

Licensing Panel

Licensing Act 2003

Application for Temporary Event Notice

Unit BS1, The Ground Works Building, Shaw Road, Oldham OL1 4AW

Report of: Executive Member – Neighbourhoods

Officer Contact: Nicola Lord
Ext. 3472

Date of Hearing: 14th March 2023

Reason for Hearing:

The purpose of this report is to inform members of an application for a Temporary Event Notice for an Event Party up to 03:00 a.m., at Unit BS1, The Ground Works Building, Shaw Road, Oldham OL1 4AW which, due to a representation being received, has been referred to this Panel for determination.

Recommendations:

Members are recommended to consider the application taking into account the representation received.

Licensing Panel – 14th March 2023

Application for Temporary Event Notice
Unit BS1, The Ground Works Building, Shaw Road, Oldham OL1 4AW

1. Purpose of Report

1.1 The purpose of this report is to inform members of an application for a Temporary Event Notice for an Event Party up to 03:00 a.m., at Unit BS1, The Ground Works Building, Shaw Road, Oldham OL1 4AW which, due to a representation being received, has been referred to this Panel for determination.

2. Recommendations

2.1 Members are recommended to consider the application taking into account the representation received.

3. The Application

3.1 On the 1st March 2023 the applicant, Mr De Almeida Freitas, applied for a Temporary Event Notice for an Event Party up to 03:00 a.m., at Unit BS1, The Ground Works Building, Shaw Road, Oldham OL1 4AW

The last date for representations in relation to this application was 6th March 2023.

3.2 Details of the licensable activities and the times applied for are as follows:

Activity	On/Off the premises	Hours	Maximum People
The sale by retail of alcohol	On the premises	18th March 2023 18:00 - 03:00	100

3.5 A copy of the application is attached at **Appendix 14.1**.

3.6 A location map is attached at **Appendix 14.2**.

4. Representations

4.1 Following submission of the application a representation was received from Environmental Health. This can be found at **Appendix 14.3** to the report.

5. Licensing Policy

5.1 Members considering this application should take note of the Authority's Licensing Policy Statement. Attention should be drawn to pages 14 & 15.

5.2 In relation to Public Nuisance paragraph 8.

5.3 A full copy of the Councils Licensing Policy Statement will be available at the hearing.

6. Secretary of State's Guidance

6.1 Members also need to consider statutory guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.

6.2 In relation to Chapter 7.31 to 7.38 (Police and Environmental Health Intervention):-

Police and Environmental Health intervention

7.31 The system of permitted temporary activities gives police and EHAs the opportunity to consider whether they should object to a TEN on the basis of any of the licensing objectives.

7.32 Such cases might arise because of concerns about the scale, location, timing of the event or concerns about public nuisance. However, in most cases, where (for example) alcohol is supplied away from licensed premises at a temporary bar under the control of a personal licence holder, (for example, at weddings with a cash bar or small social or sporting events) this should not usually give rise to the use of these powers.

7.33 The police and EHA have the right under sections 109(5) and (6) of the 2003 Act to request the premises user to produce the TEN for examination. If the police do not intervene when a TEN is given, they will still be able to rely on their powers of closure under Part 8 of the 2003 Act should disorder or noise nuisance be expected or arise.

7.34 If the police or EHA believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. The objection notice must be given within three working days of their receipt of the TEN.

7.35 Where a standard TEN was given, the licensing authority must consider the objection at a hearing before a counter notice can be issued. At the hearing, the police, EHA and the premises user may make representations to the licensing authority. Following the hearing, the licensing authority may decide to impose conditions where there is an existing premises licence or club premises certificate at the venue or issue a counter notice to prevent the event going ahead. If the police, EHA or both give an objection to a late TEN, the TEN will not be valid.

Modification

7.36 As noted above, the police or EHA (as “relevant persons”) may contact the premises user to discuss their objections and try to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified (for example, by changing the details of the parts of the premises that are to be used for the event, the description of the nature of the intended activities or their duration). The other relevant person has to agree.

Applying conditions to a TEN

7.37 The 2003 Act provides that only the licensing authority can impose conditions from the existing conditions on the premises licence or club premises certificate to a TEN. The licensing authority can only do so: • if the police or the EHA have objected to the TEN; • if that objection has not been withdrawn; • there is a licence or certificate in relation to at least a part of the premises in respect of which the TEN is given; • and if the licensing authority considers it appropriate for the promotion of the licensing objectives to impose one or more conditions.

7.38 This decision is one for the licensing authority alone, regardless of the premises user’s views or willingness to accept conditions. The conditions must be notified to the premises user on the form prescribed by regulations.

A full copy of the guidelines will be available at the hearing.

7. Options

7.1 When determining the application Members, having had regard to the representations, may take such steps as they consider appropriate for the promotion of the licensing objectives. The steps available to Members are:

- a. Confirm the notice as served on the Licensing Authority
- b. Reject the application and issue a counter notice

7.2 Any steps appropriate to promote the licensing objectives should be specified. If none of the steps are appropriate and proportionate, no action should be taken.

7.3 In arriving at a decision Members must have regard to the relevant provisions of national guidance and the licensing policy statement and reasons must be given for any departure.

7.4 The decision should be based on the individual merits of the application.

8. Consultation

8.1 Consultation in accordance with the Act has taken place with all responsible bodies and notice has been given to allow for any representations from interested parties.

9. Legal Services Comments

9.1

10. Environmental and Health & Safety Implications

10.1 Contained within the body of the report.

11. Equality, Community Cohesion & Crime Implications

11.1 The Councils Statement of Licensing Policy considers these matters. All decisions made by the Licensing Panel must have regard to this policy and national guidance.

12. Equality Impact Assessment Completed?

12.1 No

13. Background Papers

13.1 The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by the Act:

File Ref: Records held in Directorate
Officer Name: Nicola Lord
Contact No: 0161 770 3472

14. Appendices

Appendix 14.1 – Application
Appendix 14.2 – Location Map
Appendix 14.3 – Representation from Environmental Health