

CAMBRIDGE CITY COUNCIL

REPORT OF: The Commercial & Licensing Manager

TO: Licensing Sub Committee

APPLICATION: Police and Environmental Health objections to a Temporary Event Notice, Land Adjacent to 119b Mill Road, Cambridge, Cambridgeshire CB1 2AZ

WARD: Petersfield

INTRODUCTION

1.1 To consider and determine the application for a Temporary Event Notice (TEN) taking into account the objections of the Police and Environmental Health as detailed in paragraph 3 and the policy considerations detailed in paragraph 4 of the report.

1.2 Sudhir Agar is seeking a TEN on land adjacent to 119b Mill Rd, Cambridge, CB1 2AZ for the sale of alcohol and the provision of regulated entertainment as follows:

Saturday December 2nd 2017 between the hours of 10:00 & 21:00
Sunday December 3rd 2017 between the hours of 12:00 & 18:00

1.3 The objections only relate to the event taking place on Saturday 2nd December 2017. There are no objections in regard to the event taking place on Sunday December 3rd 2017 from either the Police or Environmental Health.

1.4 A copy of the application is attached at Appendix A and the area of land covered by the TEN is shown on the map at Appendix B

1.5 Any objections to a TEN must be restricted to the four licensing objectives.

2. BACKGROUND

2.1 Mr Agar has applied for a TEN to be held on land adjacent to 119b Mill Rd so that he may hold an event including the sale of alcohol and provision of regulated entertainment on the day of the Mill Rd Winter Fair on 2nd December 2017 as well as the following day.

- 2.2 Only the Police or Environmental Health may object to a TEN if they feel that it would undermine one of the four licensing objectives. This must be done within 3 working days of receipt and if objections are received then the licensing authority is required to hold a hearing to determine the application at the hearing.

3. OBJECTIONS FROM THE POLICE AND ENVIRONMENTAL HEALTH

- 3.1 An objection has been received from the PC Clare Metcalfe acting on behalf of the Chief Officer of Police. The objection is attached in its entirety at Appendix C.
- 3.2 An objection has been received from the Luke Catchpole acting on behalf of Environmental Health. The objection is attached in its entirety at Appendix D.
- 3.3 The Act permits the Police and Environmental Health to modify a TEN with the agreement of the applicant. Should such an agreement be reached before the hearing then the notices of objection is treated as withdrawn and the hearing may be dispensed with.

4. POLICY CONSIDERATIONS

- 4.1 In carrying out its licensing functions, the Licensing Authority must have regard to any statutory guidance issued under Section 182 of the Licensing Act 2003. Section 7 covers TENS and Sections 7.32 – 7.35 refer specifically to Police and Environmental Health intervention.

5. CONCLUSIONS

- 5.1 The Licensing Authority has a duty under the Licensing Act 2003 by promoting the Licensing Objectives. In these circumstances the relevant consideration is the undermining of the Public Safety objective.
- 5.2 In carrying out its licensing functions the licensing authority must have regard to its Statement of Licensing Policy, any Statutory Guidance under the Licensing Act 2003 and is bound by the Human Rights Act 1998.

6. OPTIONS

- 6.1 The Licensing Authority must hold a hearing to consider the objectives. Having regard to the objection notice the authority must give the applicant a counter notice under Section 105 (2) of the Act if it considers it necessary for the promotion of the licensing objectives. Reasons for the decision must also be given. Alternatively the authority may decide not to give a counter notice.

7. RECOMMENDATION

- 7.1 That members' determine the application on its individual merits.

BACKGROUND PAPERS

The following are the background papers that were used in the preparation of this report:

Guidance issued under Section 182 of the Licensing Act 2003

Appendix A - Copy of the Application for a Temporary Event Notice

Appendix B – Map of Land Adjacent to 119B Mill Rd, Cambridge

Appendix C – Copy of objection received from the Police

Appendix D – Copy of objection received from Environmental Health

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Report file: TBC

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