



Derby City Council

**LICENSING COMMITTEE**  
**5 July 2018**

**ITEM 6**

Report of the Strategic Director of Communities & Place

**Section 106A Licensing Act 2003 Delegation of Functions in Respect of Temporary Events Notices**

**SUMMARY**

- 1.1 The Police Reform and Social Responsibility (PRSR) Act 2011 made changes to the Licensing Act 2003.
- 1.2 One change was to allow the Licensing Authority to attach conditions on a Temporary Event Notice following the receipt of an objection from an appropriate responsible Authority.

**RECOMMENDATIONS**

- 2.1 To authorise officers under section 106A of the Licensing Act to approve a Temporary Event Notice.
- 2.2 To delegate the functions under 106A to Officers.

**REASONS FOR RECOMMENDATION**

- 3.1 To deal with objections to Temporary Event Notices where the attaching of conditions is agreed by the objector and the applicant in an efficient and cost effective way.

**SUPPORTING INFORMATION**

- 4.1 Where there are objections to a standard Temporary Event Notice they must be considered by the Licensing Subcommittee at a hearing to decide the future of the event i.e. it can go ahead or a counter notice is issued preventing the event from going ahead.
- 4.2 Both the police and environmental protection may object to a Temporary Event Notice under any of the licensing objectives under the PRSR Act.
- 4.3 The PRSR Act also now allows the Licensing Authority to attach conditions to a Temporary Event Notice following an objection for the appropriate Responsible Authorities.

- 4.4 Under Section 106A(2) the Licensing Authority may impose one or more conditions on a Standard Temporary Event Notice if:
1. The Licensing Authority considers it appropriate for the promotion of the licensing objectives to do so,
  2. The conditions are also imposed on a premises licence or a club premises certificate that has effect in respect of the same premises, or any part of the same premises as the Temporary Event Notice, and
  3. The conditions would not be inconsistent with the carrying out of the licensable activities under the Temporary Event Notice.
- 4.5 To impose conditions to a Temporary Event Notice the Licensing Authority must issue a separate “statement of conditions” in a prescribed form with the temporary event notice.
- 4.6 The police are likely to object to a number of Temporary Event Notice unless the premises licence conditions apply.
- 4.7 Currently the function of issuing a counter notice following an objection is delegated to the Licensing Subcommittee. A counter notice prevents the event from taking place.
- 4.8 It is proposed that the issuing of a “statement of conditions” under Section 106A Licensing Act 2003 be delegated to officers where the objection received from the appropriate Responsible Authority only relates to the imposition of existing conditions. The Subcommittee’s decision making powers will remain in all other instances.
- 4.9 This would allow the Licensing Authority to deal with objections to Temporary Event Notices where the attaching of conditions is agreed by the objector and the applicant in an efficient and cost effective way.

## OTHER OPTIONS CONSIDERED

- 5.1 To leave the issuing of a “statement of conditions” to the Licensing Subcommittee.

**This report has been approved by the following officers:**

<b>Legal officer</b> <b>Financial officer</b> <b>Human Resources officer</b> <b>Estates/Property officer</b> <b>Service Director(s)</b> <b>Other(s)</b>	Olu Idowu n/a n/a n/a n/a Michael Kay
<b>For more information contact:</b> <b>Background papers:</b> <b>List of appendices:</b>	Sandra Mansell 01332 641931 sandra.mansell@derby.gov.uk None Appendix 1 – Implications

<b>IMPLICATIONS</b>
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**Financial and Value for Money**

- 1.1 None directly arising from this report.

**Legal**

- 2.1 As set out in report.

**Personnel**

- 3.1 None directly arising from this report.

**IT**

- 4.1 None directly arising from this report.

**Equalities Impact**

- 5.1 None directly arising from this report.

**Health and Safety**

- 6.1 None directly arising from this report.

**Environmental Sustainability**

- 7.1 None directly arising from this report.

**Property and Asset Management**

- 8.1 None directly arising from this report.

**Risk Management and Safeguarding**

- 9.1 The proposals set out in the report support the management of risk within the service.

## **Corporate objectives and priorities for change**

10.1 The proposals set out in this report address the priority outcomes of:

- protecting vulnerable children, young people, adults and older people
- promoting health and well-being
- delivering our services differently