

LICENSING ACT 2003 TEMPORARY EVENT NOTICE – Eureka, Manor Lane, Fawkham,  
Kent DA3 8ND

Licensing Sub Committee – Tuesday 4<sup>th</sup> July at 10.30am

**Report of:** Chief Officer Planning & Regulatory Services

**Status:** For Decision

**Key Decision:** No

**Portfolio Holder:** Cllr. McArthur

**Contact Officer:** Susan Lindsey Ext. 7491

**Recommendation to Licensing Sub-Committee:**

The Sub Committee is asked to determine the Temporary Event Notice in accordance with the Licensing Act 2003, Sevenoaks District Council Statement of Licensing Policy, and the Home Office Guidance issued per Section 182 of the Licensing Act 2003, whilst having due regard to the applicant’s submissions and relevant representations.

**Reason for recommendation:**

A Temporary Event Notice has been received for an event commencing on 15<sup>th</sup> July 2023 at 12 noon and ending on 16<sup>th</sup> July 2023 at 3am. A representation against the notice has been made by Kent Police.

**1. Introduction and Background**

- 1.1 A Temporary Event Notice has been made to Sevenoaks District Council for Eureka, Manor Lane, Fawkham, Kent DA3 8ND. The applicant is Mr Stuart Moore – **Appendix 1**
- 1.2 The nature of this Temporary Event Notice is to allow for a ‘Festival Launch Party’ to include the sale of alcohol, late night refreshment and regulated entertainment from 15<sup>th</sup> July 2023 at 12 noon until 16<sup>th</sup> July 2023 at 3am.
- 1.3 A copy of the current Premises Licence (ref 20/01492/LAPRE) with associated plans are at **Appendix 2** and **Appendix 3**.
- 1.4 For the attention of Members, a further, more detailed, site plan of the area surrounding the licensed premises is at **Appendix 4**.
- 1.5 **Temporary Event Notices**

- 1.6 The Temporary Event Notice process is a procedure provided whereby small-scale one-off events involving licensable activities can take place without any further authorisation.
- 1.7 This means that, providing specific criteria are met, there is no need for a premises licence or club premises certificate or for the presence of a personal licence holder.
- 1.8 No permission is required for such events; the procedure is merely one of 'notification' from the premises user that the event will take place. In the absence of any objection from the Police or Environmental Health, and provided all the criteria are met, the event can go ahead.
- 1.9 Applicants must apply for a Temporary Event Notice at least 10 clear working days before the event. The council cannot refuse a notice unless the Police and/or Environmental Health object to it (or maximum limits set for the duration, scale, and use of the premises under such notifications have been reached). The Police and/or Environmental Health must object within 3 working days of receiving the Notification. They can only object if they think the event could undermine any one of the four licensing objectives:
- The prevention of crime and disorder
  - Public nuisance
  - Public safety
  - The protection of children from harm
- 1.10 If the Police or Environmental Health do object, the Licensing Authority must hold a hearing to consider the objection notice unless the premises user, the Police and/or Environmental Health and the Licensing Authority all agree that a hearing is not necessary.
- 1.11 Where the Police or Environmental Health make an objection, the Licensing Authority may impose one or more conditions on the notice if it considers it appropriate for the promotion of any of the licensing objectives. The conditions can be imposed if they are:
- Imposed on a premises licence that has effect in respect of the same premises or any part of the same premises as the temporary event notice.
  - Consistent with the carrying out of the licensable activities which forms part of the temporary event notice.
- 1.12 If the Licensing Authority decides to uphold the objection by the Police and/or Environmental Health, they must issue a counter notice to the premises user with a notice giving reasons for the decision, with copies of these notices given to the Police and/or Environmental Health.
- 1.13 If the Licensing Authority decides the Notice is in order and there is no need to issue a counter notice, then the event can go ahead.

**2. Representation received from Responsible Authorities:**

- 2.1 The following Statutory Bodies (described as Responsible Authorities by the Licensing Act 2003) were consulted about this application
- 2.2 Kent Police                                      Representation received at **Appendix 5**  
Environmental Health                              Response received : no objection

**3. Licensing Sub Committee Considerations**

- 3.1 In determining the notice with a view to promoting the licensing objectives, the Sub Committee must give appropriate weight to:

The steps that are appropriate to promote the licensing objectives  
The representations presented by all parties  
The Home Office Guidance issued under section 182 Licensing Act 2003  
The Sevenoaks District Council Statement of Licensing Policy  
Any other relevant legislation

- 3.2 The Licensing Act 2003 requires representations to address the four Licensing Objectives:

Prevention of crime and disorder  
Public safety  
Prevention of public nuisance  
Protection of children from harm

A representation is a 'relevant representation' if it is about the likely effect of the Notice on the promotion of the licensing objectives. The objector must establish that such a consequence is a *likely* effect of the Notice (i.e. more probable than not).

- 3.3 Sevenoaks District Council has produced a Statement of Licensing Policy in order to comply with its duties and powers under the Licensing Act 2003. A link to this Policy is in the Background Papers section at the end of this report.

- 3.4 The aims of the Policy are:

To minimise nuisance and disturbance to the public through the licensing process  
To help build a fair and prosperous society that properly balances the rights of people and their communities  
To integrate its aims and objectives with other initiatives, policies plus strategies that will reduce crime and disorder, encourage tourism, encourage an early evening and night time economy which is viable, sustainable and socially responsible, reduce alcohol misuse, encourage employment, encourage the self-sufficiency of local communities, reduce the burden of unnecessary regulation on business, and encourage and promote, live music, dancing and theatre for the wider cultural benefit of communities generally.

- 3.5 The Licensing Sub Committee should be mindful of requirements and responsibilities placed on them by other legislation, in addition to those contained within the

Licensing Act 2003. These include, but are not limited to, having due regard to the Equality Act 2010 and the Human rights Act 1998.

- 3.6 The Sub Committee is asked to note the procedures relating to this hearing which are contained within The Licensing Act 2003 (Hearing Regulations) 2005 (as amended). A link to these Regulations are in the Background Papers section at the end of this report.

#### **4. Options**

- 4.1 When considering this Temporary Event Notice, the following options are available to the Sub Committee:

- Issue a counter notice to the Temporary Event Notice, which means it cannot go head.

- Refuse to issue a counter notice to the Temporary Event Notice, which means you can add conditions to the notice but only ones that are already on the Premises Licence.

#### **5. Right of Appeal**

- 5.1 Where the relevant licensing authority gives a counter notice under section 105(3) of The Licensing Act 2003, the premises user may appeal against that decision to the Magistrates Court. This right of appeal is open to both the applicant and to any person who has made relevant representation. The appeal application must be made within 21 days of the written notification of the Sub Committee's decision. No appeal may be brought later than 5 working days before the first day of the event period specified.

#### **6. Key Implications**

##### **6.1 Financial**

- 6.2 A decision made by the Sub Committee may in many cases be appealed by any party to the proceedings of a Magistrates Court. Costs associated with this matter and incurred by any party, may in certain circumstances be awarded against the Council.

##### **6.3 Legal Implications and Risk Assessment Statement.**

- 6.4 This Hearing is regulated by the Licensing Act 2003 (Hearings) Regulations 2005.

- 6.5 The decision is to be made with regard to the Licensing Act 2003, Secretary of State's Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy. Where decision departs from the Policy or Guidance, the departure must be directed solely at the attainment of the licensing objectives, and such departure must be supported by clear and cogent reasons.

6.6 Equality Assessment

6.7 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users

6.8 Net Zero Implications

6.9 The decisions recommended through this paper have a remote or low relevance to the council's ambition to be Net Zero by 2030. There is no perceived impact regarding either an increase or decrease in carbon emissions in the district, or supporting the resilience of the natural environment.

**Appendices**

- Appendix 1 – Temporary Event Notice application form
- Appendix 2 – Current Premises Licence (20/01492/LAPRE )
- Appendix 3 – Plans association with current Premises Licence
- Appendix 4 – Site plan showing surrounding area
- Appendix 5 – Kent Police Representation

**Background Papers**

[Licensing Act 2003](#)

[Revised Guidance issued under Section 182 Licensing Act 2003](#)

[Sevenoaks District Council Statement of Licensing Policy](#)

[The Licensing Act 2003 \(Hearings\) Regulation 2005](#)

**Richard Morris**  
**Chief Officer Planning & Regulatory Services**