

Subject:	Consideration of Temporary Event Notice following Police Objection	Status:	For Publication
Report to:	Licensing Committee	Date:	Wednesday 15 th November 2016
Report of:	Licensing and Enforcement Unit Manager	Portfolio Holder:	Legal and Democratic Services
Key Decision:	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	General Exception	<input type="checkbox"/> Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required:	No	Attached: No
Biodiversity Impact Assessment	Required:	No	Attached: No
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1.	RECOMMENDATION(S)
1.1	To advise members of a Temporary Event Notice (TEN) has been received, to which Police Objections have been received.
1.2	To request that members consider the report and submissions at the hearing and decide whether to give the premises user a counter notice.

2. LICENSING OBJECTIVES

2.1 Members are reminded of the licensing objectives as follows:

- a) The prevention of crime and disorder
- b) Public Safety
- c) The prevention of public nuisance
- d) The protection of children from harm.

3. THE NOTICE

3.1 On 25th October 2016, a valid Temporary Event Notice (TEN) was received from the premises user, Mrs Victoria Benson, pursuant to S.100 of the Licensing Act 2003 (the Act). A copy of this notice is appended as Appendix A.

3.2 The event is proposed to take place at the former Stand Athletic FC, Blackburn Road, Rossendale, BB4 6JY and is a non-profit music event promoting local artists. The notice seeks to authorise the following licensable activities between 14:00-23:00hrs on 30th April 2017:

- a) The sale by retail of alcohol for consumption on the premises only, and
- b) The provision of regulated entertainment.

4. REPRESENTATION

4.1 On Friday 28th October 2016, an objection was received from the Chief Officer of Police. This notice was received within the statutory period, is appended as Appendix B and states the following:

My objection is on the grounds of the crime & disorder licensing objective. This appears to be a substantial music event on a former football ground. This proposed event is going to run till at least 11pm with alcohol sales being requested. It's anticipated that up to 499 people will be attending. There are nearby residential properties that will be clearly affected by this event taking place. I have had contact with the applicant via email and brief details of the event have been passed to me but at this time I have not had chance to discuss Police concerns or see plans for the event or any risk assessments. The TEN's application for the event does not provide me with enough information to satisfy me that the crime & disorder licensing objectives will not be undermined if the event took place.

5. BACKGROUND

5.1 Members may wish to consider the history of this premises. In May/ June 2012, an application for a new Premises Licence was received in respect of the premises specified in this TEN. The application sought to authorise boxing or wrestling, live and recorded music and sale of alcohol on Friday, Saturday and Sunday between the hours of 10:00 and 23:00 hours. Following this application, 11 valid representations were received and, as a result, the application was withdrawn in its entirety.

6. LEGAL CONSIDERATIONS

6.1 In accordance with S.105 of the Act, the Authority must:

- a. Hold a hearing to consider the objection (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, give the premises user a Counter Notice if it considers it necessary for the promotion of the crime prevention objective to do so.

6.2 Members are advised that there is no provision under the Act to impose conditions on a TEN.

7. POLICY CONSIDERATIONS

The hearing should be guided by the Statement of Licensing Policy of Rossendale Borough Council and any relevant provisions of national guidance. Reasons should be given from any departure from this policy.

8. CONCLUSION

The decision should be based on the individual merits of the notice. In accordance with Regulation 26(1)(c) of The Licensing Act 2003 (Hearings) Regulations 2005, a decision must be made at the conclusion of the hearing.

In accordance with S.105 of the Act, the authority must, having regard to the representations made consider whether there is reasonable cause to:

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

in order to promote the crime prevention objective.

Background Papers

Document	Place of Inspection
Policy	Licensing and Enforcement Unit

Appendices

Document	Appendix Number
Temporary Event Notice	<i>Appendix A</i>
Representation- Chief Officer of Police	<i>Appendix B</i>