

LICENSING ACT 2003 SUB COMMITTEE

DATE: 16th August 2019
REPORT OF: Licensing Officer
SUBJECT: Temporary Event Notice
Ferry Boat Inn, 4 Strand, Shaldon TQ14 0DL

PART I

RECOMMENDATION

The Licensing Act 2003 Sub Committee is requested to consider this notice.

1. THE NOTICE

Applicant: **Mr Matt Ford**

Premises: **Ferry Boat Inn, 4 Strand, Shaldon TQ14 0DL**

A Temporary Event Notice (TEN) has been received from Mr Matt Ford, the Designated Premises Supervisor, to provide the sale by retail of alcohol and regulated entertainment (amplified music) outside the premises in the beer garden at the premises known as Ferry Boat Inn, 4 Strand, Shaldon TQ14 0DL between the hours of 12:00 Saturday 24th August 2019 to 20:00 on Monday 26th August 2019.

2. BACKGROUND INFORMATION

The Ferry Boat Inn has a premise licence to provide the sale by retail of alcohol and regulated entertainment on the premises only and does not include the beer garden.

A Temporary Event Notice (TEN) is served by an individual and, if granted, authorises the applicant to conduct one or more licensable activities at the premises for up to 168 hours.

A TEN application has to stipulate the start and finish times of the whole event, therefore the hours applied for in this instance is not an indication that the activities applied for will be continuous during these times. The hours will be clarified at Committee.

TEN's can be used to authorise relatively small-scale adhoc events held in, or on, any premises involving less than 500 people at any one time, subject to certain restrictions.

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3. PROMOTION OF LICENSING OBJECTIVE

Environmental Health, as a formal consultee have raised an objection under the licensing objective of Prevention of Public Nuisance due to having received complaints about recent amplified music at this premise.

There is a likelihood, given the close proximity of residential dwellings to this proposal, that complaints of noise nuisance are likely to be received.

Should consent be granted for this TEN, it would be in addition to the conditions of the existing premise licence.

LEGAL AND POLICY CONSIDERATIONS

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

Part 5, Section 104 and 105 regarding the objection to a standard temporary event notice by a 'relevant person'.

The sub-committee must:-

- (a) in a case where it decides not to give a *counter notice under this section, give the premises user and each relevant person notice of the decision, and (*The effect of this would be that the event can take place as notified).
- (b) in any other case –
 - (i) give the premises user the counter notice* and a notice stating the reasons for its decision, and
 - (ii) give the each relevant persons a copy of both of those notices.(* The effect of this is to stop the event from taking place).

The following provisions of the Secretary of State's guidance apply to this application Sections 7.31 to 7.36.

The licensing authority's statement of licensing policy does not specifically deal with temporary event notices but the general provisions relating to promotion of the four licensing objectives apply.

At the hearing the sub-committee is confined to consideration of the four licensing objectives and cannot uphold an objection notice on other grounds.

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.

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The sub-committee is asked to determine these notices.

Note: Relevant extracts from D.C.M.S. Guidance are attached at the end of the report to assist members when considering these notices (Appendix A).

Hayley Carpenter Licensing Officer

Wards affected	<i>Teignbridge East</i>
Contact for any more information	<i>Hayley Carpenter</i>
Background Papers (For Part I reports only)	<i>Licensing Act 2003 Section 182 Guidance for Police and Licensing Authorities</i>
Key Decision	<i>No</i>
In Forward Plan	<i>No</i>
Community Impact Assessment attached:	<i>No</i>
Appendices attached:	<i>A: National Guidance</i>