

Body: Licensing Sub Committee
Date: 16th June 2010
Subject: Objection by Sussex Police to an Application For a Temporary Event Notice, submitted by Kings Nightclub, 18-20 Langney Road Eastbourne
Report Of: Kareen Plympton, Licensing Manager
Ward(s) Devonshire Ward
Purpose To determine an application for a Temporary Event Notice following an objection by Sussex Police and decide whether to not to serve a Counter Notice to the Temporary Event Organiser in accordance with Section 105(3) of the Licensing Act 2003.
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1.0 Purpose

- 1.1 Application for two Temporary Event Notices has been served on the Licensing Authority by Designated Premises Supervisor, Mr Mike Gillman on the afternoon of 10th April 2010 in respect of the lower floor only of the premises known as Kings Nightclub, Langney Road, Eastbourne.
- 1.2 A Temporary Event Notice must be made at least ten working days prior to the date of the event, excluding the day of the event itself. Copies of the application are served on the Chief Officer of Police and the Licensing Authority.
- 1.3 If the Police are satisfied that allowing the premises to be used in accordance with the notice would undermine the crime prevention licensing objective, they must give an objection notice to the Licensing Authority and to the premises user within 48 hours of receiving the temporary event notice. An objection was received by the Licensing Authority from Sussex Police on Friday 11th June 2010.
- 1.4 The premise is currently open to the public until 0330 hours, and is entitled to supply alcohol, provide regulated entertainment and late night refreshment until 0300 hours throughout the week.
- 1.5 The premises has a series of "non standard timings" already appended to the licence which allow the premises to trade until 0400 hours for the provision of alcohol, regulated entertainment late night refreshment and open to the public on the following days:

"An additional hour for British Summertime, Bank Holiday Sundays, Burns Night, Valentines Night, 29th February, St Davids Day, St Patricks Day, Maundy Thursday, Good Friday, Eastbourne Sunday , St Georges Day, 31st October, St Andrews Day, Christmas Eve, 27th and 28th December, "A" Thursday and Airbourne Weekend."

- 1.6 The temporary event notice application seeks to permit the sale by retail of alcohol on the premises, the provision of regulated entertainment and the provision of late night refreshment (food) on Sunday 27th June 2010, extending the hours of operation from 0300 hours to 0400 hours. The premise is scheduled to close at 0430 hours to allow for 30 minutes of "drinking up time."
- 1.7 It is proposed that the temporary event notice applies to the lower floor only, catering for a maximum capacity of 400 people, including staff.
- 1.8 Copies of the temporary event notice applications are included at Appendix 1. A Statement of Intent, detailing the nature of the event as prepared by the Designated Premises Supervisor, Mike Gillman is also included. This details the intended mode of operation for the event, and a management strategy therein is included at Appendix 2.

2.0 Police Objection

- 2.1 A notice of objection has been received from Inspector Connaughton of Sussex Police, in accordance with Section 105 of the Licensing Act 2003. The decision on whether or not to serve a Counter Notice rests with the Licensing Sub Committee.
- 2.2 Members are advised that only Sussex Police can make an objection to a temporary event notice application, under the prevention of crime and disorder Licensing Objective.
- 2.3 A copy of the Police objection, received on 11th June 2010 is included at Appendix 3. This provides an overview of the grounds for objection. It focuses on the link between alcohol consumption, crime and disorder. Further information regarding the schedule of incidents, produced on 14th June 2010. This is included at Appendix 3.
- 2.4 The Designated Premises Supervisor, Mike Gillman met with Sussex Police on 7th May 2010 to discuss the level of incidents at the premises, alongside management strategies to tackle drunkenness, disorder and anti social behaviour. An Action Plan was agreed in conjunction with Sussex Police, the Designated Premises Supervisor, Mr Gillman and the Premises Licence Holder, Luminar Leisure on 13th May 2010. This is included at Appendix 4.

3.0 Options

- 3.1 Members are advised that there is no provision under the Licensing Act 2003 to place conditions on a Temporary Event Notice. The Sub Committee therefore has the following options:
 - a) To serve a Counter Notice and reasons for doing so if it considers it necessary for the promotion of the prevention of crime and disorder Licensing Objective. The Temporary Event may not proceed if a counter notice is issued.
 - b) Not serve a Counter Notice, thereby allowing the event to proceed.
- 3.2 Any decision of the Sub Committee must be made at least 24 hours before the beginning of the event period specified in the Temporary Event Notice.

- 3.3 Under Schedule 3 Section 16 (2) and (3) there is a right of appeal against the Sub Committee decision by both the Premises User and Sussex Police.
- 3.4 Where the Authority does not issue a counter notice, Sussex Police may appeal against the decision. In both cases, appeals must be made to the Magistrates Court within 21 days of receiving notification of the decision. However, in accordance with Schedule 5 Section (16)(6) no appeal may be brought later than 5 working days before the day on which the event period specified in the Notice begins.
- 3.3 In view of this time constraints, Members' attention is drawn to the "Councils Information and Guidance Notes For Temporary Event Notices," which state that:
- "Eastbourne Borough Council wish to receive applications at least one calendar month before the date of the event. This will enable the Licensing Authority and Police to examine the application in good time of the event. This may resolve any issues and any possible objection, and to ensure the smooth transition of the application."
- 3.4 The Premises User, their Representative and Sussex Police have been invited to attend the hearing.

4.0 Determination of the Application

- 4.1 Members are invited to consider the Objection Notice submitted by Sussex Police, following presentation of the evidence by all parties. Members may only consider the objection based on the grounds of crime and disorder.
- 4.2 When carrying out its licensing functions, the Sub Committee will need to have regard to the Council's Statement of Licensing Policy and Section 182 Guidance issued in respect of the Licensing Act 2003 as revised. Decisions also need to be taken with a view to promoting the Licensing Objectives, specifically the prevention of crime and disorder.

Kareen Plympton
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