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|-------------------------|--|----------------------|-----------------------------|
| Report of: | Public Protection Manager | Licence Type: | Temporary Event Notice |
| Report to: | Licensing Committee | Date: | 22 nd April 2022 |
| Contact Officer: | Susan Chadwick | Telephone: | 01706 238 648 |
| Email: | susanchadwick@rossendalebc.gov.uk | | |

PREMISES DETAILS

| | |
|---------------------|--|
| Name: | The Drop Off Café |
| Address: | 42 Market Street, Edenfield, Bury, BL0 0JN |
| Ward: | Eden |
| Application: | Temporary Event Notice |

1. REASON FOR REFERRAL

1.1 To advise members of a temporary event notice (TEN) received and to which the Environmental Health department as relevant persons have objected.

2. RECOMMENDATIONS

2.1 It is recommended that members consider all relevant information and decide whether to issue the premises user with a counter notice.

3. LICENSING OBJECTIVES

3.1 Members are reminded of the Licensing objectives as follows:

- The prevention of crime and disorder;
- Public Safety;
- The prevention of public nuisance; and
- The protection of children from harm

4. THE NOTICE

4.1 On 7th April 2022, a valid TEN was received from the premises user, Mr Colin Davies. This notice is appended at **Appendix A**.

4.2 The proposed event is detailed as “Jubilee weekend festival starting on the 2nd of June and finishing on the 5th of June 2022. Between the hours of 1200hrs and 2300hrs.”

4.3 The premises user has requested to provide the following licensable activities:

- ⊕ The sale by retail of alcohol
- ⊕ The provision of late night refreshment

4.4 The times that the licensable activity will be carried on are:

Between 1200 hours and 2300 hours

- 4.5 The licensable activity and the location of this activity is unclear from the notice submitted and members should therefore firstly determine what the licensable activity is and define the licensable area that the TEN will be subject to.
- 4.6 The TEN details the area where licensable activity will take place from as The Drop Off Café and first floor but later makes reference to licensable activity taking place in the outside area.
- 4.7 The TEN makes reference to amplified music outdoors which may be licensable but the TEN has not requested the provision of regulated entertainment.
- 4.8 The TEN also references and requests the sale of alcohol outdoors but the TEN has not shown the area to be licensed and would therefore cover the building and 1st floor which is already subject to a premises licence.

5. THE OBJECTION NOTICE

- 5.1 On 8th April 2022, an objection notice was received from the Environmental Health department as a responsible authority. This objection notice is appended at **Appendix B**.

6. BACKGROUND

- 6.1 There is a premises licence in force for the premises which currently authorises the following:

⊕ **Dance, Films, Live Music and Plays**

Between 0900 and 2300 Monday to Saturday

Between 0900 and 2200 Sunday

⊕ **Recorded Music and Sales of Alcohol**

Between 1000 and 2300 Monday to Saturday

Between 1000 and 2200 Sunday

- 6.2 The conditions imposed on the premises licence are appended at **Appendix C**.

7. OPTIONS

- 7.1 Having regard to the objection notice, the Licensing Authority must give the premises user a Counter Notice if it considers it appropriate for the promotion of a licensing objective.
- 7.2 A determination must be made at the conclusion of the hearing.
- 7.3 In accordance with Section 105 of the Act, the licensing authority must, having regard to the objection notice, consider whether it is appropriate to:
- 1) Serve the premises user with a Counter Notice (the event will not be authorised)
 - 2) Not serve the premises user with a Counter Notice but impose conditions on the TEN (the event will be authorised and conditions will apply – refer to paragraph 7.4)

- 3) Not serve the premises user with a Counter Notice (the event will be authorised)

7.4 The licensing authority may impose one or more conditions on the temporary event notice if:

- (a) the authority considers it appropriate for the promotion of the licensing objectives to do so,
- (b) the conditions are also imposed on a premises licence or 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
- (c) the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.

8. POLICIES TO CONSIDER

- 8.1
- Rossendale Borough Council's Statement of Licensing Policy effective 25th March 2014.
 - Guidance issued under Section 182 of the Licensing Act 2003.

9. CRIME AND DISORDER

9.1 Section 17(1) of the Crime and Disorder Act 1998 places a duty on the Local Authority to have due regard to the likely effect of the exercise of these functions on preventing in its area, the following;

- crime and disorder;
- misuse of drugs alcohol and other substances; and
- re-offending.

APPENDICES

| | |
|------------|-------------------------------|
| Appendix A | Temporary Event Notice |
| Appendix B | Objection Notice – Env Health |
| Appendix C | Premises Licence Conditions |

Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

| | | | |
|---|---|-------|------|
| 1. The personal details of premises user (Please read note 1) | | | |
| 1. Your name | | | |
| Title | Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state) | | |
| Surname | DAVIES | | |
| Forenames | COLIN | | |
| 2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary) | | | |
| Title | Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state) | | |
| Surname | | | |
| Forenames | | | |
| 3. Your date of birth | Day | Month | Year |
| 4. Your place of birth | | | |
| 5. National Insurance Number | | | |
| 6. Your current address (We will use this address to correspond with you unless you complete the separate form below) | | | |
| [REDACTED] | | | |
| Post town | [REDACTED] | | |
| Postcode | [REDACTED] | | |
| 7. Other contact details | | | |
| Telephone numbers | [REDACTED] | | |
| Daytime | [REDACTED] | | |
| Evening (optional) | [REDACTED] | | |
| Mobile (optional) | [REDACTED] | | |
| Fax number (optional) | | | |
| E-Mail address (if available) | THEDROPOFFCAFE@GMAIL.COM | | |
| 8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you) | | | |
| [REDACTED] | | | |
| Post town | [REDACTED] | | |
| Postcode | [REDACTED] | | |
| 9. Alternative contact details (if applicable) | | | |
| Telephone numbers: | | | |
| Daytime | | | |
| Evening (optional) | | | |
| Mobile (optional) | | | |
| Fax number (optional) | | | |
| E-Mail address (if available) | | | |

2. The premises

Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references)
(Please read note 2)

THE DROP OFF CAFÉ AND FIRST FLOOR, 42 MARKET STREET, EDENFIELD. LANCASHIRE. BL0 0JN

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.

| | |
|-------------------------|-----------------|
| Premises licence number | 16/00188/LAPRE1 |
|-------------------------|-----------------|

| | |
|----------------------------------|--|
| Club premises certificate number | |
|----------------------------------|--|

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)

Please describe the nature of the premises below. (Please read note 4)

CAFÉ AND VILLAGE HALL

Please describe the nature of the event below. (Please read note 5)

Jubilee weekend festival starting on the 2nd of June and finishing on the 5th June 2022. Between the hours of 1200hrs and 2300hrs

3. The licensable activities

Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)

| | |
|--|--------------------------|
| The sale by retail of alcohol | X YES |
| The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club | <input type="checkbox"/> |
| The provision of regulated entertainment | NO |
| The provision of late night refreshment | X YES |
| Are you giving a late temporary event notice? (Please read note 7) | NO |

Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)
 2-06-22 TO 5-06-22

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)

1200HRS – 2300HRS
 WE HAVE A LICENCE UNTIL 2300HRS INSIDE THE PREMISES AND WISH TO HAVE PERMISSION TO PLAY AMPLIFIED MUSIC OUSIDE UNTIL 8PM AND EXTEND THE OPENING OUTSIDE ON THE COBBLES UNTIL TIL 2300HRS TO SELL ALCOHOL.

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)

120

| | | |
|--|-----------------------|--------------------------|
| If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 11) | On the premises only | X |
| | Off the premises only | <input type="checkbox"/> |
| | Both | X |

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment. (please read note 12)

| 4. Personal licence holders (Please read note 13) | | |
|---|------------|--------------------------------|
| Do you currently hold a valid personal licence? (Please tick) | Yes X | No <input type="checkbox"/> |
| If "Yes" please provide the details of your personal licence below. | | |
| Issuing licensing authority | [REDACTED] | |
| Licence number | [REDACTED] | |
| Date of issue | [REDACTED] | |
| Date of expiry | [REDACTED] | |
| Any further relevant details | [REDACTED] | |

| 5. Previous temporary event notices you have given (Please read note 14 and tick the boxes that apply to you) | | |
|--|---------------------------------|---------|
| Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? | Yes | No X |
| If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year | | |
| Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? | Yes <input type="checkbox"/> | No X |

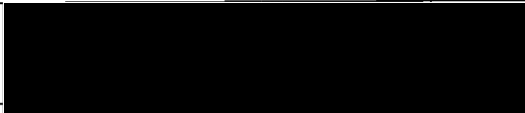
| 6. Associates and business colleagues (Please read note 15 and tick the boxes that apply to you) | | |
|--|---------------------------------|---------|
| Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? | Yes <input type="checkbox"/> | No X |
| If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year. | | |
| Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? | Yes <input type="checkbox"/> | No X |
| Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? | Yes | No X |
| If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year. | | |
| Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? | Yes <input type="checkbox"/> | No X |

| 7. Checklist (Please read note 16) | |
|--|---|
| I have: (Please tick the appropriate boxes) | |
| Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated | X |
| Sent a copy of this notice to the chief officer of police for the area in which the premises are situated | X |
| Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated | X |
| If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority | X |
| If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police | X |
| If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions | X |
| Made or enclosed payment of the fee for the application | X |
| Signed the declaration in Section 9 below | X |

8. Condition (Please read note 17)
 It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 18)

The information contained in this form is correct to the best of my knowledge and belief.
 I understand that it is an offence:
 (i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine not exceeding level 5 on the standard scale; and
 (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.

| | |
|------------------------|---|
| Signature |  |
| Date | 06/04/22 |
| Name of Person signing | COLIN DAVIES |

EMAIL TO;
 licensing@rossendalebc.gov.uk
 EASTPoliceLicensing@lancashire.pnn.police.uk
 Envhealth@rossendalebc.gov.uk

For completion by the licensing authority

| | |
|---|--------------------------------------|
| 10. Acknowledgement (Please read note 19) | |
| I acknowledge receipt of this temporary event notice. | |
| Signature | On behalf of the licensing authority |
| Date | |
| Name of Officer signing | |

Send to:

The original notice to the Licensing Unit: Rossendale Borough Council, Licensing & Enforcement Unit, The Business Centre, Futures Park, Newchurch Road, Bacup, OL13 0BB (include payment); and

1 copy of the notice to Environmental Health: Rossendale Borough Council, Licensing & Enforcement Unit, The Business Centre, Futures Park, Newchurch Road, Bacup, OL13 0BB; and

1 copy of the notice to the Police: Lancashire Constabulary, Licensing Office, Parker Lane, Burnley, BB11 2BT

NOTES

General

In these notes, a person who gives a temporary event notice is called a "premises user".

The police and local authority exercising environmental health functions may intervene on the grounds of any of the four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm) to prevent the occurrence of an event at which permitted temporary activities are to take place or to agree a modification of the arrangements for such an event. However, the licensing authority will intervene of its own volition in the cases described below.

First, it will issue a counter notice if there is an objection to a late temporary event notice (see note 7 below).

Secondly, it may issue a notice in relation to its decision to impose conditions on a temporary event notice (see note 2 below).

Thirdly, it will issue a counter notice if the first, second, third and fifth of the limits set out below would be exceeded. If any of the limits below are breached or if a counter notice has been issued, any licensable activities taking place would be unauthorised and the premises user would be liable to prosecution. The limitations apply to:

- the number of times a person may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a person may give a late temporary event notice (10 times per year for a personal licence holder and 2 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (12 times in a calendar year);
- the length of time a temporary event may last for these purposes (168 hours or 7 days);
- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (21 days per calendar year); and
- the scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499).

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. The limits applying to late temporary event notices are included within the overall limits applying to the total number of temporary event notices. Note 15 below sets out the definition of an "associate".

When permitted temporary activities take place, a premises user must ensure that either:

- a copy of the temporary event notice is prominently displayed at the premises; or
- the temporary event notice is kept at the premises either in his own custody or in the custody of a person present and working at the premises and whom he has nominated for that purpose.

Where the temporary event notice is in the custody of a nominated person, a notice specifying that fact and the position held by that person must be displayed prominently at the premises.

Where the temporary event notice or a notice specifying the nominated person is not displayed, a constable or an authorised person (for example, a licensing officer, fire officer or environmental health officer) may require the premises user to produce the temporary event notice for examination. Similarly, where the nominated person has the temporary event notice in his custody, a constable or authorised person may require that person to produce it for examination. Failure to produce the temporary event notice without reasonable excuse would be an offence.

It should also be noted that the following, among other things, are offences under the Licensing Act 2003:

- the sale or supply of alcohol to children under 18 years of age (maximum fine on conviction is a fine not exceeding level 5 on the standard scale, currently £5,000);
- allowing the sale of alcohol to children under 18 (maximum fine on conviction is a fine not exceeding level 5 on the standard scale, currently £5,000);
- knowingly allowing the consumption of alcohol on the premises by a person aged under 18 (maximum fine on conviction is a fine not exceeding level 5 on the standard scale, currently £5,000);
- allowing disorderly behaviour on the premises (maximum fine on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000);
- the sale of alcohol to a person who is drunk (maximum fine on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000);
- obtaining alcohol for a person who is drunk (maximum fine on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000);
- knowingly allowing a person aged under 18 to make any sale or supply of alcohol unless the sale or supply has been specifically approved by the premises user or any individual aged 18 or over who has been authorised for this purpose by the premises user (maximum fine on conviction is a fine not exceeding level 1 on the standard scale, currently £200); and
- knowingly keeping or allowing to be kept on the premises any smuggled goods which have been imported without payment of duty or which have otherwise been unlawfully imported (maximum fine on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000).

In addition, where the premises are to be used primarily or exclusively for the sale or supply of alcohol for consumption on the premises, it is an offence to allow children under 16 to be present when the premises are open for that purpose unless they are accompanied by an adult. In the case of any premises at which sales or supplies of alcohol are taking place at all, it is an offence for a child under 16 to be present there between the hours of midnight and 5am unless accompanied by an adult. In both instances, the penalty on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000.

Note 1

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed "premises user". Within businesses, clubs or organisations, one individual will therefore need to be identified as the proposed premises user.

If you include an e-mail address in section 1(7) or 1(9), the licensing authority may send to this the acknowledgement of receipt of your notice or any notice or counter notice it is required to give under sections 104A, 106A or 107 of the Licensing Act 2003.

Note 2

For the purposes of the Licensing Act 2003, "premises" means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

If a premises licence or club premises certificate has effect in relation to the premises (or any part of the premises) which you want to use to carry on licensable activities, it is possible that any conditions which apply to the licence or certificate may be imposed on the temporary event notice if certain pre-conditions are met. These pre-conditions are that the police or the local authority exercising environmental health functions object to the notice and the licensing authority decides:

- not to give a counter notice under section 105 of the Licensing Act 2003;
- the conditions apply to the licence or certificate; and
- the imposition of the conditions on the notice would not be inconsistent with the carrying on of the licensable activities under the notice.

Note 3

A temporary event notice can be given for part of a building, such as a single room or a plot within a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution.

In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500. If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

Note 4

A description of the nature of the premises assists the chief officer of police and local authority exercising environmental health functions in deciding if any issues relating to the licensing objectives are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

Note 5

A description of the nature of the event similarly assists the chief officer of police and local authority exercising environmental health functions in making a decision as to whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers' market, a discotheque, the performance of a string quartet, a folk group or a rock band.

Note 6

The licensable activities are:

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

Please refer to Schedules 1 and 2 to the Licensing Act 2003 for fuller details of the definitions and exemptions relating to regulated entertainment and late night refreshment.

Regulated entertainment, subject to specified conditions and exemptions, includes:

- (a) a performance of a play;
- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;
- (e) a performance of live music;
- (f) any playing of recorded music;
- (g) a performance of dance; and
- (h) entertainment of a similar description to that falling within (e), (f) or (g).

If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

Note 7

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised.

The number of late notices that can be given in any one calendar year is limited to 10 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices (i.e. 50 temporary event notices per year for personal licence holders and 5 temporary event notices for non-personal licence holders).

If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead and a counter notice will be issued.

Note 8

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Note 9

You should state here the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you may not intend to carry on licensable activities throughout the entire 48 hour event period, and may intend to sell alcohol between 8.00 hrs and 23.00 hrs on each of the two days.

Note 10

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise you. The maximum figure of 499 includes not only the audience, spectators or consumers but also, for example, staff, organisers, stewards and performers who will be present on the premises.

Note 11

If you indicate that alcohol will be supplied only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol supplied there. If such a supply takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol supplied is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies. For this purpose, the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

Note 12

Relevant entertainment is defined in the Local Government (Miscellaneous Provisions) Act 1982 ("the 1982 Act") as *any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)*. Relevant entertainment therefore includes, but is not limited to, lap dancing and pole dancing.

The 1982 Act requires premises which provide relevant entertainment to be licensed under that Act for this purpose. Premises at which there have not been more than eleven occasions on which such entertainment has been provided within a period of 12 months, no such occasion has lasted for more than 24 hours and there has been a period of at least one month between each such occasion are exempt from the requirement to obtain a licence under the 1982 Act. Such premises are likely instead to require an authorisation under the Licensing Act 2003 to be used for such activities as these are a licensable activity (the provision of regulated entertainment – see note 6 above). A temporary event notice may be given for this purpose.

Note 13

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

Note 14

As stated under Note 13, a personal licence holder (issued under the Licensing Act 2003) may give up to 50 temporary event notices (including 10 late notices) in any calendar year. An individual who does not hold a personal licence may only give 5 temporary event notices (including 2 late notices) in England and Wales in any calendar year. A calendar year is the period between 1st January to 31st December inclusive in any year.

If an event straddles two calendar years, it will count against the limits on temporary event notices (12 for each premises, 21 days for each premises, 50 per personal licence holder and 5 for non-holders) for each year. However, only one notice needs to be given.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 14 below sets out the definition of an "associate".

If a temporary event notice has been given for the same premises, by the same premises user, and would have effect within 24 hours before the start of the event period under the current proposal or within 24 hours after the end of that period, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count as if they had been given by the premises user. Note 15 below sets out the definition of an "associate".

Note 15

An "associate" of the proposed premises user is:

- (a) the spouse or civil partner of that person;
- (b) a child, parent, grandchild, grandparent, brother or sister of that person;
- (c) an agent or employee of that person; or
- (d) the spouse or civil partner of a person within (b) or (c).

For these purposes, a person living with another as that person's husband or wife is to be treated as that person's spouse.

Note 16

It is a requirement that you send at least one copy of this notice to the licensing authority at least ten working days (or five working days for a late notice) before the commencement of the proposed licensable activities. The authority will give you written acknowledgement of the receipt of the notice. This will be important proof that you gave the notice and when you gave it for the purposes of the Act. Some premises may be situated in two licensing authority areas, for example, where a building or field straddles the local authority boundary. Where this is the case, at least one copy of the notice must be sent to each of the licensing authorities identified, together with the appropriate fee in each case. In such circumstances, you will receive acknowledgements from all the relevant licensing authorities.

One copy must be sent to each of the chief officer of police and the local authority exercising environmental health functions for the area in which the premises is situated at least ten working days for a standard notice (or five working days for a late notice) before the commencement of the proposed licensable activities. Where the premises are situated in two police areas or environmental health areas, a further copy will need to be sent to the further police force and local authority exercising environmental health functions.

Note 17

Under the Licensing Act 2003, all temporary event notices are given subject to a mandatory condition requiring that where the licensable activities involve the supply of alcohol, all such supplies must be made by or under the authority

of the named premises user. If there is a breach of this condition, the premises user and the individual making the supply in question would be liable to prosecution. For this purpose, the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

Note 18

It is an offence knowingly or recklessly to make a false statement in, or in connection with, a temporary event notice. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement.) To do so could result in prosecution and a fine not exceeding level 5 on the standard scale.

Note 19

You should not complete section 10 of the notice, which is for use by the licensing authority. It may complete this section as one means of giving you written acknowledgement of its receipt of the notice.

EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations amend the Licensing Act 2003 (Permitted Temporary Activities) (Notices) Regulations 2005 ("the 2005 Regulations"). Their purpose is to prescribe the form of a temporary event notice to replace the notice prescribed in the 2005 Regulations. The form of temporary event notice now requires the premises user to provide information about the intended use of premises for the provision of relevant entertainment (within the meaning of paragraph 2A of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982).

An impact assessment has not been produced for this instrument as no impact on businesses, charities, voluntary bodies or the public sector is foreseen.

Susan Chadwick

From: Lorna Robinson
Sent: 08 April 2022 15:53
To: Licensing Department
Cc: [REDACTED]
Subject: Objection to TEN for Drop Off Cafe, 42 Market Street Edenfield BL0 0JN

Categories: [REDACTED]

Environmental Health have reviewed the TEN application made by Mr Colin Davies for a festival outdoors. They wish to have permission to play amplified music outside from 12.00hrs until 20.00hrs and extend the opening outside on the cobbles until 23.00hrs daily, starting on 2nd of June 2022 and finishing on the 5th June 2022.

After reviewing the application and the premises history Environmental Health raise an objection to this TEN application for the following reasons:

Prevention of public nuisance:

There have been noise related issues with the previous use of the outdoor area. Development Control have recently refused the extended use of the outdoor area due to it being detrimental to the amenity of neighbours and we feel that four days is too long for neighbours to have to listen to amplified music until 20.00hrs and people noise until 23.00hrs.

Regards

Lorna Robinson CEnvH
Senior Environmental Health Officer
Environmental Health
Public Protection Unit
Rossendale Borough Council

Website : www.rossendale.gov.uk



Appendix C

A notice or notices shall be displayed in and at the entrance to the premises where they can be clearly seen and read and shall indicate that it is unlawful for persons under 18 to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18 years of age.

All staff shall receive training to prevent under age sales of alcohol. All staff receive regular refresher training to prevent under age sales. This training is to be documented and details of training to be made available on request.

All persons who appear to be under the age of 25 years shall be required to produce proof of age by the way of the following:

A recognised proof of age card accredited under the British Retail Consortiums Proof of Age Standards Scheme (PASS)

Photo driving licence

Passport

Citizen card supported by the Home Office

Official ID card issued by the HM Forces or European Union Member State bearing a photograph and birth date of the holder

There shall be placed at all exits from the premises, where they can be easily seen and read by the public, notices asking that customers leave the premises and the area quietly. Such notices shall be in font size 16 or larger.

A tamper proof CCTV system shall be installed, maintained and operated at the premises in liaison with and to the satisfaction of Lancashire Constabulary and shall be used to record during all hours that licensable activity is taking place.

The images recorded by the CCTV system shall be retained in unedited form for a period of not less than 30 days. Information and images from the CCTV system shall be available, upon reasonable request, to a police constable or authorised officer.

From 19:00 hours on any day, persons under the age of 18 years will be permitted on the ground floor of the licensed premises only if they are accompanied by a person aged 18 years or over.