

STROUD DISTRICT COUNCIL
Licensing Hearing

LICENSING OFFICERS REPORT

REFERENCE: 19/01546/LATEN

PREMISES: Capones Nightclub, Long Street, Dursley, GL11 4HL

PREMISES USER: Mr Stavros Antonio

NOTICE TYPE: Temporary Event Notice

EVENT DETAILS: Sale of alcohol and music
23:00 to 04:00

EVENT DATE: 31st December 2019 to 1st January 2020

APPENDICES

Appendix A	Temporary Event Notice
Appendix B	Objection Notice
Appendix C	Premises Licence
Appendix D	Additional Documentation From Premises User

1 Temporary Event Details:

1.1 Mr Stavros Antonio has submitted a Temporary Event Notice for Capones Nightclub. The Notice is for New Year's Eve and has been submitted to enable the nightclub to make sales of alcohol and have a DJ and music from 23:00 to 04:00 the following morning.

1.2 The Temporary Event Notice is at Appendix A

1.3 On 13th November 2019 Mr Antonio submitted three Temporary Event Notices of similar nature for Christmas Eve, Boxing Day and New Year's Eve. All three Notices were to make sales of alcohol and have a DJ/music until 05:00 the following morning. The police submitted an Objection Notice in relation to all three Notices. At a Hearing on 26th November 2019, the Licensing Panel gave consideration to the objections and determined to issue a Counter Notice, effectively meaning that the licensable activities requested could not then lawfully take place.

2 Premises Background:

2.1 Capones Nightclub holds a Premises Licence which permits sale of alcohol and music throughout the year. The licence includes specific times for Christmas Eve, Boxing Day and New Year's Eve which are 10.00 to 03.00 the following morning with closing time being 03.30 the following morning. The Premises Licence also has a number of conditions attached to it.

2.2 If allowed, the latest Temporary Event Notice would override the Premises Licence from 23:00 onwards which is the start time requested on the Temporary

Event Notice. The Notice would authorise sale of alcohol and music until the later time of 04:00 the following morning and the licensable activities would not be restricted by the conditions set out on the Premises Licence.

3 Objection Notice:

- 3.1 Under the Licensing Act 2003, the Police and/or Environmental Protection can submit an Objection Notice to a Temporary Event Notice if they believe that one or more of the licensing objectives would be undermined if the event went ahead.
- 3.2 The Police have submitted an Objection Notice to the Temporary Event Notice on the grounds of two licensing objectives, the prevention of crime and disorder and public safety. **The Objection Notice is at Appendix B.**
- 3.3 The Police state in the Objection Notice that there have been previous breaches of conditions attached to Capones Nightclub's Premises Licence and that, with the festive period being a particularly busy time, it is felt that there is an increased risk in relation to the licensing objectives. In particular, the Police have requested that, if the Panel decides to not issue a Counter Notice, then it considers imposing specified conditions from the Premises Licence onto the Temporary Event Notice. **The Premises Licence is at Appendix C.**

4 Additional documentation from Premises User:

- 4.1 Additional documentation has been submitted by the Premises User to the Police. **This is Appendix D.**

5 The Hearing:

- 5.1 The Hearing Panel may, with the consent of all parties to the hearing, allow the introduction of additional evidence at the hearing that supports either the Objection Notice or the Temporary Event Notice.
- 5.2 Having regard to the Objection Notice, the Temporary Event Notice and any evidence provided at the hearing, the Hearing Panel must consider whether the objectives of prevention of crime and disorder and/or public safety are undermined. If the Panel believes that they are, it must issue a Counter Notice and the event cannot go ahead.
- 5.3 At a hearing a Temporary Event Notice cannot be modified. The only options available to the Hearing Panel are whether or not to issue a Counter Notice to the Temporary Event Notice or whether to impose any conditions that may already be on the relevant Premises Licence, onto the Temporary Event Notice.
- 5.4 The decisions the Hearing Panel can take in this case are to: -
 - not issue a Counter Notice and permit the event to go ahead in the terms stated in the Temporary Event Notice;

- impose existing conditions from the Premises Licence for Capones Nightclub onto the Temporary Event Notice - no other conditions can be added;
- issue a Counter Notice to the Temporary Event Notice which will prohibit licensable activities at the event from taking place – N.B: the premises user will still be able to hold the event up to the time permitted under the Premises Licence.