

NORTH LINCOLNSHIRE COUNCIL

LICENSING (ACTIVITIES) SUB-COMMITTEE

LICENSING ACT 2003

**TEMPORARY EVENT NOTICE – THE COACH AND HORSES,
HIGH STREET, BROUGHTON, DN18 5PU**

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 Coach and Horses on 15 June 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 The Temporary Event Notice was received on 24 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 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

Name of Author: Nicola Ellis
Dated: 28 May 2013

Background Papers used in the preparation of this report Nil

Where appropriate the report has been seen and commented on by (3 or n/a)



North Lincolnshire Council, Technical & Environment Services
Licensing Division, Church Square House, P O Box 42, Scunthorpe, DN15 6XQ
Tel (01724) 297750 / Fax: (01724) 297692/email: licensing@northlincs.gov.uk

Temporary Event Notice

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 in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give you written acknowledgement of the receipt of the notice.

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	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	SKELTON		
Forenames	GARETH ROBERT		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname			
Forenames			
3. Your date of birth	02/12/1984	Day	Month
4. Your place of birth	SCUNTHORPE		
5. National Insurance Number	JK 25 64 75 D		
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
86-88 HIGH STREET			
NORTH LINCOLNSHIRE			
Post town	BARTON UPON HUMBER	Postcode	DN18 5PU
7. Other contact details			
Telephone numbers Daytime	07864858245		
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail address (if available)	gaz.skel@hotmail.co.uk		

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8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)

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Post town	Postcode
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9. Alternative contact details (if applicable)

Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	

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 COACH AND HORSES
86-88 HIGH STREET
BARTON UPON HUMBER
NORTH LINCOLNSHIRE
DN18 5PU

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.

Premises licence number	PRM0139
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Club premises certificate number	
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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)

AWN AREAS INCLUDING BEER GARDEN

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

A 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 tick all licensable activities you intend to carry on). (Please read note 6)		
The sale by retail of alcohol	<input checked="" type="checkbox"/>	
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>	
The provision of regulated entertainment	<input checked="" type="checkbox"/>	
The provision of late night refreshment	<input checked="" type="checkbox"/>	
Are you giving a late temporary event notice? (Please read note 7)	<input type="checkbox"/>	
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)		
15/06/2013 1 DAY ONLY		
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 9)		
11:00 - 22:30		
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 10)		
250 250		
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 tick as appropriate). (Please read note 11)	On the premises only	<input checked="" type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input type="checkbox"/>

4. Personal licence holders (Please read note 12)	
Do you currently hold a valid personal licence? (Please tick)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.	
Issuing licensing authority	NORTH LINCOLNSHIRE COUNCIL
Licence number	NH/00231
Date of issue	29-07-2005
Date of expiry	29-07-2015
Any further relevant details	

5. Previous temporary event notices you have given (Please read note 13 and tick the boxes that apply to you)		
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?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) 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?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
6. Associates and business colleagues (Please read note 14 and tick the boxes that apply to you)		
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?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) 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?	Yes <input type="checkbox"/>	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?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) 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?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
7. Checklist (Please read note 15)		
I have: (Please tick the appropriate boxes)		
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input type="checkbox"/>	
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input type="checkbox"/>	
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input type="checkbox"/>	
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input checked="" type="checkbox"/>	
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input checked="" type="checkbox"/>	
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input checked="" type="checkbox"/>	
Made or enclosed payment of the fee for the application	<input type="checkbox"/>	
Signed the declaration in Section 9 below	<input checked="" type="checkbox"/>	

8. Condition (Please read note 16)

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 17)

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 or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine not exceeding 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 summary 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	23/5/2013
Name of Person signing	GARETH ROBERT SKELTON

For completion by the licensing authority

10. Acknowledgement (Please read note 18)

I acknowledge receipt of this temporary event notice.

Signature	 On behalf of the licensing authority
Date	28/5/13
Name of Officer signing	S. WHIPPS

Our ref: 176277
Date: 28 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 G Skelton
The Coach and Horses
86-88 High Street
Barton upon Humber
North Lincolnshire
DN18 5PU

DELIVERED BY HAND

Dear Mr Skelton

Environmental Protection Act 1990
Temporary Event Notice, The Coach and Horses, High Street, Barton upon Humber, DN18 5PU

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 15 June 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 Coach and Horses and noise advice letters have been sent.

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 15 June 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