



REPORT OF:	HEAD OF COMMUNITY SERVICES
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TO:	LICENSING SUB COMMITTEE
DATE:	TUESDAY 26 MARCH 2013

AGENDA ITEM NO:	4	WARD(S) AFFECTED:	HORLEY CENTRAL
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SUBJECT:	OBJECTION TO TEMPORARY EVENT AT FLIRT NIGHTCLUB, VICTORIA HOUSE, CONSORT WAY, HORLEY RH6 7AF
PURPOSE OF THE REPORT:	TO CONSIDER THE POLICE OBJECTION NOTICE TO THE TEMPORARY EVENT NOTICE.

OPTIONS

The Sub-Committee has the following options:

1. Having regard to the objection notice, give the premises user a counter notice under this section if it considers it necessary for the promotion of the crime prevention objective to do so. If a counter notice is issued the event can not proceed.
2. To not issue a counter notice, thereby permitting the temporary event as shown in the temporary event notice.
3. To not give a counter notice, but to impose one or more conditions on the standard temporary event notice if:-
 - (a) the authority considers it appropriate for the promotion of the licensing objectives to do so,
 - (b) the conditions are already included on the Flirt premises licence (the premises to which the temporary event notice applies).
 - (c) the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.

The Sub Committee has authority to determine the above options.

Background

1. The Licensing Act 2003 provides a system of temporary activities, under which licensable activities can be carried out on a temporary basis without the need for a premises licence. The intended premises user gives notification of a temporary event, and the licensing authority acknowledges receipt of the notification - No permission is required from the licensing authority, and only the Police or the Council's Environmental Protection department may

- intervene with a view to preventing the event or modifying arrangements for it.
2. On 14 March 2013 this licensing authority received a Temporary Event Notice of an event at Flirt Nightclub, Consort Way, Horley, Surrey RH6 7AF. A copy of the Temporary Event Notice is attached at Annex 1.
 3. The premises is a night club located in Horley Town Centre. A location plan is attached at Annex 2.
 4. On 18 March 2013 this licensing authority received an objection notice from Surrey Police to the Temporary Event Notice. A copy of this objection notice is attached at Annex 3.
 5. Flirt Nightclub has been granted a premises licence authorising the sale of alcohol and certain regulated entertainment. A copy of the current premises licence is attached at Annex 4.

Temporary Event Notice Summary

6. The temporary event notice is for the sale of alcohol, provision of regulated entertainment and the provision of late night refreshment from 22.00 hrs on Saturday 20 April 2013 to 05.00 hrs on 21 April 2013. The premises licence for Flirt nightclub would normally authorise these activities until 03.30 hrs.

Mediation

7. The possible options open to the licensing sub-committee are set out at the beginning of this report. However, at any time before the hearing is held or dispensed with, the Police may withdraw their objection if the proposed premises user agrees to modify the temporary event notice. The modified TEN would then be effective and replace the original TEN.
8. This report is issued so that the matter may be considered within the timescale laid down in the legislation, if required. It may be that the premises user and the Police will resolve the issues raised before the meeting. In such a situation, the hearing will be cancelled as there will be no issue for consideration.

Policy and Legal Considerations

9. To assist the Sub-Committee in considering this matter, Part 7 of the Revised Guidance to the Licensing Act 2003 on TENs, is attached at Annexe 5.

Appeals Procedure

10. Where the relevant licensing authority gives a counter notice, the premises user may appeal against that decision. Where that authority decides not to give such a counter notice, the chief officer of police may appeal against that decision. An appeal under this paragraph must be made to Redhill magistrates' court. An appeal under this paragraph must be commenced by

notice of appeal given by the appellant to the designated officer for the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against. Additionally, no appeal may be brought later than five working days before the day on which the event period specified in the temporary event notice begins.

Background Papers: None

Annex 1	Temporary Event Notice
Annex 2	Location plan
Annex 3	Police objection notice to Temporary Event Notice
Annex 4	Flirt premises licence
Annex 5	Guidance issued by the secretary of state in with respect to temporary events notices

