



# BURNLEY BOROUGH COUNCIL LICENSING ACT 2003 SUB COMMITTEE

BURNLEY TOWN HALL

Friday, 13th August, 2021

## PRESENT

## MEMBERS

Councillor Anne Kelly (Chair)  
Councillors H Baker, K Ingham and J Sumner

## OFFICERS

Catherine Waudby	– Head of Legal and Democratic Services
Alison McEwan	– Democracy Officer
John Clucas	– Licensing and Compliance Officer
Mark Hindman	– Graphic Designer

## IN ATTENDANCE

Jill Wolfendale	Objector (Environmental Health)
Thomas Bracewell	Observer (Environmental Health)
Ray Harrison	Applicant

### 30 Appointment of Chair

Cllr Anne Kelly was appointed Chair of the hearing panel.

### 31 Apologies for Absence

### 32 Minutes of the last Meeting

The minutes of the last Licensing Act 2003 hearing on 21<sup>st</sup> June 2021 were approved as a correct record.

### 33 Exclusion of the Public

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

### **34 Determination of a Temporary Event Notice Application - Underneath the Arches (rear of 61 Bank Parade)**

The Head of Legal & Democracy invited Mr Harrison to make any requests to the Committee. Mr Harrison declined the offer, and confirmed that he was happy for the hearing to proceed.

The Sub Committee considered a report to determine a Temporary Event Notice (TEN) application from Mr Ray Harrison for 'Underneath the Arches (rear of 61 Bank Parade, Burnley).

A written objection had been received from Environmental Health at Burnley Council.

Mr Harrison and Ms Wolfendale (Environmental Health) attended the hearing.

Ms Wolfendale and Mr Harrison 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.

#### **PUBLIC DECISION AND REASONS FOR DECISION**

In coming to its decision the Sub Committee took account of Burnley's Licensing Policy and also guidance published by the Secretary of State under S182 of the Licensing Act 2003. The Sub Committee considered the four Licensing Objectives but particularly had in mind the Licensing Objectives relating to the Prevention of Public Nuisance and Public Safety.

#### **RESOLVED**

That 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 Ray Harrison, 61 Bank Parade, Burnley for the 27th to 30th August 2021.

#### **Reasons for Decision**

##### **1. Public Safety**

The Applicant has not considered the following factors affecting the licensing objective of public safety, and presented these in the application:

- The necessary health and safety and fire risk assessments at the site relating to the event, and other measures to reduce risk to public safety;
- A detailed plan of safe access to, and egress from the site. Including for emergency services
- The measures to be employed to monitor the occupancy of the site so that maximum capacity stated on the application is not exceeded;
- The number of people employed or engaged to secure the safety of everyone attending the premises or event;
- Measures for the appropriate instruction, training and supervision of those employed or engaged to secure the safety of everyone attending the premises or event;

- Details of how facilities will be provided at the event – not limited to toilet facilities, first aid, provision of power to the site (including a copy of the current Electrical Inspection Report Certificate if relevant) and

## **2. Prevention of Public Nuisance**

Complaints have been received from local residents in relation to the proposed TEN. They live in properties in close proximity to the site. The Committee accepts the opinion of Environmental Health that the event will generate noise complaints given the close proximity of residential properties to the site.

Also, the Applicant has not adequately demonstrated that he has considered the factors affecting the licensing objective of the prevention of public nuisance in the application covering:

- The location of the site and its proximity to residential and other noise sensitive premises;
- The design and layout of the site and in particular the presence of noise limiting features;
- Measures taken or proposed for management and supervision of the site and associated open areas to minimise unreasonable disturbance by customers and staff arriving or departing from the premises and delivery of goods and services;
- Production of a noise management plan;
- Management arrangements for collection and disposal of litter and refuse, and the control of pests; and
- Arrangements for ensuring that adequate and suitably maintained sanitary provision and washing facilities are provided for the number of people expected to attend any premises or events.

3. The matters set out in the paragraphs above had and/or have the effect of undermining the licensing objectives of the prevention of public nuisance and public safety.

4. In those circumstances it is considered that the issue of a counter notices serves to promote the public safety and prevention of public nuisance objectives.

5. Consideration has been given to all the powers available to the licensing authority under section 105 of the Act and concludes that the issue of counter notices is both necessary and proportionate in the circumstances.

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