used for special events at existing licensed premises. Under the terms of a Temporary Event Notice (TEN) no more than 499 people may attend any event subject to the notification, the notification is valid for a maximum of 96 hours.
- 2.2 Temporary Event Notices are subject to a simplified application process. The applicant must notify the relevant Licensing Authority and Chief Officer of Police of his/her intention to undertake licensable activities on a temporary basis. Notification to other Relevant Authorities identified in the Act or to third parties is not required. The Chief Officer of Police may object to the notification to the Licensing Authority however any objection must relate to the licensing objective of crime and disorder. No other Licensing Objectives may be considered under this process. The Licensing Authority when considering the police objection to the notification can either accept the notification (i.e. grant the notice) or reject it by issuing a counter notice. The notification cannot be accepted subject to conditions imposed by the Licensing Authority.

3 REPORT.

- 3.1 A Temporary Event Notice has been received from Mr Peter Chegwyn, the notification relates to use of a designated area within the Stokes Bay Arena site. Mr Chegwyn has permission to occupy the site which is subject to a Premises Licence granted by Gosport Borough Council acting as the Licensing Authority to Gosport Borough Council as the land owners. The application is to permit the Sale of Alcohol and regulated entertainment between 22:00 and Midnight (00:00) in the existing bar area and the provision of a Cinema tent between 22:00 and 02:00 showing cartoons. The notification also provides for the provision of hot beverages between 22:00 and 02:00. These activities will be undertaken between the 31st July and the 3rd August. The notification is provided as Appendix A.
- 3.2 The existing Premises Licence permits the sale of alcohol until 21:45 and the provision of regulated entertainment until 22:00. The provision of late night refreshment is not covered by the existing licence as all activities cease before 23:00 when the provision of hot food would require a licence. If the Temporary Event Notice is accepted then the conditions attached to the existing premises licence, including the time restrictions would not apply to the event specified in the Temporary Event Notice. [The mandatory condition relating to the supply of alcohol to persons under 18 years of age however still applies].
- 3.2 An objection to the notification has been received within the prescribed timescale from Hampshire Constabulary; this is provided as Appendix B. The objection raises a number of concerns however it is only those concerns relating directly to crime and disorder that may be considered by the Licensing Sub Board.

4.0 POLICY CONSIDERATIONS

- 4.1 The following provisions of the Licensing Act 2003 apply to this application:

Part 5, Permitted Temporary Activities

- 4.2 The following provisions of the Secretary of State's guidance apply to this application:

Chapter 7, Temporary Event Notices.

- 4.3 The following paragraphs of this authority's statement of licensing policy apply to this application:

3.8 -3.14 Temporary Event Notices:

5.0 OFFICERS' OBSERVATIONS

- 5.1 The Sub-Board has to consider the objection received from Hampshire Constabulary to the notification.
- 5.2 In considering this matter the Sub-Board is also obliged to have regard to the national guidance and this Authority's Statement of Licensing Policy.
- 5.3 A copy of the police objection has been provided to the applicant to consider. The police and the applicant may agree to modify the Temporary Event Notice in order to meet the crime and disorder objective prior to any hearing. This may permit the police to withdraw their objection if agreement can be reached.
- 5.4 The Licensing Sub-Board is not able to agree the Temporary Event Notice subject to or with conditions attached.
- 5.5 The Licensing Sub-Board must therefore take whichever of the following it considers necessary in promoting the licensing objectives as they relate to this notification:
 - i. Accept the notification as received; or
 - ii. Reject the notification.

6.0 OTHER CONSIDERATIONS

- 6.1 The Crime and Disorder Act 1998 places a duty on the Authority to exercise its functions with due regard to the likely effect of the exercise of its functions on, and the need to do all it reasonably can to prevent crime and disorder in its area. The prevention of crime and disorder is one of the licensing objectives and is a matter that the Authority must take into account when making its decision on the license application.
- 6.2 The Human Rights Act 1998 applies this guarantees the right to a fair hearing for all parties in the determination of their civil rights. The hearing procedure satisfies this requirement and in addition there are rights of appeal given to applicants and those making representations against the Licensing Authority's decision to the Magistrates Court. The licence is deemed to be a possession and therefore Article 1 of the First Protocol is engaged and this provides that no-one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law.

7.0 ASSOCIATED PAPERS

The Sub-Board's attention is drawn to the following associated papers that are attached.

7.1 APPENDICES

- A. Notification of a Temporary Event Notice.
- B. Objection received from Hampshire Constabulary

Contact Officer

For further information please contact T Dagens 02392 545516 or email ehs@gosport.gov.uk

Appendix A

Application for a Temporary Event
Stokes Bay Arena.

Appendix B

Objection received from Hampshire Constabulary