

# LICENSING ACT 2003 SUB COMMITTEE

Thursday, 19th May, 2022  
1.00 pm





# LICENSING ACT 2003 SUB COMMITTEE

Thursday, 19th May, 2022 at 1.00 pm

Reception Room, Burnley Town Hall

Members are reminded that if they have detailed questions on individual reports, they are advised to contact the report authors in advance of the meeting.

## **AGENDA**

**1) *Appointment of Chair***

To consider the appointment of Chair for the meeting

**2) *Apologies for Absence***

To receive any apologies for absence

**3) *Minutes of the last Meeting - 9th November 2021***

5 - 8

To approve as a correct record the minutes of the last Licensing Act 2003 Sub-Committee meeting held on 9<sup>th</sup> November 2021.

**4) *Additional Items of Business***

To determine whether there are any additional items of business which, by reason of special circumstances, the Chair decides should be considered at the meeting as a matter of urgency.

**5) *Declaration of Interest***

In accordance with the Regulations, Members are required to declare any personal or personal and prejudicial interests they may have and the nature of those interests in respect of items on this agenda and/or indicate if S106 of the Local Government Finance Act 1992 applies to them.

**6) *Exclusion of the Public***

To determine during which items, if any, the public are to be excluded from the meeting

**7) *Hearing of an application for a Temporary Event Notice following receipt of notices of objection***

9 - 38

To consider notices of objection received by the Licensing Authority in response to a Temporary Event Notice in relation to Queens Park.

**MEMBERSHIP OF COMMITTEE**

Councillor Karen Ingham  
Councillor Anne Kelly

Councillor Lorraine Mehanna  
Councillor Jeff Sumner

**PUBLISHED**

Date Not Specified

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## **BURNLEY BOROUGH COUNCIL LICENSING ACT 2003 SUB COMMITTEE**

### **REMOTE-TEAMS AND YOUTUBE**

**Tuesday, 9th November, 2021 at 2pm**

#### **PRESENT**

#### **MEMBERS**

Councillors I Emo, K Ingham, A Kelly and L Mehanna

#### **OFFICERS**

Catherine Waudby	– Head of Legal and Democratic Services
Eric Dickinson	– Democracy Officer
Alison McEwan	– Democracy Officer
John Clucas	– Licensing and Compliance Officer
Mark Hindman	– Graphic Designer
Jill Wolfendale	– Principal Environmental Health Officer

#### **39 Appointment of Chair**

Councillor Anne Kelly was appointed as Chair for this meeting.

#### **40 Minutes of the last Meeting - 8th October 2021**

The Minutes of the last Meeting held on the 8th October 2021 were agreed as a correct record.

#### **41 Exclusion of the Public**

It was determined that the hearing would be held in public.

#### **42 Determination of Objections to a Temporary Event Notice -MODE, 77 Hammerton Street, Burnley.**

The Sub Committee considered a report to determine a Temporary Event Notice (TEN) application from Rebecca McQuoid for MODE at 77, Hammerton Street, Burnley.

Written objections had been received from Lancashire Constabulary and Environmental Health at Burnley Council.

Pc Michael Jones (Lancashire Constabulary), Jill Wolfendale (Environmental Health), and Rebecca McQuoid (MODE) attended the hearing and presented their cases in turn regarding the application for a Temporary Event Notice, and Members and all parties present asked questions.

Members RESOLVED to go into private session to consider the Temporary Event Notice application, and to receive legal advice.

## RESOLVED - DECISION AND REASONS FOR DECISION

### DECISION

Regarding MODE, 77 Hammerton Street, Burnley.

The Temporary Event Notice has been determined with a view to promoting the four licensing objectives namely the prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

The Sub Committee carefully considered the report of the Licensing Officer, the representations made by Lancashire Constabulary, Environmental Health and the representations put forward by the Applicant.

The Sub Committee has had regard to the Temporary Event Notice and the relevant representations received.

The Sub Committee has had regard to the s182 Licensing Act 2003 Guidance issued by the Government.

The Committee has had regard to its own Statement of Licensing Policy.

Having taken all of the above into consideration, the Council considers it appropriate for the promotion of the licensing objectives to issue a counter notice in relation to the Temporary Event Notice (TEN) applied for by Rebecca McQuoid for the Mode Nightclub, 77 Hammerton Street, Burnley for 0600 –0800 hours on 14th November 2021.

### REASONS FOR DECISION

#### 1. Prevention of crime and disorder

The Sub Committee took into account the information provided by the Police of incidents/alleged crimes that occurred on 6th and 7th November 2021 which were connected with MODE.

The Sub Committee accepted the concerns of Environmental Health and the Police that the TEN would increase disorder in the town centre if MODE was allowed to open until 8 am.

#### 2. Prevention of Public Nuisance

The Committee accepted the opinion of Environmental Health that the TEN event would generate additional noise complaints from residents who live close to the venue.

The Committee also accepted the opinion of the Police that the granting of the TEN would be likely to extend crime and disorder further into the morning.

#### 3. Public Safety

The Police expressed concern that there was no suitable plan in place to control the numbers limited by a TEN and the Sub Committee was not satisfied by the reassurances given by the Applicant that numbers could be properly controlled as no detailed plan was provided.

#### 4. Protection of Children from harm

Some of the incidents on 6th and 7th November 2021 were alleged to involve minors who should not have been in the venue.

5. The matters set out in the paragraphs above had and/or have the effect of undermining all 4 of the licensing objectives
6. In those circumstances it is considered that the issue of a counter notice serves to promote all 4 of the licensing objectives.
7. Consideration has been given to all the powers available to the licensing authority under section 105 of the Licensing Act 2003 and concludes that the issue of counter notices is both necessary and proportionate in the circumstances.
8. The Applicant has the right of appeal against the issue of the Counter Notice. Such appeal must be made at least 5 working days before the date of the event.

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## REPORT TO LICENSING SUB COMMITTEE



<b>DATE</b>	<b>19<sup>th</sup> May 2022</b>
<b>PORTFOLIO</b>	<b>Community &amp; Environment</b>
<b>REPORT AUTHOR</b>	<b>Karen Davies</b>
<b>TEL NO</b>	<b>01282 425011</b>
<b>EMAIL</b>	<b>kdavies@burnley.gov.uk</b>

## Licensing Act 2003 Hearing of an application for a Temporary Event Notice following receipt of notices of objection

### PURPOSE

1. To consider notices of objection received by the Licensing Authority in response to a Temporary Event Notice given by Person A on 6<sup>th</sup> May 2022 in accordance with Part 5 of the Licensing Act 2003 (The Act).
2. The premises are within Queens Park, Burnley.

### RECOMMENDATION

3. Members are recommended to make a determination with a view to promoting the licensing objectives, which are:
  - The prevention of crime and disorder
  - Public safety
  - Prevention of public nuisance
  - Protection of children from harm

The premises are subject to a Premises Licence PLN 0057 held by the Council’s Head of Green Spaces and Amenities which covers the whole of Queens Park The licence does not include the sale of alcohol.

Sub-Committee may, in respect of the Temporary Event Notice:

- Allow the licensable activities to go ahead as stated in the notice, or
- Attach conditions to the TEN, which must be drawn from conditions attached to the existing premises licence, or
- Issue a Counter Notice, preventing the event taking place, to the premises user under Section 105(2b) if the Committee consider it appropriate for the promotion of the licensing objectives.

Committee must give a notice of the decision, with explanation, under Section 105(3a) to the premises user and the objecting relevant persons.

## REASONS FOR RECOMMENDATION

4. TENs usually operate without conditions which can only be attached at a hearing following objections, but only where a Premises Licence is in place at the premises. Furthermore only those conditions applied to the Premises Licence can be attached to the TEN. Unlike new or variation premises licence applications there is no provision within the TENs process for objections to be mediated out by the parties in advance of a hearing. The Licensing Sub-Committee are responsible for determining such applications where objections are received.

## SUMMARY OF KEY POINTS

5. The event is to be held from Friday 3<sup>rd</sup> June 2022 to Saturday 4<sup>th</sup> June 2022.

(A TEN for this event was received on 19<sup>th</sup> April. This first TEN included regulated entertainment and both on & off sales of alcohol. Regulated entertainment was included because the premises licence holder had not given permission for the use of the licence. The police and environmental health raised concerns with Person A about the numbers attending the festival and the suitability of a TEN. Following discussions between the applicant and the premises licence holder, the Licensing Authority was advised that the premises licence would be relied on for the live music as the number of people attending would exceed the TEN limit of 499. The TEN had not been submitted on the prescribed form which details any premises licence in force, and so was rejected as a result. The correct forms were supplied for resubmission. The resubmitted TEN is the subject of this hearing and was received on 6<sup>th</sup> May.)

The licensable activities applied for are:

- The on-sale by retail of alcohol from 12.00hrs (mid-day) till 21.00hrs and
- Supply of alcohol by a club and
- Provision of late night refreshment

(The latter two would seem to be in error as they do not fit with the nature or timings of the event)

The nature of the event is described as '*Live bands, children's funfair, food stalls, beer tent*'

No plan of the TEN area was supplied with the notice, with the area described as '*We only intend to use the grass area where the toilets are. There will be a marquee which will be fenced off. Our security will control this area.*' (A plan has been requested)

The TEN is provided at Appendix A.

On 11<sup>th</sup> May 2022 the Licensing Authority received objection notices from Lancashire Constabulary and Environmental Health in accordance with s104(2). The objections are provided at Appendices B & C respectively.

A copy of licence PLN 0057 is provided at Appendix D, and a plan of the licenced premises at Appendix E – the licenced area.

The event taking place on Saturday 4<sup>th</sup> June has been advertised for a number of months as 'This is Manchester Indie Festival', with 6 tribute bands and tickets being sold across ticketing platforms.

The regulated entertainment planned for the festival is to be carried out under the authority of the Premises Licence, across the licenced area. This is because numbers attending the festival exceed those permitted by the temporary activities arrangements of The Act, ie 499.

The TEN seeks approval for the sale of alcohol within a temporary structure to be erected as a beer tent and situated within the premises licenced area. It effectively seeks to place one separate TEN event (for the sale of alcohol, and with a maximum occupancy of 499) within the larger festival event that has no occupancy limit imposed by the premises licence. Admission by ticket to the festival will include access to the beer tent. Members will note that the event is described as a live music event on the notice received, and may consider the artificial creation of one premises within another larger premises to be a misuse of the temporary activity provisions of The Act. Any larger event would normally be subject to the additional scrutiny required in relation to new premises and variation applications.

No contact has been made by the event organizer with the Council's Event Safety Advisory Group

Any decision made at the hearing relates solely to the sale of alcohol.

## **FINANCIAL IMPLICATIONS AND BUDGET PROVISION**

6. None

## **POLICY IMPLICATIONS**

7. The Council's Licensing Policy deals with TENs at section 17. Of particular note at Para 17.7 *The authority encourages notice providers to give the earliest possible notice of events likely to take place. This is particularly relevant to events which are to take place in the open air or in a temporary structure. Assistance with the planning of events can be provided through the Council's Events Safety Advisory Group.*
8. Statutory Guidance issued under s182 Licensing Act provides deals with TENs at section 7.  
*At para 7.35 The premises user who signs the form is legally responsible for ensuring that the numbers present do not exceed the permitted limit at any one time... In each case it is important that licensing authorities and relevant persons consider whether they*

*believe the premises user intends to exceed the 499 person limit, or will be unable to control, or know whether the limit will be exceeded. Where the planned activities are likely to breach the statutory limits or undermine the licensing objectives, it is likely to be appropriate for the police or EHA to raise objections.*

#### **DETAILS OF CONSULTATION**

9. None

#### **BACKGROUND PAPERS**

10. None

#### **FURTHER INFORMATION**

**PLEASE CONTACT:**

**Lisa Tempest 01282 425011**

**ALSO:**



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Post town	Postcode
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)

QUEENS PARK  
ORMEROD RD BURNLEY BB10 7AA

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

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)

WE ONLY INTEND TO USE THE GRASS AREA WHERE THE TOILETS ARE. THERE WILL BE A MARQUEE WHICH WILL BE FENCED OFF. OUR SECURITY WILL CONTROL THIS AREA

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

LIVE MUSIC IN THE PARK

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

LIVE BANDS, CHILDRENS FUNFAIR, FOOD STALLS, BEER TENT.

--

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	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input checked="" type="checkbox"/>
The provision of regulated entertainment (Please read note 7)	<input type="checkbox"/>
The provision of late night refreshment	<input checked="" type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 8)	<input type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)	
3/6/22 4/6/22	
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 10)	
12.00      21.00 12.00      21.00	
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 11)	499
If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12)	On the premises only <input checked="" type="checkbox"/>
	Off the premises only <input type="checkbox"/>
	Both <input type="checkbox"/>

<p>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 (including, but not limited to lap dancing and pole dancing). (Please see note 13)</p> <p>THERE WILL BE LIVE MUSIC FROM 12.00 21.00</p>
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4. Personal licence holders (Please read note 14)			
Do you currently hold a valid personal licence? (Please tick)		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If "Yes" please provide the details of your personal licence below.			
Issuing licensing authority			
Licence number			
Date of issue			
Any further relevant details			

5. Previous temporary event notices you have given (Please read note 15 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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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 <input checked="" type="checkbox"/>

6. Previous temporary event notices you have given (Please read note 16 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 <input checked="" type="checkbox"/>
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 <input checked="" type="checkbox"/>
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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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	No
	<input type="checkbox"/>	<input checked="" type="checkbox"/>

7 Checklist (Please read note 17)	
I have (Please tick the appropriate boxes, where applicable)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
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	<input checked="" type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input checked="" type="checkbox"/>
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	<input checked="" type="checkbox"/>
Made or enclosed payment of the fee for the application	<input checked="" type="checkbox"/>
Signed the declaration in Section 9 below	<input checked="" type="checkbox"/>

8 Condition (Please read note 18)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user.

9 Declarations (Please read note 19)	
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 of any amount; 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 of any amount, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	3/5/22
Name of Person signing	



11th of May 2022

Licensing Unit  
Burnley Borough Council

**Police objection to the application for a Temporary Event Notice at Queens Park on the 3<sup>rd</sup> and 4<sup>th</sup> of June 2022.**

Lancashire Constabulary has received a TEN for a live music event in Queens Park Burnley on the 3<sup>rd</sup> and 4<sup>th</sup> of June 2022 between the hours of 12:00 and 21:00hrs on both days. The event has been described as live music in the park with childrens fun fair and food stalls. The application is made by XXXXXXXXXXXXX.

The park has a premises licence, PLN0057, the Licence Holder being Burnley Borough Council. It is my understanding that this licence will be used for the live entertainment aspects of this event.

The constabulary is concerned that the Temporary Event Notice will not be subject to any licensing conditions.

Queens Park is as a public park, with an approximate perimeter of 1.2 km with 10 entrances.

Lancashire constabulary objects to the application on the Prevention of Crime and Disorder, Public Safety, Prevention of Public nuisance and the Protection of Children from Harm licensing objectives.

Lancashire Constabulary is concerned that the application does not describe the event in enough detail for an informed decision to be made. The event is advertised on social media as The Manchester Indie festival with 6 tribute bands.

A Temporary Event Notice was received for the same event on the 19<sup>th</sup> of April 2022 but was declared invalid by the Council.

The following issues had not been addressed in order that the Licensing objectives can be achieved.

How many tickets are available for each day.

How will number of people on site be monitored considering there are 10 entrances/exits

What security arrangements have been planned.

How will the park be secured to monitor access to the site in order to monitor the numbers on site at any one time.

What toilet facilities are planned.

How will you prevent under 18s obtaining alcohol as tickets for 17 year olds are available.

What provision is there for parking considering public transport may be restricted due to the jubilee weekend.

There is no plan of the licensable area if the whole area does not form part of the licensable area.

First aid provisions.

Number of staff required to run the event including performers in order that numbers can be restricted to 499 people.

Dispersal policy for the safe egress of visitors at the end on the evening.

The only issues which have been addressed on the latest application is that the licensable area will be in a fenced off marquee, controlled by security. There is no indication of the size of this area and this TEN is for on sales only which may restrict the ability of alcohol being taken from the area covered by the TEN to the rest of the area. The previous TEN was for both on and off sales.

**In view of the above, Lancashire Constabulary objects to the application on the grounds that this is a potentially large with no evidence that consideration has been given to ensure that all 4 of the Licensing Objectives are achieved.**

Regards

Pc 2623 Michael Jones

East Division licensing Officer



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Queens Park - 3rd & 4th June 2022 - Objection Environmental Health

Dear XXXXXXXXXXXXXXXXX,

Further to the above TEN I believe that allowing the premises to be used in accordance with the TEN will undermine the Public Safety licensing objective for the following reasons;

I have concerns that due to the scale of the overall event being held in the park, which will be in excess of 499, it will be difficult to ensure that the numbers present within the area where the TEN is proposed, do not exceed the permitted limit at any one time. Without information such as an event management plan in relation to the event as a whole and detailed plans of how the area relating to the TEN will be managed and how limits will be controlled, I am of the opinion that the permitted limit could well be exceeded and public safety could be compromised.

I am therefore objecting to the TEN on behalf of Environmental Health

Regards

Jill

Jill Wolfendale  
**Principal Environmental Health Officer Safety & Environment**  
**Streetscene**  
01282 425011

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Licensing Unit  
Parker Lane  
Burnley  
Lancashire  
BB11 2DT

Tel: 01282 425011  
Web: [www.burnley.gov.uk](http://www.burnley.gov.uk)  
[licensing@burnley.gov.uk](mailto:licensing@burnley.gov.uk)

Licensing Act 2003

## Premises Licence

# PLN0057

### Part 1 - Premises Details

#### POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

### Queens Park

Queen Victoria Road, Burnley, Lancashire, BB10 3EF.

Telephone 01282 423838

#### WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

#### LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance

#### THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
A. Performance of a play (Indoors & Outdoors)	Monday to Sunday	10:00am	9:30pm
B. Exhibition of films (Indoors & Outdoors)	Monday to Sunday	10:00am	9:30pm
C. Indoor sporting event	Monday to Sunday	10:00am	9:30pm
E. Performance of live music (Indoors & Outdoors)	Monday to Sunday	10:00am	9:30pm
F. Playing of recorded music (Indoors & Outdoors)	Monday to Sunday	10:00am	9:30pm
G. Performance of dance (Indoors & Outdoors)	Monday to Sunday	10:00am	9:30pm
H. Entertainment of a similar description to that falling within E, F, or G (Indoors & Outdoors)	Monday to Sunday	10:00am	9:30pm

#### THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	8:00am	10:00pm

## Licensing Act 2003

# Premises Licence

# PLN0057

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

## Part 2

### NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Burnley Borough Council Head of Green Spaces and Amenities, Town Hall Manchester Road, Burnley, Lancashire, BB11 1JH.

### REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

### ANNEXES

#### **ANNEX 2 - Conditions Imposed in Accordance with the Operating Schedule & Under Paragraph 18(4) & 18(5) Schedule 8 Licensing Act 2003**

All events must be risk assessed and a copy of the assessment shall be forwarded to the emergency services prior to the event taking place.

Noise levels shall be kept within any guidelines issued by Environmental Health Dept.

There shall be no events containing material of an adult or offensive nature

The Code of Practice on Environmental Noise at Concerts shall be followed for all events and advice shall be sought from Environmental Health Dept. in advance of any event taking place

#### **ANNEX 1 - MANDATORY CONDITIONS**

When a film is exhibited, admission of children to that part of the premises must be restricted in accordance with any recommendation made by the British Board of Film Classification in relation to that film.

Use of door supervisors.

Each individual in the premises who carries out a security activity must be licensed by the Security Industry Authority unless the premises or part of the premises where they are present is being used wholly or mainly as a restaurant or guest house, for theatrical performances or plays, or a Gaming Licence is for the time being in force in respect of those premises.

#### **ANNEX 3. Conditions attached after a hearing by the licensing authority**

None

#### **ANNEX 4 - Plan of Premises**

The official plan of the premises is attached and endorsed

Licensing Unit  
 Parker Lane  
 Burnley  
 Lancashire  
 BB11 2DT

Tel: 01282 425011  
 Web: [www.burnley.gov.uk](http://www.burnley.gov.uk)  
[licensing@burnley.gov.uk](mailto:licensing@burnley.gov.uk)

Licensing Act 2003  
**Premises Licence Summary** **PLN0057**

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION	
<b>Queens Park</b> Queen Victoria Road, Burnley, Lancashire, BB10 3EF.	Telephone 01282 423838

WHERE THE LICENCE IS TIME LIMITED THE DATES
Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE
<ul style="list-style-type: none"> <li>- a performance of a play</li> <li>- an exhibition of a film</li> <li>- an indoor sporting event</li> <li>- a performance of live music</li> <li>- any playing of recorded music</li> <li>- a performance of dance</li> <li>- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance</li> </ul>

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES			
Activity (and Area if applicable)	Description	Time From	Time To
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H. Entertainment of a similar description to that falling within E, F, or G (Indoors & Outdoors)	Monday to Sunday	10:00am	9:30pm

THE OPENING HOURS OF THE PREMISES			
	Description	Time From	Time To
	Monday to Sunday	8:00am	10:00pm



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Licensing Act 2003

# Premises Licence Summary

# PLN0057

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Burnley Borough Council Head of Green Spaces and Amenities, Town Hall Manchester Road, Burnley, Lancashire, BB11 1JH.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

None



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## **BURNLEY BOROUGH COUNCIL**

### **LICENSING ACT 2003**

### **THE CONDUCT OF HEARINGS**

#### **1. Application**

- 1.1 All hearings subject to the Licensing Act 2003 (Hearings Regulations) 2005 will be held in accordance with this procedure. The Schedule to this procedure details the hearings which are subject to this procedure.

#### **2. Time of Hearing**

- 2.1 Hearings will commence within the times illustrated in Column 2 of the Schedule, and where the hearing is scheduled to take place on more than one day, it will take place on consecutive working days.
- 2.2 Hearings will normally take place from 2-5pm or 6-9pm on the day of the hearing, but hearings may take place at the discretion of the Committee or Sub-Committee appointed to hear the matter in exceptional circumstances.

#### **3. Members of the Committee or Sub-Committee**

- 3.1 Where the full Licensing Committee sit to hear an application, the full Committee will sit, excluding a member who:
- a) has sat on a Development Control hearing in respect of the premises subject to, or concerned in the Licensing Act 2003 application and/or
  - b) is affected by the application e.g. to be assessed on a case by case basis when a Member is a Member for the Ward or a nearby Ward in which the premises are situated

- c) has become an interested party by representing the applicant or any interested party prior to the hearing.

3.2 Where a Sub-Committee sit to hear an application, it will consist of 3 members of the full Committee and will exclude a member who:

- a) has sat on a Development Control hearing in respect of the premises subject to, or concerned in the Licensing Act 2003 application and/or
- b) is affected by the application e.g. to be assessed on a case by case basis when a Member is a Member for the Ward or a nearby Ward in which the premises are situated
- c) has become an interested party by representing the applicant or any interested party prior to the hearing.

Where hearings are conducted remotely a 4<sup>th</sup> substitute Member may also be present.

3.3 Members will act in accordance with the Licensing Act 2003, be aware of the Local Authority Co-ordinators of Regulatory Services Guidance on the Role of Elected Members in Relation to Licensing Committee Hearings under the Licensing Act 2003 and the requirements of the Standards Board for England and Wales.

#### **4. Opening of a Hearing and Identifying Parties to the Hearing**

4.1 The Chair of the Committee or Sub-Committee will introduce the members of the Committee or Sub-Committee.

4.2 The Licensing Manager or Legal Advisor will advise the Committee or Sub-Committee but will not make recommendations or be part of the determination process. They will not retire with the Committee or Sub-Committee members for the purposes of a determination but the Legal Advisor may be asked by the Committee or Sub-Committee to give advice.

4.3 At the commencement of proceedings the Legal Advisor will identify in turn, each party to the hearing who is present, and in relation to that party, whether they are represented, and if so, by whom.

4.4 The Legal Advisor will identify in turn each party to the hearing who is not present at the hearing and in relation to that party will clarify;

- a) whether there is evidence that they were given Notice of the Hearing



- b) whether that party has given notice that they intend to attend or be represented
  - c) whether that party has given notice that they consider a hearing to be unnecessary
  - d) whether that party has given notice that they wish to withdraw their representation
- 4.5 Where a party has given notice that they do not intend to attend or be represented, the Committee or Sub-Committee will state whether they intend to proceed in the absence of that party.
- 4.6 Where a party has not given such notice and has failed to attend or be represented, the Committee or Sub-Committee will then decide whether it is necessary in the public interest to adjourn the hearing to a specified date or hold the hearing in the party's absence. The Committee or Sub-Committee may invite representations from the other parties present on this issue before making their decision.
- 4.7 The Committee or Sub-Committee, should it decide to proceed must subsequently consider the application, representation or notice made by a party who does not attend, attaching the appropriate weight of evidence to it.

## **5. Hearings to be held in public**

- 5.1 Unless the Committee determine otherwise following consideration of representations, if any, from the parties present, the hearing shall take place in public. A member of the public, unless a party to the hearing or a person granted permission to address the hearing by the Committee or Sub-Committee at the request of one of the parties, shall not be entitled to address the hearing.
- 5.2 Where representations are made under 5.1 above, such parts or the hearing as the Committee or Sub-Committee in their absolute discretion determine shall be held in private.
- 5.3 The decision at paragraph 5.2 and the reasons for it will be given in public, and the Committee or Sub-Committee will also state whether any party or any persons assisting or representing a party are to be treated as a member of the public for this purpose.

## **6. Commencement of the Hearing**

- 6.1 The Legal Advisor will explain the procedures that the Committee or Sub-Committee will follow at the hearing. In particular the Legal Advisor will clarify that::

- a) the hearing will take the form of a discussion led by the Committee or Sub-Committee and cross-examination will not be permitted unless the Committee or Sub-Committee considers that cross examination is required for it to consider the representations, application or notice as the case may require.
- b) Members of the Committee or Sub-Committee may ask a question of any party or other person appearing at the hearing.
- c) Members of the Committee or Sub-Committee may take into account documentary or other information produced to the authority before the hearing in support of their application, representation or notice. These will have been provided to the Committee or Sub-Committee members by the Licensing Manager prior to the meeting and the substantive content of the documents need not be repeated verbally at the hearing.
- d) Members of the Committee or Sub-Committee may take into account any new documentary or other information produced to the authority on the day of the hearing with the content of all other parties (if any) and the substantive content of any such documents need not be repeated verbally at the hearing.
- e) Parties will be allowed a maximum equal period to exercise their rights, such period to be determined by the Committee or Sub-Committee.
- f) Parties will be allowed to clarify points upon which they wish to support their application.
- g) Parties may seek permission to question any other party subject to Paragraph a) above.
- h) Parties may seek permission to address the Committee or Sub-Committee.

## **7. Procedure**

- 7.1 The Licensing Manager or other appointed officer of the Licensing Authority are not a party to the hearing. The Manager will outline the facts of the application and relevant representations received from parties.
- 7.2 The Licensing Manager will then outline the legislation under which a determination is required.
- 7.3 The Licensing Manager will outline;

- a) Relevant parts of the Act
  - b) Relevant subordinate legislation
  - c) Relevant sections from the statutory guidance made under Section 182 of the Act
  - d) Relevant paragraphs of the Statement of Licensing Policy made under Section 5 of the Act.
  - e) The time limit which the Committee or Sub-Committee must make a determination under the law.
- 7.4 Each party to the hearing present will then in turn provide information supporting or clarifying of their representations – commencing with the Responsible Authorities, followed by any interested party and then the applicant.
- 7.5 The Committee or Sub-Committee may advise all the parties of details of representations they have received from parties not present.
- 7.6 Thereafter each party, commencing with the Responsible Authorities, followed by any interested party and finally the Applicant, will be given an opportunity to summarise their representations. No new evidence will be allowed to be introduced by any party during the course of any such summation.
- 7.7 The Committee or Sub-Committee will disregard any information given by a party or any other person to whom permission to appear at the hearing has been given which is no relevant to;
- a) Their application, representation or notice or in the case of another person, the application, representation or notice of the party requesting their appearance, and
  - b) the promotion of the Licensing Objectives or in the case of a hearing to consider a notice given by a chief officer of the police, the crime prevention objective only.
- 7.8 The Committee or Sub-Committee will satisfy themselves that they have heard all the relevant information and retire to make their decision in private.

## **8. Persons behaving in a disruptive manner**

- 8.1 The Committee or Sub-Committee may require any person attending the, hearing who in their opinion are behaving in a disruptive manner to leave the hearing and may;
- a) refuse to permit that person to return, or
  - b) permit them to return only on such conditions as the Committee or Sub-Committee may specify

but such a person may, before the end of the hearing, submit to the authority in writing any information which they would have been entitled to give orally had they not been required to leave.

## **9. Adjournment of Hearing**

- 9.1 The Committee or Sub-Committee may adjourn a hearing to a specified date or arrange for the hearing to be held on specified additional dates where it considers this necessary to consider any representations or notice made by a party. (A s53C `summary review` to be determined within 28 days of receipt)
- 9.2 It will not adjourn a hearing in such a way to create an effect on the requirements of granting or rejecting an application under Schedule 8 of the Act or a review under Section 167 of the Act.

## **10. Determinations**

- 10.1 The Committee or Sub-Committee will make its determination at the conclusion of the hearing but in certain circumstances may make a determination within a period of 5 working days of the last day of the hearing.

## **11. Notice of Determination**

- 11.1 The Licensing Manager will issue a notice of determination forthwith to all parties. Such notice will include the reasons for the determination and details of the right of any party to appeal against the decision.

## **12. Record of Proceedings**

- 12.1 The Democracy Team Officer will provide for a record of the hearing to be taken in a permanent and intelligible form and kept for 6 years from the date of determination.

## SCHEDULE

Column 1		Column 2
<b>Provision under which hearing is held.</b>		<b>Period of time which hearing must be commenced.</b>
1.	Section 18(3)(a) (determination of application for premises license)	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c)
2.	Section 31(3)(a) (determination of application for a provisional statement).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c) by virtue of section 30.
3.	Section 39(3)(a) (determination of application to vary premises license).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c) by virtue of section 34(5).
4.	Section 39(3)(a) (determination of application to vary premises license to specify individual as premises supervisor).	20 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 37(5)
5.	Section 44(5)(a) (determination of application for transfer of premises license).	20 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 42(6)
6.	Section 48(3)(a) (cancellation of interim authority notice following police objection).	5 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 48(2)
7.	Section 52(2) (determination of application for review of premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 51(3)(c).
8.	Section 53C (review of premises licence following review notice)	To be determined 28 days after the day of receipt of the review application as prescribed under section 53A(2)(b).
9.	Section 72(3)(a) (determination of application for club premises certificate).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 71(6)(c)
10.	Section 85(3) (determination of application to vary club premises certificate)	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 71(6)(c) by virtue of section 84(4)

11.	Section 88(2) (determination of an application for review of club premises certificate)	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 87(3)(c)
12.	Section 105(2)(a) (counter notice following police objection to temporary event notice)	7 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under section 104(2)
13.	Section 120(7)(a) (determination of application for grant of personal licence)	20 working days beginning with the day after the end of the period during within which the chief officer of police may give a notice under section 120(5)
14.	Section 121(6)(a) (determination of application for the renewal of personal licence)	20 working days beginning with the day after the end of the period during within which the chief officer of police may give a notice under section 121(3)
15.	Section 124(4)(a) (convictions coming to light after grant or renewal of personal licence)	20 working days beginning with the day after the end of the period during within which the chief officer of police may give a notice under section 124(3)
16.	Section 167(5)(a) (review of premises licence following closure order)	10 working days beginning with the day after the day the relevant licensing authority received the notice given under section 165(4)
17.	Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence)	10 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under paragraph 3(2) or (3) of Schedule 8
18.	Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)	10 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under paragraph 15(2) or (3) of Schedule 8
19.	Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence)	10 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under paragraph 25(2) of Schedule 8