

**REPORT TO LICENSING SUB COMMITTEE**



<b>DATE</b>	<b>30<sup>th</sup> May 2022</b>
<b>PORTFOLIO</b>	<b>Community &amp; Environment</b>
<b>REPORT AUTHOR</b>	<b>Karen Davies</b>
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**Licensing Act 2003 Hearing regarding Notices of Objection to a Temporary Event Notice**

**PURPOSE**

1. To consider notices of objection received by the Licensing Authority in response to a Temporary Event Notice (TEN) given by Person A on 16<sup>th</sup> May 2022 in accordance with Part 5 of the Licensing Act 2003 (The Act).
2. The TEN 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. Where a premises is already holds a licence, conditions can only be attached at a hearing following objections, and 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 to arrive at a compromise in advance of a hearing, although all parties can agree that the hearing is no longer necessary. 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 on Saturday 4<sup>th</sup> June 2022.

The licensable activities applied for are:

- The on and off-sale, by retail, of alcohol from 12.00hrs (mid-day) till 21.00hrs and
- Provision of regulated entertainment 12.00hrs (mid-day) till 21.00hrs

The off sales element permits alcohol to be consumed off the TEN premises, ie beyond the area marked on the plan.

Relevant (rather than regulated) entertainment is also indicated between 12.00hrs and 21.30hrs, but as this relates to nudity etc and would be unsuitable in the presence of minors, this is likely to be an error.

The nature of the event is described as '*Outside live music event Manchester cover bands (see event plan)*'

No plan of the TEN premises area was supplied with the TEN, but an image has since been provided. The area to be used for the event is described on the TEN as '*Park Bandstand hardstanding & open grassed area to the SW of the Bandstand. Access via the park gates at the junction of Ormerod Rd and Belvedere Rd.*'

The TEN is provided at Appendix A, the TEN premises location image at Appendix B, the event plan (as submitted with the TEN) at Appendix C. A revised event plan and location plans have since been submitted and are provided at Appendix H.

On 19<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 D & E respectively.

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 a number of ticketing platforms. The event holder indicated on 16<sup>th</sup> May that 490 tickets had been sold at that point.

Since receipt of the TEN, Green Spaces and Amenities have indicated their permission to use the park providing numbers are capped at 499. One of the restrictions on the use of the TENs process is that the activities are only permitted where numbers do not exceed 499. This number includes staff and performers

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

As Premises Licence PLN 0057 applies to the TEN premises where the event is to take place, any conditions attached to that licence can be applied to the TEN as per paragraph 3 of this report.

## **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:**

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**ALSO:**