

NORTH LINCOLNSHIRE COUNCIL

LICENSING (ACTIVITIES) SUB-COMMITTEE

LICENSING ACT 2003

**TEMPORARY EVENT NOTICE – ATLANTIS FISH SHOP, 1 DONCASTER ROAD,
SCUNTHORPE, NORTH LINCOLNSHIRE, DN15 7RA
APPLICANT – TUNCAY KUYUMCU**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To request that Members of this Sub-Committee determine the Temporary Event Notice (TEN) for the Atlantis Fish Shop, event to be held on Thursday 31 of December 2009, Friday 1, Saturday 2, Sunday 3 of January 2010.
- 1.2 A copy of the TEN is attached as Appendix 1 to this report.

2. BACKGROUND INFORMATION

- 2.1 In accordance with the provisions of the Licensing Act 2003 and the council's scheme of delegation, all Temporary Event Notices where a relevant representation has been made need to be determined by this Sub-Committee.
- 2.2 When determining the application Members of the Sub-Committee should only consider issues, which relate to the Prevention of Crime and Disorder objective.
- 2.3 Members of the Sub-Committee must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 and our Statement of Licensing Policy. Members of the Sub-Committee may deviate from the statutory guidance and licensing policy only if they deem that there is good reason to do so.
- 2.4 Members of the Sub-Committee should not allow themselves to pre-determine the Temporary Event Notice or to be prejudiced in favour or opposed to the Notice and shall only determine the application having had an opportunity to consider all relevant facts. Members of the Sub-Committee should not hear or decide on Temporary Event Notices in their own ward.
- 2.5 Members of the Sub-Committee must remember that they are acting in a quasi-judicial role in determining the application and shall remain in the room so that they hear all the evidence before determining the

application. The determination shall be based on the evidence provided, which is relevant to the Prevention of Crime and Disorder objective.

2.6 The options available to the Sub-Committee having considered all the relevant information are as follows:

- To issue a counter Notice.
- Not to issue a counter Notice.

3. ISSUES FOR CONSIDERATION

3.1 The Temporary Event Notice was received on Monday 7 December 2009. This Notice was acknowledged in writing the following day.

3.2 A copy of the Temporary Event Notice and the acknowledgement are attached to this report as as Appendix 1 and Appendix 2 respectively.

3.3 There has been a notice of objection from the Police, which has been deemed relevant. This notice is attached to this report as Appendix 3.

3.4 The applicant has been made aware of the objection and has been invited to attend the hearing.

4. OUTCOMES OF CONSULTATION

4.1 The Police are served with a copy of the Temporary Event Notice by the Applicant. This was received on Monday 7 December 2009.

4.2 The Police have 48 hours from the receipt of this notice to notify the Licensing Authority of the reasons why they feel the Prevention of Crime and Disorder objective would be undermined.

5. OUTCOMES OF MEDIATION

5.1 We have a duty to mediate in accordance with our policy. The results of the mediation will be reported at the meeting.

6. LICENSING OBJECTIVES & STATUTORY PROVISIONS

6.1 Prevention of Crime & Disorder

6.1.1 The Temporary Event Notice has been submitted.

6.1.2 The Police have raised concerns with regard to this objective, attached to this report at Appendix 3.

7. FURTHER INFORMATION & CLARIFICATION

7.1 A location plan is attached to this report as Appendix 4.

8. RECOMMENDATIONS

- 8.1 That the Sub-Committee determines the Temporary Event Notice in accordance the Statutory Guidance issued under s182 of the Licensing Act 2003, our Statement of Licensing Policy, the information contained within this report and having had due regard to the applicant and the Police making a representation.
- 8.2 That the Sub-Committee determines the application in accordance with the options in paragraph 2.6.
- 8.3 That the Sub-Committee provides the reasons for its decision.

SERVICE DIRECTOR NEIGHBOURHOOD & ENVIRONMENT

The Angel
BRIGG
North Lincolnshire
Author: Jill Musgrave
Date: 10 December 2009

Background Papers used in the preparation of this report Nil