

**Worcester City Council**  
**LICENSING SUB-COMMITTEE**

**13 December 2023**

**LICENSING ACT 2003**

**CONSIDERATION OF AN OBJECTION TO A TEMPORARY EVENT NOTICE**

<b>PUBLIC HEARING</b>	
<b>Director:</b>	<b>Head of Worcestershire Regulatory Services</b>
<b>Contact Officer:</b>	<b>Tahsin Rashid</b> <b>Licensing Technical Officer</b>  <b>enquiries@worcsregservices.gov.uk</b>
<b>Ward(s) affected:</b>	<b>Bedwardine</b>
<b>Appendices:</b>	<b>Appendix 1 – Application Form</b> <b>Appendix 2 – Representation from Environmental Health</b> <b>Appendix 3 – Conditions currently applicable to the premises licence</b>

**1. PURPOSE OF REPORT**

- 1.1 To consider and determine whether to serve a counter notice in respect of a temporary event notice served in respect of licensable activities being proposed to take place at

Berkeley Arms  
4 School Road  
Worcester  
Worcestershire  
WR2 4HF

A copy of the temporary event notice is attached at **Appendix 1**.

## 2. BACKGROUND

2.1 On 1 December 2023 a temporary event notice application was received from Mr Ashley Walton in respect of licensable activities being proposed to take place at:

Berkeley Arms  
4 School Road  
Worcester  
Worcestershire  
WR2 4HF

The event is to begin on 22 December 2023.

2.2 The temporary event notice was served in accordance with the relevant legislation and regulations and the required fee has been paid.

2.3 The premises user seeks approval for licensable activities as follows:

Activity	Days	From	To	On/Off the premises
Sale of alcohol	22/12/2023	15:00	00:00	On
Sale of alcohol	23/12/2023	00:00 - 12:00	02:00 - 00:00	On
Sale of alcohol	24/12/2023	00:00 - 12:00	02:00 - 00:00	On
Sale of alcohol	25/12/2023	00:00 - 02:00		On

2.4 The premises identified in the temporary event notice is currently authorised to be used to conduct licensable activities by a premises licence or club premises certificate.

## 3. OBJECTION NOTICE(S) RECEIVED FROM RELEVANT PERSONS

### Environmental Health

3.1 An objection has been received from Environmental Health for noise nuisance. A noise abatement notice was served on the premises on 20/05/22. A copy of the objection notice is attached as **Appendix 2**.

3.3 At any time prior to the hearing, relevant persons may, with the agreement of the premises user, modify the temporary event notice by making changes to the notice. The objection notice shall be treated as having been withdrawn from the time the temporary event notice is modified. No agreement to modify the temporary event notice could be reached in this case.

## 4. LOCAL POLICY CONSIDERATIONS

4.1 The Sub-Committee should have regard to the Council's Statement of Licensing Policy under the Licensing Act 2003.

4.2 The Council's Statement of Licensing Policy is available to download from the Council's website or to request a hard copy, contact Worcestershire Regulatory Services on 01905 822799 or email [enquiries@worcsregservices.gov.uk](mailto:enquiries@worcsregservices.gov.uk)

## 5. LEGAL IMPLICATIONS

5.1 The Committee is obliged to determine this application with a view to the promotion of the licensing objectives which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

5.2 In making its decision, the Sub-Committee is also obliged to have regard to the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.

5.3 The Sub-Committee must also have regard to the representations made and the evidence it hears.

5.4 The Sub-Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- (a) Decide to serve a counter notice
- (b) Decide not to serve a counter notice

5.5 If a counter notice is served then the licensable activities shown in the temporary event notice would not be authorised. If a counter notice is not served then the activities described in the temporary event notice will be authorised to take place.

5.6 At least part of the premises identified in the temporary event notice is currently authorised to be used for licensable activities by a premises licence. As a result, if the Sub-Committee decides not to serve a counter notice, they could decide that it is appropriate for the promotion of the licensing objectives to attach one or more of the conditions attached to the relevant premises licence to the temporary event notice. The conditions attached to the relevant premises licence are shown at **Appendix 3**.

5.7 The Sub-Committee is asked to note that it may decide to serve a counter notice or attach conditions from the premises licence to the temporary event notice merely because it considers it desirable to do so. It must actually be appropriate in order to promote the licensing objectives.

5.8 All parties to the hearing must be notified of the Sub-Committee's decision in writing along with the reasons for the decision.

5.9 In accordance with the provisions of Part 3 of Schedule 5 of the Act, where the licensing authority gives a counter-notice under section 105, the premises user may appeal against the decision. Where the authority does

not give a counter notice, the relevant person who gave the objection notice may appeal against the decision. In both cases, appeals must be made to a Magistrates Court within 21 days of receiving notification of the decision - however, no appeal can be brought less than 5 working days prior to the first proposed event day.

5.10 The hearing should be conducted in accordance with the agreed procedure.

## **6. FOR DECISION**

6.1 The Sub-Committee must consider and determine whether to serve a counter notice in respect of the temporary event notice and if it decides not to serve a counter notice, whether it is appropriate to attach any conditions from the relevant premises licence to the temporary event notice.