

Leicester  
City Council

**WARDS AFFECTED**  
Castle

**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:**  
Hearing under the Licensing Act 2003

**17 SEPTEMBER 2014**

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**Objection notice given for a Temporary Event Notice**  
**Harveys, 43 Belvoir St, Leicester LE1 6SL**

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**Report of the Director of Environmental and Enforcement Services**

**1. Purpose of Report**

- 1.1. This report provides information for Members about an objection notice received in relation to a temporary event notice (TEN) given under the Licensing Act 2003, to assist them in determining the outcome.

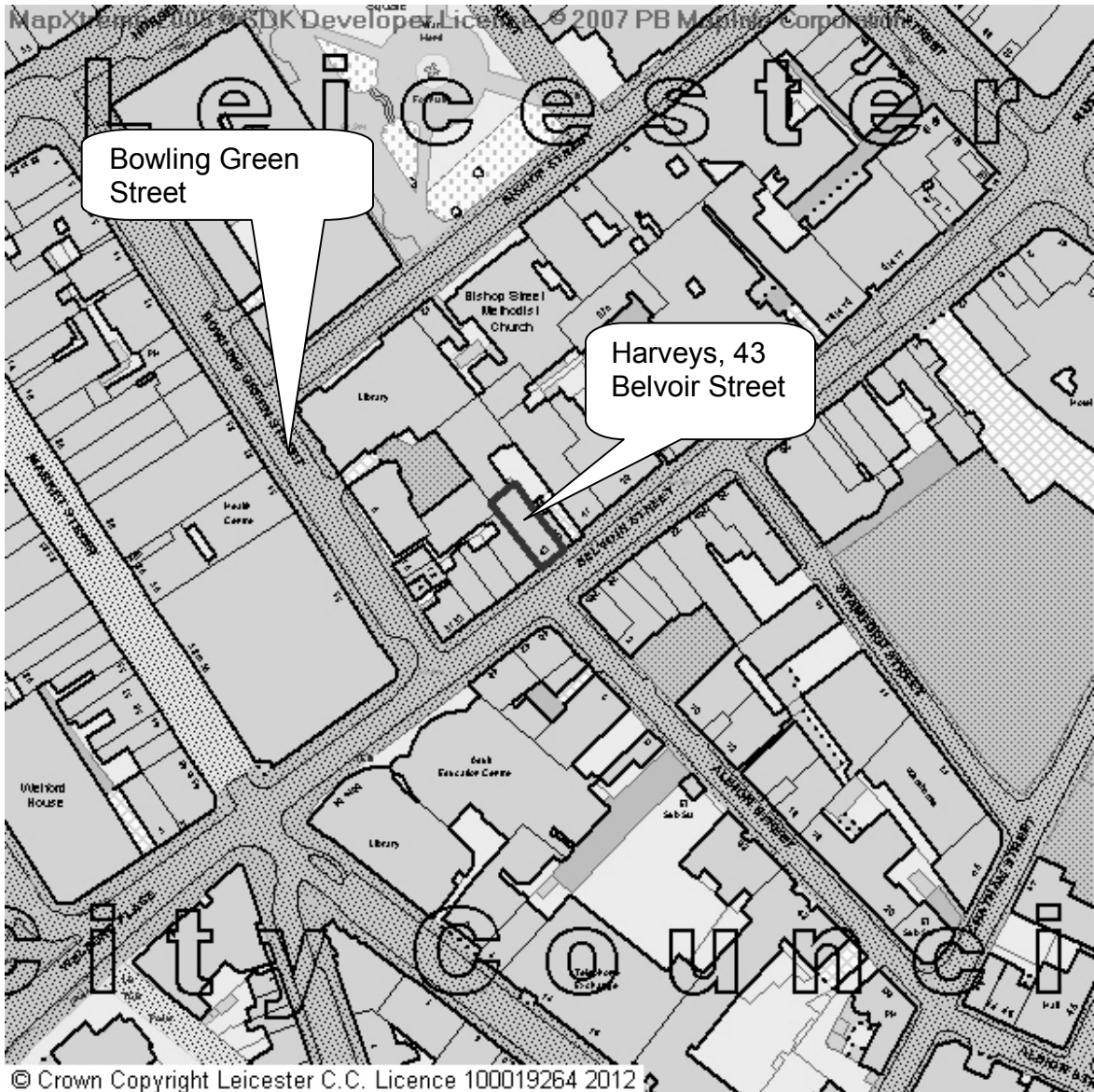
**2. Determination to be made**

- 2.1. Having considered the temporary event notice and the objection notice, Members must consider whether to
- Give the premises user a counter notice under Section 105 (2) of the Licensing Act 2003 if it is considered appropriate for the promotion of a licensing objective to do so; or
  - Impose one or more conditions on the temporary event notice if:
    - it is appropriate for the promotion of the licensing objectives to do so, and
    - the condition(s) are also imposed on a premises licence or club premises certificate that has effect in relation to all or part of the same premises as the temporary, and
    - the condition(s) would not be inconsistent with the carrying out of the licensable activities under the temporary event notice; or
  - Disregard the objection notice

**3. Summary**

- 3.1 This report outlines an objection notice given by the Police in response to a temporary event notice given by Mr Abdul Caratella for Harveys, 43 Belvoir St, Leicester. It also highlights the licensing objectives, the relevant parts of the guidance and regulations, and the pertinent sections of the Licensing Authority's Licensing Policy.

**4. Location Plan**



**5. Temporary event notice**

5.1. A temporary event notice was given on 22 August 2014 by Mr Abdul Caratella for an event at Harveys, 43 Belvoir Street, Leicester. The temporary event notice is for an event on 27 September to 28 September 2014 and is attached at Appendix A.

5.2. The temporary event notice is for the following licensable activities:

5.3.

| Licensable activities  | Proposed hours         |
|--|------------------------|
| The sale by retail of alcohol (for consumption on and off the premises)<br>Provision of regulated entertainment<br>Provision of late night refreshment | Sat 19:00 to Sun 04:00 |

## 6. Objection notice

- 6.1 An objection notice was received on 27 August 2014 from Leicestershire Police on the grounds of the prevention of crime and disorder, the prevention of public nuisance and public safety. A copy of the objection notice is attached at Appendix B.

## 7. Existing premises licence

- 7.1 The premises identified in the temporary event notice is fully covered by an existing premises licence. One or more of the conditions on this premises licence may be applied to the temporary event notice if Members consider it appropriate for the promotion of the licensing objectives, and insofar as the conditions are not inconsistent with the carrying on of licensable activities under the notice. A copy of the existing premises licence, including the conditions are attached at Appendix C.

## 8. Statutory Guidance

- 8.1 Any decision made by the Licensing Authority must be in accordance with the licensing objectives. In addition, the government has issued guidance under section 182 of the Licensing Act 2003. The relevant parts of the guidance in this case are as follows:

| Section     | Heading                                      |
|-------------|--|
| 7.2 – 7.6   | TEN – General                                |
| 7.24 – 7.30 | Role of the Licensing Authority              |
| 7.31 – 7.35 | Police and Environmental Health intervention |
| 7.37 – 7.38 | Applying conditions to a TEN                 |

## 9. Statement of Licensing Policy

- 9.1 The relevant parts of the Licensing Authority's Statement of Licensing Policy are as follows:

| Section | Heading                 |
|---------|-------------------------|
| 2       | Fundamental Principles  |
| 15      | Temporary Event Notices |

## 10. Other Implications

| OTHER IMPLICATIONS            | YES/<br>NO | Paragraph/References<br>Within Supporting information                        |
|-------------------------------|------------|--|
| Equal Opportunities           | No         |  |
| Policy                        | No         |  |
| Sustainable and Environmental | No         |  |
| Crime and Disorder            | Yes        | The objection is made on the grounds of the prevention of crime and disorder |

|                              |    |  |
|------------------------------|----|--|
|                              |    |  |
| Human Rights Act             | No |  |
| Elderly/People on Low Income | No |  |
| Corporate Parenting          | No |  |
| Health Inequalities Impact   | No |  |

**11. Background Papers – Local Government Act 1972**

- a. None

**12. Consultations**

- a. The Licensing Authority is not obliged to consult any parties with regard to temporary event notices. The applicant is required to serve a copy of their temporary event notice on the Police and the Noise Team.

**13. Report Author**

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| <b>APPENDIX</b> | <b>CONTENT</b>            |
|-----------------|---------------------------|
| A               | Temporary event notice    |
| B               | Objection notice          |
| C               | Existing premises licence |