

CHILTERN DISTRICT COUNCIL

LICENSING AND REGULATION COMMITTEE

01 OCTOBER 2012 AT 10:00

**CONSIDERATION OF AN OBJECTION NOTICE MADE IN
RESPONSE TO A TEMPORARY EVENT NOTICE**

Contact Officer: Robin Grey 01494 732140

RECOMMENDATIONS

That Members consider the objection notice served by Environmental Health in response to a temporary event notice and decide what action is appropriate for the promotion of the licensing objectives.

Matter for Consideration

- 1 To consider the counter notice served by Environmental Health in response to the Temporary Event Notice given for an event taking place between 22:30 and 02:30 on 23/24 December 2012 and between 00:00 and 02:30 on 25 December 2012 at the George Inn Public House, 137 High Street, Chalfont St Peter, Buckinghamshire, SL9 9QL, and decide if it is appropriate for the promotion of the licensing objectives to:
 - i) give a counter notice; or
 - ii) not give a counter notice, but impose conditions on the temporary event notice that are attached to the Premises Licence that has effect in respect of the premises; or
 - iii) not give a counter notice and not impose any conditions.

Application

- 2 On 18 September 2012, Mr Nicholas Charalambous gave Chiltern District Council (the Licensing Authority) notice under section 100 of the Licensing Act 2003 of a temporary event that is proposed to take place between 22:30 and 02:30 on 23/24 December 2012 and between 00:00 and 02:30 on 25 December 2012 at the George Inn Public House, 137 High Street, Chalfont St Peter, Buckinghamshire, SL9 9QL. This notice is attached to the report as **Appendix A**.
- 3 The temporary event notice was simultaneously served on Thames Valley Police and the Environmental Health Department of Chiltern District Council to allow them to consider whether allowing the

premises to be used in accordance with the notice would undermine the licensing objectives.

- 4 On 20 September 2012, Environmental Health served an objection notice as it was considered that allowing the premises to be used in accordance with the notice would undermine the prevention of public nuisance licensing objective. The objection notice is attached to the report as **Appendix B**.

Premises Licence

- 5 A Premises Licence was granted in respect of the premises on 25 October 2007 and this has subsequently been varied. The Licence is attached to the report as **Appendix C**. A number of mandatory conditions, conditions consistent with the operating schedule and conditions attached by the Licensing Authority at a hearing are attached to the Licence and these are shown in Annex 1, Annex 2 and Annex 3 of the Licence.

Decision to be made

- 6 The decision to be made by Members is outlined in paragraph 1 above.
- 7 Members are reminded that any decision made under the Licensing Act 2003 should be a view to promoting the licensing objectives.
- 8 In making its decision, Members must also have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 and the Council's own Licensing Policy. If Members depart from either, they must specify their reasons for doing so. The relevant sections of the Guidance are 1.2-1.5, 1.9, 2.33-2.40 & 7.34 and the relevant sections of the Policy are 2.1 & 6.10-6.12.
- 9 The Committee must consider the objection notice and take one of the following steps:
 - i) give the premises user a counter notice under this section if it considers it appropriate for the promotion of the licensing objectives to do so; or
 - ii) Not give the premises user a counter notice.
- 10 If the Committee decide not give the premises user a counter notice, they may decide to impose one or more conditions on the temporary event notice that are imposed on the Premises Licence issued in respect of the premises (**Appendix C**) if they consider it appropriate for the promotion of the licensing objectives to do so. However, no condition can be imposed if it would be inconsistent with the carrying on of the licensable activities under the temporary event notice. If the Committee decides to impose conditions, the premises user must be given a decision notice that is accompanied by a separate statement

(the “statement of conditions”) which sets out the conditions that have been imposed on the temporary event notice.
