

**APPLICATION FOR TEMPORARY ACTIVITIES:  
 TEMPORARY EVENT NOTICE APPLICATION  
 BY: Heather Deslandes**

*Licensing Sub-Committee – 2<sup>nd</sup> August 2017 at 10.15 a.m*

Report Author                                ***Philip Bensted Regulatory Services Manager***

Portfolio Holder                              ***Cllr Lin Fairbrass Community Services***

Status    ***For Decision***

Classification:                                 ***Unrestricted***

Ward:     ***Margate Central***

**Executive Summary:**

To consider this application for temporary activities in the light of objections made by Kent Police.

**Recommendation(s):**

The instructions of the Sub-Committee are requested

**CORPORATE IMPLICATIONS**

<b>Financial and Value for Money</b>	None
<b>Legal</b>	<p>There is a right of appeal to a Magistrates' Court within 21 days of the date of the decision of the Licensing Sub-Committee with regard to the grant/refusal of a licence or any of the conditions attached to it.</p> <p>The Licensing Sub-Committee must pay proper attention to the applicant's rights under the provisions of the Human Rights Act 1998, which gives further effect in the United Kingdom to the fundamental rights and freedoms contained in the European Convention on Human Rights. The Licensing Sub-Committee must have proper regard to the rights of the individual applicant when making decisions that affect them. However, it also has to have regard to the safety and protection of the public and therefore to ensure that the right balance is found and think hard about how it can cause the least possible harm to individuals, bearing in mind its duty to ensure the protection of the public.</p>
<b>Corporate</b>	None.
<b>Equalities Act 2010 &amp; Public Sector Equality Duty</b>	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy &amp; maternity. Only aim (i) of the Duty applies to Marriage &amp; civil partnership.</p>

## 1.0 Introduction and Background

- 1.1 A temporary event notice has been received from Heather Deslandes of Olbys Soul Café, 3 – 5 King Street, Margate for Olbys Soul Café. The event is described as ‘DJ performances taking place as part of Margate Soul Festival’. There will be the following licensable activities, the sale by retail of alcohol and the provision of regulated entertainment. It is intended that it will take place from the 5th to the 6th August between 9 p.m and 4 a.m. The maximum number of people to be present will be 300. The applicant is the holder of a personal licence.
- 1.2 Part 5 of the 2003 Licensing Act provides a system of permitted temporary activities, under which licensable activities can be carried out on a temporary basis (for a period not exceeding 7 days) without the need for a premises licence or a club premises certificate. A copy of the notice is appended at Annex 1.

## 2.0 General Points

- 2.1 The Act provides for periods of notice and the number of events that may be held. Notice must be given to the Licensing Authority, Police and Environmental Protection ten working days before the beginning of the event period. The Police and Environmental Protection then have three working days to lodge objections with the Licensing Authority and Applicant. A copy of the Police objection is appended at Annex 2. Environmental Protection have made no objection having agreed a number of conditions with the applicant.
- 2.2 Objections must relate to the undermining of the licensing objectives, the prevention of crime and disorder, public safety, the prevention of public nuisance, the protection of children from harm.

## 3.0 Options

- 3.1 Grant the application.
- 3.2 Refuse the application.

Contact Officer:	Philip Bensted, Regulatory Services Manager, ext 57630
Reporting to:	Penny Button, Head of Neighbourhood Services, ext 57425

## Annex List

<i>Annex 1</i>	Temporary event notice
<i>Annex 2</i>	Police objection

## Background Papers

Title	Details of where to access copy
N/A	

## Corporate Consultation

Finance	N/A
Legal	N/A

