



BURNLEY BOROUGH COUNCIL LICENSING ACT 2003 SUB COMMITTEE

BURNLEY TOWN HALL

Monday, 24th October, 2022

PRESENT

MEMBERS Councillors J Inckle, A Kelly and M Townsend

OFFICERS

Catherine Waudby	–	Head of Legal and Democratic Services
Lisa Tempest	–	Licensing Compliance Officer
Carol Eddleston	–	Democracy Officer
CJ Walmsley	–	Democracy Officer

ALSO IN ATTENDANCE

Caitlin Hanley	-	Designated Premises Supervisor
Philip Haworth	-	Company Director
PC Michael Jones	-	Lancashire Constabulary
John McDonald	-	Company Director

19 Appointment of Chair

Councillor Kelly was appointed Chair for the meeting.

20 Declaration of Interest

There were no declarations of interest in any of the items on the agenda.

21 Hearing of an application for a Temporary Event Notice following receipt of a Notice of Objection

The Sub-committee considered a report relating to a Temporary Event Notice (TEN) for the Bees Knees, Hargreaves Street, Burnley, following the submission to the Licensing Authority of an objection from Lancashire Constabulary.

The TEN was for an event on 13th November, which was remembrance Sunday and the day of a football match between Burnley FC and Blackburn Rovers FC. The event was described as opening at an earlier time and serving alcohol to customers at this time.

The licensable activities to be carried on were:

The on-sale by retail of alcohol from 10:00 hours to 11:00 hours.

Lisa Tempest attended the hearing and presented the report on behalf of the Licensing Authority.

PC Michael Jones attended the hearing and presented the case on behalf of Lancashire Constabulary.

Mr John McDonald presented the case of the applicant, supported by Mr Philip Haworth and Ms Caitlin Hanley.

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 the Bees Knees Hargreaves St, Burnley – 24th October 2022

The Temporary Event Notice has been determined with a view to promoting the four licensing objectives, but in particular, the licensing objectives relating to the prevention of crime and disorder and public safety.

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

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

The Committee have had regard to the s182 Guidance issued by the Government.

The Committee have 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 the Bees Knees for the on-sale by retail of alcohol from 10.00 to 11.00 hours on 13th November 2022

REASONS FOR DECISION

1. Prevention of Crime and Disorder and Public Safety

The TEN has been applied by the Bees Knees to allow them to open and serve customers in advance of the Burnley v Blackburn football match which kicks off at 12.30.

The Police have explained that the match has been categorised as a high-risk football match as it is a local derby game.

The fixture is a sell out for Burnley and for Blackburn.

Alcohol consumption has an impact on fan behaviour and the overall policing and stewarding operation.

The Police have already made provision for a large policing operation to mitigate the risk of football related violence, including alcohol related violence. All police leave and rest days have been cancelled.

The Police object to extending existing hours for the sale of alcohol under the TEN application for such a risky fixture as it will allow people to drink for a longer period prior to the game which has the potential to increase more alcohol-related violence.

The Police identified breaches to the licensing conditions at the Bees Knees in October 2022 which related to a failure to display challenge 25 notices and signage, and the failure of security staff to count customers. This demonstrated a lack of knowledge of licensing conditions by the current Designated Premises Supervisor.

The Committee was also mindful that the Bees Knees is number four in the top ten of licensed premises in Burnley for disorder.

2. The matters set out in the paragraphs above had and/or have the effect of undermining the licensing objectives of the prevention of crime and disorder and public safety.
3. In those circumstances it is considered that the issue of a counter notices serves to promote the licensing objectives of the prevention of crime and disorder and public safety.
4. 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 a counter notice is both necessary and proportionate in the circumstances.
5. If the Applicant disagrees with the hearing decision, he is entitled to appeal. An appeal should be lodged within 21 days and at least five working days before the date of the event.

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