

## **ITEM 5      Police objection to Temporary Event Notices – The Olive Tree, 11 Latimer Street, Romsey SO51 8DF**

### **1      The Notices**

- 1.1      Four Temporary Event Notices (TENs) from Alison Bird have been submitted on her behalf by John Gaunt & Partners, solicitors. The TENs are to allow for the sale of alcohol, provision of regulated entertainment and provision of late night refreshment at The Olive Tree public house. The first two TENs have automatically been rejected as a result of Police objections and are outside of the scope of this hearing. The two remaining TENs have attracted a Police objection necessitating the TENs to be considered at a hearing. The TENs cover the periods from 3 to 8 November and 10 to 13 November 2015. Copies of the TENs are attached as Annexes 1 and 2 to this report. The Police objections are attached as Annexes 3 and 4 to this report.

### **2      Background**

- 2.1      The premises are an established public house in Romsey town centre. The premises had for many years the benefit of a Premises Licence issued under the Licensing Act 2003. A copy of this licence is attached as Annex 5 to this report. However, on 13 October 2015 the licensing authority was made aware that the Premises Licence holder, Bella & Sparky Trading Limited, had been placed into voluntary liquidation on 10 August 2015. This has the effect of causing the Licence to lapse unless within a period of 28 days an application was made for either an interim authority notice or the transfer of the Licence. No such application was received and so the licence lapsed. The licensing authority served a notice on the premises on Tuesday 13 October advising of this fact and thus that the premises was unable to offer any licensable activity. On Wednesday 14 October four Temporary Event Notices were received covering the majority of the period from 22 October to 13 November to allow the premises to trade whilst an application for a new Premises Licence was pending.

### **3      Promotion of the Licensing Objectives**

- 3.1      The Police have raised objections to the TENs in relation to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. The reason for the objections is set out in their representations attached as Annexes 3 and 4 to this report.

### **4      Policy Considerations**

- 4.1      It is considered that the following extracts from the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 (March 2015 edition) are relevant:

2.1-2.5 – Crime and disorder

2.14-2.20 – Public nuisance

7.1-7.36 – Temporary Event Notices

A copy of the Secretary of State’s Guidance will be provided at the meeting for Members of the Sub Committee. Additional copies can be obtained from the GOV.UK website.

- 4.2 It is considered that the following extracts from the Licensing Authority’s own Statement of Licensing Policy are relevant to this application:

Section A Prevention of Crime and Disorder

Section C Prevention of Public Nuisance

The Statement of Licensing Policy has either previously been provided for Members of the Sub Committee or will be provided at the hearing. Copies can also be obtained from the Licensing Section of the Legal and Democratic Service or downloaded from the Council’s website.

## **5 Observations**

- 5.1 The Committee is obliged to determine the TENs with a view to promoting the four licensing objectives of prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm. In making its decision, the Committee is also obliged to have regard to the national Guidance and the Council’s own Statement of Licensing Policy. The Committee must also have regard to all of the representations made and the evidence it hears. The Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- a) Allow the TENs to have effect as applied for
- b) Uphold the Police objections and reject the TENs by issuing a counter notice, if it considers it appropriate for the promotion of the licensing objectives. In such a case the Committee must give a reason for its decision.

The Committee is asked to note that it may not reject the TENs merely because it considers it desirable to do so. It must actually be appropriate in order to promote one or more of the four licensing objectives:

- a. Prevention of crime and disorder
- b. Public safety
- c. Prevention of public nuisance
- d. Protection of children from harm

Background Papers (Local Government Act 1972 Section 100D)

Police Objections to Temporary Event Notices in respect of The Olive Tree, 11 Latimer Street, Romsey.

Confidentiality

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

No of Annexes:	5		
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