

Subject:	Police Objection to Temporary Event Notice	Status:	For Publication
Report to:	Licensing Sub- Committee	Date:	20 th June 2011
Report of:	Public Protection Officer	Portfolio Holder:	
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1.	RECOMMENDATION(S)
1.1	That the Sub-Committee consider this report together with any other submissions at the hearing and determine if it: <ul style="list-style-type: none"> a. Accepts the objection and issues a Counter Notice, or, b. Rejects the objection, allowing the event to take place.

2. BACKGROUND AND OPTIONS

- 2.1 Temporary Event Notices are intended to allow an individual to use premises for one or more licensable activities on an infrequent basis. There is no application process but the premises user must give at least 10 working days notice to the relevant Licensing Authority and the relevant Chief Officer of Police, not including the day of the event or the day of receipt of the Notice. There is no provision to attach any terms, conditions, limitations or restrictions to such a Notice.
- 2.2 Under the Temporary Event Notice procedures only the Police may object and only if they are satisfied that allowing the premises to be used in accordance with the Notice would undermine the crime prevention objective.
- 2.3 A Temporary Event Notice was received on the 13th June 2011 from Emma Louise Pearson. The Notification relates to an event being held in the private car park to the front of 13 Irwell Terrace, Bacup, which is in front of premises known as Th'Owd Con Club.
- 2.4 The Notification was posted first class on Thursday 9th June 2011 but was not received until Monday 13th June 2011. It has been accepted as a valid notification.
- 2.5 The Notification gives details of the event as "Bacup Carnival Day outside barbecue with bar serving alcohol" and is to be held on Sunday 26th June 2011 between the hours of 10am to 8pm. It describes the premises as "private land currently being used as premises car park" and it would enable the supply of alcohol for consumption on and off the premises. There would be a maximum number of people present at any one time as 75. The notice is appended at Appendix A.

3. POLICE OBJECTION NOTICE

3.1 On the 14th June 2011 the Licensing Authority received a notice of objection from the Chief Officer of Police. The Notice was served within the prescribed time period and is attached as Appendix 2 to this report.

3.2 The reason for the Police Objection can be summarised as follows:

- The effective management of the outside bar in an area which has no effective boundary and which would enable patrons to enter the alcohol control zone without check.
- There have been recent incidents of disorder within this area which have resulted in criminal damage and arrests for public disorder.
- Historically, alcohol fuelled disorder has blighted previous carnivals.

4 REGULATORY AND LEGAL CONSIDERATIONS.

Under Section 105 of the Licensing Act, the Licensing Authority must:

- a. Hold a hearing to consider the Objection Notice (unless the Premises User, the Chief Officer of Police and the Licensing Authority agree that a hearing is unnecessary); and
- b. Having regard to the Objection Notice, give the Premises User a Counter Notice if it considers it necessary for the promotion of the crime prevention objective to do so.

4.1 The Premises User and Lancashire Constabulary have been invited to attend the hearing and will be given the opportunity to address members.

4.2 Members are referred to Section 7 of the Guidance issued under Section 182 of the Licensing Act 2003.

4.3 Members are referred to Section 20 of Rossendale Borough Council's Statement of Licensing Policy dated January 2011 to January 2014.

4.4 Further, under Section 17 of the Crime and Disorder Act 1998, the Council has a duty to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it can to prevent, crime and disorder in its area.

4.5 This sub-committee has the following options:

- To serve a Counter Notice (meaning the event will not take place)
- Not to serve a Counter Notice (meaning that the event will take place)

4.6 Members are advised that there is no provision under the Licensing Act 2003 to place conditions on a temporary event notice.

5. CONCLUSION

- 5.1 Members are required to determine whether to serve a Counter Notice following consideration of the evidence presented to them.
- 5.2 They should have regard to the Council's Statement of Licensing Policy and the Guidance issued under Section 182 of the Licensing Act 2003

Background Papers	
Document	Place of Inspection
Guidance issued under Section 182 Licensing Act 2003	www.homeoffice.gov.uk
Rossendale Borough Council Statement of Licensing Policy dated 7 th January 2011.	www.rossendale.gov.uk

Appendices	
Document	Appendix Number
Temporary Event Notice	Appendix A
Objection to Temporary Event Notice	Appendix B