

**AGENDA FOR
LICENSING HEARING SUB COMMITTEE**



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To: Members of Licensing Hearing Sub Committee

Councillors: G McGill (Chair), G Marsden & M Walsh

Dear Member/Colleague

Licensing Hearing Sub Committee

You are invited to attend a meeting of the Licensing Hearing Sub Committee which will be held as follows:-

Date:	Thursday, 3 August 2023
Place:	Virtual meeting via Microsoft Teams
Time:	10.30 am
Briefing Facilities:	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.
Notes:	To view the virtual meeting online, please email m.cunliffe@bury.gov.uk or phone 0161 2535399 who will provide you with a link to view the meeting via MS Teams or telephone you into meeting with the option of audio only.

AGENDA

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST

Members of the Licensing Hearing Sub Committee are asked to consider whether they have an interest in any matter on the agenda, and, if so, to formally declare that interest.

3 MINUTES OF THE LAST MEETING *(Pages 3 - 8)*

The Minutes of the last Licensing Hearing Sub Committee meeting held at 1.00am on the 13th June 2023 are attached.

4 OBJECTION NOTICE BEING RECEIVED FROM GREATER MANCHESTER POLICE IN RESPECT OF A TEMPORARY EVENT NOTICE *(Pages 9 - 32)*

A report from the Executive Director (Operations) is attached:-

Minutes of: LICENSING HEARING SUB COMMITTEE

Date of Meeting: 13th June 2023

Present: Councillor G McGill (in the Chair)
Councillors G Marsden and M Walsh

Also in attendance: M. Bridge (Licensing Unit Manager)
M. Cunliffe (Democratic Services)
O. Osinuga (Legal Services)

PC P. Eccleston Greater Manchester Police (Representor)
I. Oldman- Bury Times (Press)

Public Attendance: No members of the public were present at the meeting.

1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted from B. Thomson, Head of Public Protection at Bury Council.

2 DECLARATIONS OF INTEREST

There were no declarations of interest made.

3 MINUTES OF THE LAST MEETINGS

The minutes of the last Licensing Hearing Sub Committee meetings held at 10.30am on the 18th May 2023 and 10.30am on the 19th May 2023 were attached to the agenda.

Resolved:- That the minutes of the Licensing Hearing Sub Committees held at 10.30am on the 18th May 2023 and 10.30am on the 19th May 2023 be approved as a correct record.

4 AN APPLICATION FROM GREATER MANCHESTER POLICE FOR A REVIEW OF THE PREMISES LICENCE IN RESPECT OF CLUB 66, 24 SILVER STREET, BURY, BL9 0DH

The Licensing Authority received an application by Greater Manchester Police in respect of Club 66, 24 Silver Street, Bury, BL9 0DH for a review of the Premises Licence in accordance with Section 51 of the Licensing Act.

The nature of the application and consideration of options was detailed in the report which was presented to the Members of the Sub-Committee by the Licensing Unit Manager, Mr M. Bridge.

The options available were:

- To modify the conditions of the licence
- To exclude the retail sale of alcohol from the licence

- To remove the Designated Premises Supervisor from the licence
- To suspend the licence for a period not exceeding 3 months
- To revoke the licence

ATTENTION WAS DRAWN TO BACKGROUND PAPERS WHICH INCLUDED:

Current Premises Licence

Section 51 review application

The Licensing Unit Manager reported the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006) and the Licensing Act (Hearings Regulations) 2005 (as amended) is the relevant legislation.

The Panel would make a decision at the hearing and the parties will be notified subsequently of the decision and the reasons for it by letter from the Licensing Office.

Greater Manchester Police had complied with all the necessary procedural requirements laid down by the Act.

At the time of the review application the premises licence in respect of Club 66, Silver Street, Bury, BL9 0DH has been held by Club Sixty Six Ltd since 13 July 2022. Mr Daniel Langford has been the Designated Premises Supervisor since the 1st December 2022.

Greater Manchester Police, in their capacity as a Responsible Authority, would give their reasons for their application which is on the grounds of Protection from Children from Harm and Prevention of Crime and Disorder. The review application was attached to the report at Appendix 1 of the private agenda packs.

Members of the panel were reminded that under urgent business considered at the meeting of the Licensing and Safety Committee on the 17th April 2023. The relevant minutes of the meeting which were detailed in the report stated the review process be extended until week commencing the 12th June 2023.

On the 25th May 2023, the Licensing Service were notified by Mr Daniel Langford that he was no longer the Designated Premises Supervisor at the premises.

On the 26th May 2023, the Licensing Service received an application to transfer the premises licence into the name the Club 66d Limited, 262 Catherine Street, Leicester, LE4 6GD. The application stated that they wanted the transfer application to have immediate effect. At the time of writing the report, the Licensing Service had not received representations from Greater Manchester Police.

On the same day as the transfer application was received, the Licensing Service received an application to vary the premises licence to specify an individual as designated premises supervisor. The individual named on the application is Ms Vicky Bebbington, 23 St Mary's Road, Nantwich, CW5 5NU. The application stated that they wanted the transfer application to have immediate effect. At the time of writing the report, the Licensing Service had not received representations from Greater Manchester Police.

As part of the statutory process the Responsible Authorities and interested parties are entitled to make representations in relation to the review of a licence. The Licensing Authority had given Notice of this review by placing a Notice on the premises, at the Council Offices and on the Council website. Where further representations are made by either the Responsible Authorities or from local residents/businesses and not withdrawn, Members are required to determine them.

Representations must be relevant to the licensing objectives defined within the Act. The objectives are:-

- a. The prevention of crime and disorder
- b. Public safety
- c. Prevention of public nuisance
- d. Protection of children from harm

No further representations were received.

The premises licence which showed the current licensable activities and conditions was attached at Appendix 2 in the agenda pack.

Reference was made to the Secretary of State's Guidance to the Licensing Act 2003 is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers, and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment, and proportionality.

The Licensing Unit Manager reported on recent communications in relation to the transfer of the licence and DPS. The paperwork had been issued to the proposed new licence holder but the previous licence holder had been in receipt of these documents and indicated they would be attending the meeting today. The Licensing Service had advised that only the new proposed premises licence holder should attend and the paperwork had been re-issued via recorded postage.

The Licensing Service had also received communications on the morning of this Sub-Committee requesting a copy of a staff alcohol authority form but the service had replied to state there is no such document in existence and were unsure what the intention of the request was.

Three messages had also been left advising attendance at the meeting and Ms Bebbington had confirmed earlier that there would be no one in attendance representing Club 66d Limited.

The Sub-Committee under Regulation 20 of the Licensing Act 2003 (Hearings) Regulation 2005 decided to continue the hearing without the premises licence holder being present under public interest grounds rather than deferring the hearing in their absence.

PC P. Eccleston from Greater Manchester Police (GMP) provided representations to the panel and gave background information on four changes to the named DPS in the last 12 months.

The Sub-Committee then heard information from PC Eccleston about a number of serious crime related incidents linked to the premises which undermined the licensing objectives. Information on these incident and crime reports were provided to the Panel in the form of an annex bundle and witness statements from PC Eccleston which were restricted documents provided by GMP.

A number of CCTV clips was played to the panel which were linked to some of the incidents referred to in the restricted annex bundle.

Footage appeared to evidence:-

- Allowing customers into the venue via the main door after 3.00am.
- Allowing customers to leave the venue via the main door after 4.00am.
- Allowing customers to enter and exit the venue using a side door outside of licenced hours and the exchange of money with door staff.
- The previous owner being allowed into the venue outside of opening hours.
- Failure to adhere to the challenge 25 scheme with appropriate ID checks.
- Customers loitering outside the venue for some time once they had left.
- Unlocked bin storage provided access to glass bottles used as a weapon in an assault outside the venue.

PC Eccleston stated that in his report requests for obtaining relevant CCTV footage from the premises on dates related to incidents had not been produced in the relevant timescales and in some cases had not been provided by the venue to GMP.

Prior to consideration of further representations from GMP, PC Eccleston made an application for part of the representations to be made in private excluding members of the public.

The Panel duly considered the application and passed a resolution excluding members of the public from part of the hearing under regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005, on the basis that the public interest in doing so outweighed the public interest in the hearing taking place in public, in view of the information to be discussed.

PC Eccleston went on to make further detailed representations about incidents at the premises.

Police enquiries were on going with evidence being collated as part of the investigations.

The Sub-Committee then duly retired to consider the matter and all of the information provided.

The Members of the Sub-Committee were advised by the Legal Officer as to their duties under Section 4 of the Licensing Act 2003 to at all times consider the promotion of the Licensing Objectives, these being:

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

The Members were also advised of their duties in carrying out those functions in relation to:

- a) the Council's published Statement of Licensing Policy
- b) the Guidance issued by the Secretary of State as contained in section 182 of the Licensing Act 2003.

In addition, Members were advised to give appropriate weight to the steps that are appropriate to promote the licensing objectives and the representations presented at the meeting.

DELEGATED DECISION

The Sub-Committee carefully considered the representations and evidence provided which demonstrated serious crime and disorder, public safety, and the protection of children from harm. The panel therefore unanimously **resolved to revoke the premises licence with immediate effect and to remove the Designated Premises Supervisor from the licence** in order to promote the licensing objectives.

The Sub-Committee was therefore satisfied that there was sufficient evidence to mean these steps were necessary.

The evidence presented had demonstrated the following licensing objectives had not been promoted and failed the:-

- Prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The reasons by the sub-committee, included:-

- Evidence of serious crime taking place at the premises and not promoting the Licensing Objective of Prevention of Crime and Disorder:-
- The premises licence holder was permitting members of the public to loiter outside the venue which is a breach of the premises Licence.
- Serious assault had taken place outside of the premises.
- Sexual offences
- The premises licence holder was not complying with the condition relating to body searches due to them not being conducted with the appropriate equipment.

The Licensing Objective of Public Safety was not being promoted at the premises by the Premises Licence Holder/Designated Premises Supervisor:-

- The Premises Licence holder was allowing drinking containers to be taken from the premises, which is in breach of the condition contained in the premises licence.
- Waste storage was not secured allowing access to discarded drinking bottles.
- The Premises Licence Holder was breaching the condition of the premises licence in relation to the provision and availability of CCTV when requested by a police officer.

The prevention of public nuisance via:-

- The premises licence holder was not complying the last admittance and closing times permitted under the premises licence

The protection of children from harm was not met:-

- The premises licence holder had failed to conduct ID checks, accepting digital images, and not complying with the challenge 25 scheme as required by the conditions of the premises licence.
- The premises licence holder had refused to cooperate with police investigations when requested to do so.
- Patrons under the age of 18 were being given access to the premises.

COUNCILLOR G MCGILL
Chair

(Note: The meeting started at 1.00pm and ended at 3.44pm)



Classification	Item No.
Open / Closed	

Meeting:	Licensing Hearings Sub-Committee
Meeting date:	3 August 2023
Title of report:	THIS REPORT RELATES TO AN OBJECTION NOTICE BEING RECEIVED FROM GREATER MANCHESTER POLICE IN RESPECT OF A TEMPORARY EVENT NOTICE.
Report by:	Executive Director (Operations)
Decision Type:	Council
Ward(s) to which report relates	East

Executive Summary:

This report relates to an objection notice being given to the Licensing Authority, by Greater Manchester Police pursuant to section 104(2) of the Licensing Act 2003, in respect of a proposed temporary event to be held at Kavern Klub, 107 The Rock, Bury, BL9 0ND between the hours of 12noon to 03.00 hours on the 18 August 2023.

Recommendation(s)

That:

- To give a counter notice to the Temporary Event Notice giver pursuant to section 105(2)(b) of the Licensing Act 2003, if the Local Authority considers it necessary for the promotion of the Licensing Objectives± (preventing the event from taking place).
- Not to give a counter notice and to provide the Police and the notice giver with a copy of the decision and reasons.

Key considerations

1.0 INTRODUCTION

- 1.1 The Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations is the relevant legislation.
- 1.2 The Panel will make a decision on the day of the hearing and the parties will be notified subsequently of the decision and the reasons for it by letter from the Licensing Office.

2.0 BACKGROUND

- 2.1 The Temporary Event Notice has been given by Mrs Pauline Makuwere, 27 Owlwood Drive, Little Hulton, Salford, Worsley, M38 0FG. The date of the event that the Temporary Event Notice covers is the 18 August 2023 between the hours of 12 noon to 03.00 hours for the retail sale of alcohol, the provision of regulated entertainment and late-night refreshment.
- 2.2 Greater Manchester Police have complied with all the necessary procedural requirements laid down by the Act.
- 2.3 Under the provisions of section 104(2) of the Act, where the chief officer of police is satisfied that allowing the premises to be used in accordance with the Temporary Event Notice would undermine the Crime Prevention Objective, he must give a notice stating the reasons why he is so satisfied.
- 2.4 Greater Manchester Police, in their capacity as a Responsible Authority, will give their reasons for their representation in respect of the Temporary Event Notice where they are satisfied that the representation would undermine the Prevention of Crime and Disorder. Representation is attached at Appendix 1.

3.0 GUIDANCE TO LICENSING AUTHORITY

- 3.1 The Secretary of State Guidance issued under section 182 of Licensing Act 2003 (December 2022 ± updated 12 January 2023) states as follows:
 - 7.10 The police and EHA have a period of three working days from when they are given the notice to object to it on the basis of any of the four licensing objectives.
 - 7.28 If the licensing authority receives an objection notice from the police or EHA that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection (unless all parties agree that this is unnecessary). The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice

Alternatively, it can decide that the event would undermine the licensing objectives and should not take place. In this case, the licensing authority must give a counter notice.

7.32 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.

7.33 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 the period of three working days following the day on which they received the TEN.

7.34 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 which already apply to an existing premises licence or club premises certificate at the venue, or issue a counter notice to prevent the event going ahead. As noted above, there is no scope for hearings in respect of late TENs and if objections are raised by the police or EHA in relation to a late TEN, the notice will be invalid and the event will not go ahead.

4.0 OBSERVATIONS

4.1 After hearing the representation and evidence presented, Members are obliged to determine the application with a view to promoting the licensing objectives

Community impact/links with Community Strategy

Not Applicable

Equality Impact and considerations:

8 QGHU VHFWRQR RI WKH (TXDOLW\ \$FW WKH µJHQHUDO C set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The public sector equality duty requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are taking the necessary steps to ensure that we are complying with the duty in the delivery of services.

Equality Analysis	<i>Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.</i>
<i>The Licensing Service have considered the Equality Act 2010 and due to each application being dealt with on its own merits there is no positive or negative on any of the protected characteristics.</i>	

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
There are no specific issues from the report other than potential costs/risks associated with legal appeals.	

Consultation:

Not Applicable

Legal Implications:

Yes, under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation.

Financial Implications:

The cost of the licensing function are funded through the fees and charges levied by the Council. There may be additional costs if appeals are lodged with the Magistrates and Crown Courts.

Report Author and Contact Details:

For further information on the details of this report, please contact:

Mr M Bridge
Licensing Office
3 Knowsley Place
Duke Street
Bury
Telephone No: 0161 253 5209
Email: m.bridge@bury.gov.uk

Background papers:

Temporary Event Notice
Police Objection Notice

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning
EHA	Environmental Health Authority
Police	Greater Manchester Police
TEN	Temporary Event Notice

Bury Metropolitan Borough Council

The Licensing Act 2003

Responsible Authority Representation Form

<i>Section 1 - Application Details</i>	
We object to the following Application:	
Kavern Klub	
107 The Rock	
Bury	
BL9 0ND	
Type of application.	
Temporary Event Notice	
Application Number (if known):	

<i>Section 2</i>
5 H V S R Q V L E O H \$ X W K R U L W \ T V ' H W D L O V
Please tick appropriate box:
<input checked="" type="checkbox"/> Police

<input type="checkbox"/>	Fire Authority
<input type="checkbox"/>	Planning Authority
<input type="checkbox"/>	Health and Safety
<input type="checkbox"/>	Environmental Health Service
<input type="checkbox"/>	Child Protection
<input type="checkbox"/>	Weights and Measures
<input type="checkbox"/>	Licensing Authority
<input type="checkbox"/>	Immigration
<input type="checkbox"/>	Public Health Department
Full name:	Peter Eccleston
Job Title:	Bury District Licensing Officer
Tele number:	07774219071 / 0161 856 2256
Email:	peter.eccleston@gmp.police.uk
Address:	
<p>Bury Police Station Dunster Road Bury BL9 0RD</p>	

Section 3t Representations	
<input checked="" type="checkbox"/>	We object to the application being granted at all
<input type="checkbox"/>	We object to the application being granted in its current form *
<p>*If you choose this option remember to tell us in section 3B what changes you would like to see.</p>	

You need to complete the boxes below as fully as possible. If you do not then the Licensing Sub-Committee may not understand why you have made a representation (objection).

Please attach supporting documents/further pages as necessary. Please number all extra
SDJHV DQG DGG WKH DSSOLFDQW¶V QDPH DQG \RXU QD

Section 3A ±The Objectives

<p>To prevent crime and disorder</p>	<p>Please accept this as a formal representation from Greater Manchester Police with regards to a Temporary Events Notice in relation to the Kavern Club between the times of 12:00hrs on the 18th August and 03:00hrs on the 19th August 2023.</p> <p>Currently, Kavern Klub has a premises license however there is no Designated Premises Supervisor following the resignation of the former on the 17th July 23.</p> <p>The applicant has requested that this event concludes in the early hours of the morning and given this is a town centre premises, with no management in place to promote the licensing objectives and very little detail on the TEN to suggest how those objectives will be promoted.</p> <p>\$V VXFK WKH JUDQWLQJ RI WKL V 7(1¶V LV objectives as many customers will be suffering the effects of alcohol increasing the potential for crime and disorder.</p>
<p>Public safety</p>	

To prevent public nuisance	
The protection of children from harm	

Section 3B ±Suggestions/Further information

6 L J Q H G « « « « 3 (F F O H V W R Q « « « « « « « « « « « «

G D W H G

N.B if you do make a representation, you will be expected to attend the Licensing Sub-Committee hearing and any subsequent appeal proceedings.

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 to 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 type="checkbox"/> Mrs <input checked="" type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	Makuwere		
Forenames	Pauline		
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		Day: 07	Month: 12
		Year: 1982	
4. Your place of birth		ZIMBABWE	
5. National Insurance Number		SK629405B	
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
27 OWLWOOD DRIVE LITTLE HULTON WORSLEY M38 0FG			
Post town: SALFORD		Postcode M38 0FG	
7. Other contact details			
Telephone numbers		07943 01054	
Daytime			
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail address (if available)		admin@paulaintegrated.co.uk	
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)			

Posttown	Postcode
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)	
107 The Rock Bury BL9 0ND	
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	
Club premises certificate number	
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)	
BAR RESTAURANT NIGHT CLUB VENUE HIRE PLAYING MUSIC	
Please describe the nature of the event below. (Please read note 5)	

Selling of alcohol and food
 Also venue hiring

 DJ on site playing music at night.

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 (Please read note 7)		<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 8)		<input checked="" type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)		
18/08/2023		
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 10)		
12 PM- 3AM		
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 11)		200
If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises or both (please tick as appropriate) (Please read note 12)	On the premises only	<input checked="" type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input type="checkbox"/>

Please state the licensable activities will include the provision of relevant entertainment. If please state the times during the event period that you propose to provide entertainment (including, but not limited to lap dancing and pole dancing) (Please see note 13)

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4. Personal licence holders (Please read note 14)		
Do you currently hold a valid personal licence? (Please tick)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If ³ < H Please provide the details of your personal licence below.		
Issuing licensing authority		
Licence number		
Date of issue		
Any further relevant details		

5. Previous temporary event notices you have given (Please read note 15 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 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 16 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 17)	
I have: (Please tick the appropriate boxes where applicable)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" 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 checked="" 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 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 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 type="checkbox"/>
Made or enclosed payment of the fee for the application	<input checked="" type="checkbox"/>
Signed the declaration in Section 9 below	<input checked="" type="checkbox"/>

8. Condition (Please read note 18)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 19)	
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 of any amount 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 of any amount or to imprisonment for a term not exceeding six months, or to both.	
Signature	<div style="border: 1px solid black; padding: 5px;"> <p>DocuSigned by:</p> <p><i>Pauline Makuwen</i></p> <p>8469B89A25DB4C0...</p> </div>

Date	24/07/2023
Name of Person signing	Pauline Makuwere

For completion by the licensing authority

10. Acknowledgement (Please read note 20)	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

Notes for Guidance

General

In these notes, a person who gives a temporary event notice is called a 'SUHPXWHU'

The police and local authority exercising environmental health functions may intervene on the grounds of any of the four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm) 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 will intervene of its own volition in the cases described below.

First, it will issue a counter notice if there is an objection to a late temporary event notice (see note 8 below).

Secondly, it may issue a notice in relation to its decision to impose conditions on a temporary event notice (see note 2 below).

Thirdly, it will issue a counter notice if the first, second, third and fifth 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:

- x the number of times a person may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- x the number of times a person may give a late temporary event notice (10 times per year for a personal licence holder and 2 times per year for other people);
- x the number of times a temporary event notice may be given in respect of any particular premises (15 times or for event periods occurring wholly or partly in 2022 or 2023, times a calendar year);
- x the length of time a temporary event may last for these purposes (168 hours or 7 days);
- x the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (21 days or, for event periods (or any part of those periods) occurring in 2022 or 2023, 20 days per calendar year) and
- x 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. The limits applying to late temporary event notices are included within the overall limits applying to the total number of temporary event notices. Note 16 below sets out the definition of an 'DVVRF LDWH'

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

- x a copy of the temporary event notice is prominently displayed at the premises or
- x the temporary event notice 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 the temporary event notice or a notice specifying the nominated person is not displayed a constable or an authorised person (for example a licensing officer, fire officer or environmental health officer) may require the premises user to produce the temporary event notice for examination. Similarly, where the nominated person has the temporary event notice in his custody, a constable or authorised person may require that person to produce it for examination. Failure to produce the temporary event notice without reasonable excuse would be an offence.

It should also be noted that the following, among other things, are offences under the Licensing Act 2003:

- x the sale or supply of alcohol to children under 18 years of age (subject to an unlimited fine on conviction);
- x allowing the sale of alcohol to children under 18 (subject to an unlimited fine on conviction);
- x knowingly allowing the consumption of alcohol on the premises by a person aged under 18 (subject to an unlimited fine on conviction);
- x allowing disorderly behaviour on the premises (subject to a fine not exceeding level 3 on the standard scale on conviction);
- x the sale of alcohol to a person who is drunk (subject to a fine not exceeding level 3 on the standard scale on conviction);
- x obtaining alcohol for a person who is drunk (subject to a fine not exceeding level 3 on the standard scale on conviction);
- x knowingly allowing a person aged under 18 to make any sale or supply of alcohol unless the sale or supply has been specifically approved by the premises user or any individual aged 18 or over who has been authorised for this purpose by the premises user (subject to a fine not exceeding level 1 on the standard scale on conviction); and
- x knowingly keeping or allowing to be kept on the premises any smuggled goods which have been imported without payment of duty or which have otherwise been unlawfully imported (subject to a fine not exceeding level 3 on the standard scale on conviction).

In addition, where the premises are to be used primarily or exclusively for the sale or supply of alcohol for consumption on the premises it is an offence to allow children under 16 to be present when the premises are open for that purpose unless they are accompanied by an adult. In the case of any premises at which sales or supplies of alcohol are taking place at all, it is an offence for a child under 16 to be present there between the hours of midnight and 5am unless accompanied by an adult. In both instances the penalty on conviction is a fine not exceeding level 3 on the standard scale currently £1,000

Note 1

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed 'SUHW' Within businesses, clubs or organisations one individual will therefore need to be identified as the proposed premises user.

If you include an e-mail address in section 1(7) or 1(9), the licensing authority may send to this the acknowledgement or receipt of your notice or any notice or counter notice if it is required to give under sections 104A, 106A or 107 of the Licensing Act 2003.

Note 2

For the purposes of the Licensing Act 2003, ³ S U H P means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

If a premises licence or club premises certificate has effect in relation to the premises (or any part of the premises) which you want to use to carry on licensable activities, it is possible that any conditions which apply to the licence or certificate may be imposed on the temporary event notice if certain pre-conditions are met. These pre-conditions are that the police or the local authority exercising environmental health functions subject to the notice and the licensing authority decides:

- x not to give a counter notice under section 105 of the Licensing Act 2003;
- x the conditions apply to the licence or certificate; and
- x the imposition of the conditions on the notice would not be inconsistent with the carrying on of the licensable activities under the notice.

Note 3

A temporary event notice can be given for part of a building, such as a single room or a plot within a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution.

In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500. If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

Note 4

A description of the nature of the premises assists the chief officer of police and local authority exercising environmental health functions in deciding if any issues relating to the licensing objectives are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

Note 5

A description of the nature of the events similarly assists the chief officer of police and local authority exercising environmental health functions in making a decision as to whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular I D U P market, a discotheque, the performance of a string quartet, a folk group or a rock band.

Note 6

The licensable activities are:

- x 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 a club;
- x the provision of regulated entertainment; and
- x the provision of late night refreshment.

Note 7

Regulated entertainments subject to specified conditions and exemptions includes:

- (a) a performance of a play;
- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;
- (e) a performance of live music;
- (f) any playing of recorded music;
- (g) a performance of dance; and
- (h) entertainment of a similar description to that falling within (e), (f) or (g).

In terms of specific regulated entertainments please note that:

- x Plays: no licence is required for performances between 00.00 and 23.00 on any day, provided that the audience does not exceed 500.
- x Dance: no licence is required for performances between 00.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- x) L O P V Q R O L F H Q F H f o l - S W R H T X L J U H G P R W J K I Q R L W L R Q K H O G community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- x Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- x Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- x Live music: no licence permission is required for:
 - o a performance of unamplified live music between 00.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- x Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community

- premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
- o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital
 - x Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

If you are uncertain whether or not the activities that you propose are licensable you should contact your licensing authority for further advice.

Note 8

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised.

The number of late notices that can be given in any one calendar year is limited to 10 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices (i.e. 50 temporary event notices per year for personal licence holders and 5 temporary event notices for non-personal licence holders).

If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead and a counter notice will be issued.

Note 9

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Note 10

You should state here the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you may not intend to carry on licensable activities throughout the entire 48-hour event period, and may intend to sell alcohol between 8.00hrs and 23.00hrs on each of the two days.

Note 11

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise

you. The maximum figure of 499 includes not only the audience spectators or consumers but also, for example, staff, organisers, stewards and performers who will be present on the premises.

Note 12

If you indicate that alcohol will be supplied only for consumption on the premises you would be required to ensure that no person leaves the premises with alcohol supplied there. If such a supply takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol supplied is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies. For this purpose the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

Note 13

Relevant entertainment is defined in the Local Government (Miscellaneous Provisions) Act

³ W K H *§ 11(1) "Entertainment or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)".* Relevant entertainment therefore includes, but is not limited to, lap dancing and pole dancing.

The 1982 Act requires premises which provide relevant entertainment to be licensed under that Act for this purpose. Premises at which there have not been more than eleven occasions on which such entertainment has been provided within a period of 12 months, no such occasion has lasted for more than 24 hours and there has been a period of at least one month between each such occasion are exempt from the requirement to obtain a licence under the 1982 Act. Such premises are likely instead to require an authorisation under the Licensing Act 2003 to be used for such activities as these are a licensable activity (the provision of regulated entertainment see note 6 above). A temporary event notice may be given for this purpose.

Note 14

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

Note 15

As stated under Note 4, a personal licence holder (issued under the Licensing Act 2003) may give up to 50 temporary event notices (including 10 late notices) in any calendar year. An individual who does not hold a personal licence may only give 5 temporary event notices (including 2 late notices) in England and Wales in any calendar year. A calendar year is the period between 1st January to 31st December inclusive in any year.

If an event straddles two calendar years, it will count against the limits on temporary event notices for each year. However, only one notice needs to be given. The limits are:

- i. for event periods occurring wholly or partly in 2022 or 2023, up to 20 times in the calendar year for each premises;
- ii. for other event periods, 5 times in a calendar year for each premises;
- iii. for event periods (or any part of a period) occurring in 2022 or 2023 days in the calendar year for each premises
- iv. for other event periods, 1 day in a calendar year for each premises
- v. 50 per personal licence holder each calendar year
- vi. 5 for non-holders each calendar year.

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 16 below sets out the definition of an 'associated person'.

If a temporary event notice has been given for the same premises by the same premises user, and would have effect within 24 hours before the start of the event period under the current proposal or within 24 hours after the end of that period, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, 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 as if they had been given by the premises user. Note 16 below sets out the definition of an 'associated person'.

Note 16

An 'associated person' of the premises user is:

- a. the spouse or civil partner of that person;
- b. a child, parent, grandchild, grandparent, brother or sister of that person;
- c. an agent or employee of that person; or
- d. the spouse or civil partner of a person within (b) or (c).

For these purposes a person living with another as that person's spouse or wife is to be treated as that person's spouse.

Note 17

It is a requirement that you send at least one copy of this notice to the licensing authority at least ten working days (or five working days for a late notice) before the commencement of the proposed licensable activities. The authority will give you written acknowledgement of the receipt of the notice. This will be important proof that you gave the notice and when you gave it for the purposes of the Act. Some premises may be situated in two licensing authority areas for example, where a building or field straddles the local authority boundary. Where this is the case, at least one copy of the notice must be sent to each of the licensing authorities identified, together with the appropriate fee in each case. In such circumstances, you will receive acknowledgements from all the relevant licensing authorities.

One copy must be sent to each of the chief officer of police and the local authority exercising environmental health functions for the area in which the premises is situated at least ten working days for a standard notice (or five working days for a late notice) before the commencement of the proposed licensable activities. Where the premises are situated in two police areas or environmental health areas a further copy will need to be sent to the further police force and local authority exercising environmental health functions.

Note 18

Under the Licensing Act 2003, all temporary event notices are given subject to a mandatory condition requiring that where the licensable activities involve the supply of alcohol, all such supplies must be made by or under the authority of the named premises user. If there is a breach of this condition, the premises user and the individual making the supply in question would be liable to prosecution. For this purpose, the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

Note 19

It is an offence knowingly or recklessly to make a false statement, or in connection with, a temporary event notice. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement.) To do so could result in prosecution and an unlimited fine.

Note 20

You should not complete section 10 of the notice, which is for use by the licensing authority. It may complete this section as one means of giving you written acknowledgement of its receipt of the notice