



*Please ask for:*

**Gaynor Williams**

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*My Ref:* **08/00725/LATEN**

*Your Ref:*

**Tuesday, 22 July 2008**

## **PUBLIC NOTICE**

**MEETING:** LICENSING SUB-BOARD

**DATE:** 25TH JULY 2008

**TIME:** 15:15:00

**VENUE:** Council Chamber, Town Hall

**SENIOR LICENSING OFFICER:** RUSSELL BRAY

BOROUGH SOLICITOR

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### **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 Bay House School  
Detached Playing Field  
Off Browndown Road  
Gosport  
Reference: 08/00725/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**

<b>REPORT TO THE:</b>	<b>LICENSING SUB-BOARD</b>
<b>MEETING DATE:</b>	<b>25<sup>th</sup> JULY 2008</b>
<b>REPORT OF:</b>	<b>ENVIRONMENTAL SERVICES MANAGER</b>
<b>APPLICATION:</b>	<b>OBJECTION TO A TEMPORARY EVENT NOTICE. LAND AT BAY HOUSE SCHOOL. BROWNDOWN ROAD, GOSPORT. NOTIFICATION NUMBER 08/00725/LATEN</b>

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## **1.0 INTRODUCTION.**

- 1.1 Notification has been received from Mr P Chegwyn of a temporary event to take place between the 31<sup>st</sup> July and the 3<sup>rd</sup> August 2008. The event will take place on the playing fields of Bay House School in Browndown Road in support of the Stokes Bay Festival. 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 the provision of hot refreshments on a camping site to be established on the Bay House School, playing fields in Browndown Road. It is proposed to supply hot tea and coffee between 22:00 and 02:00. The provision of hot beverages between 23:00 and 05:00 is a licensable activity under the Licensing Act 2003, it is for this reason that the temporary event notice has been lodged. The site is not at present subject to any licence issued under the Licensing Act 2003. The notification is provided as Appendix A.
- 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 cites 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](mailto:ehs@gosport.gov.uk)

## Appendix A

Application for a Temporary Event  
Bay House School.

## Appendix B

Objection received from Hampshire Constabulary