

NORTH LINCOLNSHIRE COUNCIL

LICENSING (ACTIVITIES) SUB-COMMITTEE

**LICENSING ACT 2003
TEMPORARY EVENT NOTICE – THE OLD MILL, MARKET LANE, BARTON
UPON HUMBER - MR IAN BARNETT**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To request that Members of this Sub-Committee determine the Temporary Event Notice (TEN) for the Old Mill on 17 August 2013
- 1.2 A copy of the TEN is attached as Appendix A to this report.

2. BACKGROUND INFORMATION

- 2.1 In accordance with the provisions of the Licensing Act 2003 and the council's scheme of delegation, all Temporary Event Notices where a relevant representation has been made need to be determined by this Sub-Committee.
- 2.2 When determining the application Members of the Sub-Committee should only consider issues, which relate to the Prevention of Crime and Disorder and Prevention of Public Nuisance objectives.
- 2.3 Members of the Sub-Committee must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 and our Statement of Licensing Policy. Members of the Sub-Committee may deviate from the statutory guidance and licensing policy only if they deem that there is good reason to do so.
- 2.4 Members of the Sub-Committee should not allow themselves to pre-determine the Temporary Event Notice or to be prejudiced in favour or opposed to the Notice and shall only determine the application having had an opportunity to consider all relevant facts. Members of the Sub-Committee should not hear or decide on Temporary Event Notices in their own ward.
- 2.5 Members of the Sub-Committee must remember that they are acting in a quasi-judicial role in determining the application and shall remain in the room so that they hear all the evidence before determining the application. The determination shall be based on the evidence provided, which is relevant to the Prevention of Crime and Disorder and Prevention of Public Nuisance objectives.

- 2.6 The options available to the Sub-Committee having considered all the relevant information are as follows:
- To issue a counter Notice.
 - Not to issue a counter Notice.
 - Impose conditions on the TEN that are already on the Premises Licence or Club Premises Certificate.

3. ISSUES FOR CONSIDERATION

- 3.1 This application came before the Sub-Committee on Thursday 16 May 2013. The applicant requested an adjournment to enable him to seek legal advice. The meeting was adjourned and deferred to a further meeting to be held on 13 June 2013.
- 3.2 The Temporary Event Notice was received on 3 May 2013.
- 3.3 A copy of the Temporary Event Notice is attached as Appendix A to this report.
- 3.4 There has been a notice of objection from Environmental Health (Commercial), which has been deemed relevant. This notice is attached to this report as Appendix B.

4. OUTCOMES OF CONSULTATION

- 4.1 The Police and Environmental Health (Commercial) are served with a copy of the Temporary Event Notice by the Applicant.
- 4.2 They have until the end of the third working day following the day on which the Police and Environmental Health are given the notice, to notify the Licensing Authority of the reasons why they feel the Prevention of Crime and Disorder or Prevention of Public Nuisance would be undermined.

5. OUTCOMES OF MEDIATION

- 5.1 We have a duty to mediate in accordance with our policy. The results of the mediation will be reported at the meeting.

6. LICENSING OBJECTIVES & STATUTORY PROVISIONS

- 6.1 Prevention of Public Nuisance
- 6.1.1 The Temporary Event Notice has been submitted.
- 6.1.2 The Environmental Health have raised concerns with regard to
- 6.1.3 this objective, attached to this report at Appendix B.

7. FURTHER INFORMATION & CLARIFICATION

7.1 None.

8. RECOMMENDATIONS

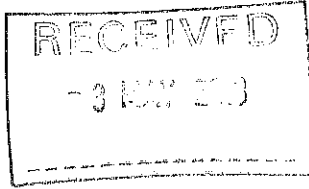
- 8.1 That the Sub-Committee determines the Temporary Event Notice in accordance with the Statutory Guidance issued under s182 of the Licensing Act 2003, our Statement of Licensing Policy, the information contained within this report and having had due regard to the applicant and the Environmental Health making a representation.
- 8.2 That the Sub-Committee determines the application in accordance with the options in paragraph 2.6.
- 8.3 That the Sub-Committee provides the reasons for its decision.

DIRECTOR OF PLACES

Civic Centre
Ashby Road
Scunthorpe
North Lincolnshire

Background Papers used in the preparation of this report Nil

BARNSFEST



TEMPORARY EVENT NOTICE APPL FORM

Temporary Event Notice

Information on the Licensing Act 2003 is available on the website of the Department for Culture, Media and Sport (http://www.culture.gov.uk/alcohol_and_entertainment/default.htm) or from your local licensing authority.

Before completing this notice please read the guidance notes at the end of the notice. If you are completing this notice by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary.

You should keep a copy of the completed notice for your records. You must send two copies of this notice to the licensing authority and an additional copy must be sent to the chief officer of police for the area in which the premises are situated. The licensing authority will endorse one of the two copies and return it to you as an acknowledgement of receipt.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)			
1. YOUR NAME			
Title	(delete as appropriate) Mr Mrs Miss Ms Other (please state)		
Surname	BARNETT		
Forenames	IAN AMOS		
2. PREVIOUS NAMES (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	(delete as appropriate) Mr Mrs Miss Ms Other (please state)		
Surname			
Forenames			
3. Your date of birth	Day	Mth	Yr
	20	09	1968
4. Your place of birth	LICHFIELD, STAFFS		
5. National Insurance Number	NR 251119C		
6. YOUR CURRENT ADDRESS (We will use this address to correspond with you unless you complete the separate correspondence box below)			
THE OLD MILL MARKET LANE			
Post town	BARNTON upon HUMBER	Post code	DN18 5DE

7. OTHER CONTACT DETAILS

TELEPHONE NUMBERS Daytime	01652 660333
Evening (optional)	AS ABOVE
Mobile (optional)	07415 118130
FAX NUMBER (optional)	
E-Mail Address (optional)	BARNSESTLIVE @ YAHOO.CO.UK

8. ALTERNATIVE ADDRESS FOR CORRESPONDENCE (If you complete the details below, we will use this address to correspond with you)

/	
Post town	Post code

9. ALTERNATIVE CONTACT DETAILS (IF APPLICABLE)

TELEPHONE NUMBERS Daytime	/
Evening (optional)	
Mobile (optional)	
FAX NUMBER (optional)	
E-Mail Address (optional)	

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)

THE OLD MILL
MARKET LANE
BALTON UPON HUMBER
DN 18 5DE

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)

N/A

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

PUBLIC HOUSE

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

CHARITY MUSIC FESTIVAL

3. The licensable activities

Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on). (Please read note 6)

The sale by retail of alcohol	X
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	
The provision of regulated entertainment	X
The provision of late night refreshment	X

Please state the dates on which you intend to use these premises for licensable activities.
(Please read note 7)

SATURDAY 17TH AUGUST 2013

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 8)

13.00 — 23.45

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 9)		499
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 10)	On the premises only	88
	Off the premises only	
	Both	X

4. Personal licence holders (Please read note 11)		
Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you)	Yes	No X
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority		
Licence number		
Date of issue		
Date of expiry		
Any further relevant details		


5. Previous temporary event notices you have given (Please read note 12)		
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? (Please mark an "X" in the box that applies to you)	Yes	No X
If answering yes, please state the number of temporary event notices 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? (Please mark an "X" in the box that applies to you)	Yes	No X

6. Associates and business colleagues (Please read note 13)		
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? (Please mark an "X" in the box that applies to you)	Yes	No X
If answering yes, please state the total number of temporary event notices 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? (Please mark an "X" in the box that applies to you)	Yes	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? (Please mark an "X" in the box that applies to you)	Yes	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices 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? (Please mark an "X" in the box that applies to you)	Yes	No <input checked="" type="checkbox"/>

7. Checklist (Please read note 14)	
I shall (Please mark the appropriate boxes with an "X")	
Send two copies of this notice to the licensing authority for the area in which the premises are located	<input checked="" type="checkbox"/>
Send a copy of this notice to the chief officer of police for the area in which the premises are located	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, send two copies of this notice to each additional licensing authority	
If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police	
Make or enclose payment of the fee for the application	<input checked="" type="checkbox"/>
Sign the declaration in Section 9 below	<input checked="" type="checkbox"/>

8. Condition (Please read note 15)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 16)			
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 connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.			
SIGNATURE		DATE	24/4/13
Name of Person signing	IAN BARNETT		

For completion by the Licensing Authority

10. Acknowledgement (Please read note 17)			
I acknowledge receipt of this temporary event notice.			
SIGNATURE	 On behalf of the Licensing Authority	DATE	3/5/13
Name of Officer Signing	Jill Musgnarb		

NOTES

General

In general, only the police may intervene on crime prevention grounds to prevent the occurrence of an event at which permitted temporary activities are to take place or to agree a modification of the arrangements for such an event. However, the licensing authority may intervene of its own volition by issuing a counter notice if the first, second and fourth of the limits set out below would be exceeded. If any of the limits below are breached or if a counter notice has been issued, any licensable activities taking place would be unauthorised and the premises user would be liable to prosecution. The limitations apply to:

- the number of times a person (the "premises user") may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (12 times in a calendar year);
- the length of time a temporary event may last for these purposes (96 hours);
- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (15 days per calendar year); and
- the scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499).

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 13 below explains the definition of an "associate"

When permitted temporary activities take place, a premises user must ensure that either:

- a copy of the temporary event notice endorsed as acknowledged by the licensing authority is prominently displayed at the premises; or that
- the temporary event notice endorsed as acknowledged by the licensing authority is kept at the premises either in his own custody or in the custody of a person present and working at the premises and whom he has nominated for that purpose.

Where the temporary event notice is in the custody of a nominated person, a notice specifying that fact and the position held by that person must be displayed prominently at the premises.

Where neither the temporary event notice nor a notice specifying the nominated person are

Our ref: 175492
Date: 07 May 2013
If telephoning please ask for:
Email

John Holdridge 01724 297619
john.holdridge@northlincs.gov.uk



www.northlincs.gov.uk

Peter Williams BSc, DMS, CEng, MEI, MCMI, AMIMECHE

Director of Places

PO Box 42

Church Square House

Scunthorpe

North Lincolnshire

DN15 6XQ

Mr I Barnett
The Old Mill
Market Lane
Barton upon Humber
DN18 5DE

DELIVERED BY HAND

Dear Mr Barnett

Environmental Protection Act 1990
Temporary Event Notice, The Old Mill, Market Lane, Barton upon Humber,
DN18 5DE

North Lincolnshire Council's Environmental Health team has received notification that you have applied for a Temporary Event Notice to hold an event at the above premises on 17 August 2013 to hold a charity music festival.

One of the Environmental Health team's roles is to protect residents from statutory noise nuisances arising from commercial premises. You have submitted no information with your application as to how you would prevent noise nuisance.

This department has received numerous complaints in the past regarding noise from amplified music at The Old Mill and noise advice letters have been sent to you on receipt of TENs applications.

This department is of the opinion that the location of your premises, situated in close proximity to residential properties, renders it unsuitable for outdoor entertainment, be it amplified or otherwise. However on this occasion, given that your application is for a charity event, this department would expect regulated entertainment to cease at 19:00 (7pm).

North Lincolnshire Council therefore gives notice of **objection under Section 112 of the Licensing Act 2003** as amended, to this notice on the grounds of prevention of public nuisance. In view of these comments you are advised to amend the application for the event to finish by 19:00 on 17 August 2013.

This department would appreciate your cooperation in this matter.

A copy of this letter has been forwarded to the Licensing Department.

Yours sincerely

John Holdridge
Environmental Health (Commercial)

Cc Licensing Department ←