



<b>Classification</b>	<b>Item No.</b>
<b>Open / Closed</b>	

<b>Meeting:</b>	Licensing Hearings Sub-Committee
<b>Meeting date:</b>	27 April 2023
<b>Title of report:</b>	<b>THIS REPORT RELATES TO AN OBJECTION NOTICE BEING RECEIVED FROM GREATER MANCHESTER POLICE OR ENVIRONMENTAL HEALTH IN RESPECT OF A TEMPORARY EVENT NOTICE.</b>
<b>Report by:</b>	Executive Director (Operations)
<b>Decision Type:</b>	<b>Council</b>
<b>Ward(s) to which report relates</b>	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 the Two Tubs, 19 The Wylde, Bury, BL9 0LA between the hours of 09.00 to 22.00 hours on the 24 June 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 Lolas Pub Company Limited, The Two Tubs, 19 The Wylde, Bury, BL9 0LA. The date of the event that the Temporary Event Notice covers is the 24 June 2023 between the hours of 09.00 to 22.00 hours for the retail sale of alcohol and the provision of regulated entertainment and late night refreshment.
- 2.2 The 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 were they are satisfied that the representation would undermine the Prevention of Crime and Disorder. Representation is attached at appendix 1. Greater Manchester Police have also attached the even management plan and the application for the Temporary event.

### **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 to the premises user which includes a statement of conditions (a "notice (statement of conditions)") and provide a copy to each relevant party. 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 evidence representation and evidence presented, Members are obliged to determine the application with a view to promoting the licensing objectives and having regard to the Authority's Licensing Policy and National Guidance.

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#### **Community impact/links with Community Strategy**

Not Applicable

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#### **Equality Impact and considerations:**

*Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is 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 paying 'due regard' in our decision making in the design of policies and in the delivery of services.*

<b>Equality Analysis</b>	<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:

<b>Risk / opportunity</b>	<b>Mitigation</b>
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.

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**Report Author and Contact Details:**

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

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Bury  
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Email: [m.bridge@bury.gov.uk](mailto:m.bridge@bury.gov.uk)

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**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

### *Section 1 - Application Details*

We object to the following Application:

**The Two Tubs**  
**19 The Wylde**  
**Bury**  
**BL9 0LA**

Type of application.

Temporary Event Notice

Application Number (if known):

### *Section 2 – Responsible Authority's Details*

**Responsible Authority's Details:**

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

	Environmental Health Service	
	Child Protection	
	Weights and Measures	
	Licensing Authority	
	Immigration	
	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 3 – Representations	
x	We object to the application being granted at all
	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>	
<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).</p>	

Please attach supporting documents/further pages as necessary. Please number all extra pages and add the applicant's name and your name to each page.

### Section 3A – The Objectives

To prevent crime and disorder

Please accept this as a formal representation from Greater Manchester Police with regards to the application there are very limited details in relation to how the licensing objectives will be promoted.

The premises have submitted a corresponding event management plan in relation to this event which can be found at **appendix A**, however the content lacks detail and has indicated that there's a risk of Anti-social behaviour between rival fans however they have not indicated;

1. How many SIA/Stewards will be employed at the event.
2. They have indicated the use of pedestrian barriers however Greater Manchester Police believe that this will not be sufficient to prevent opposing fans from entering the area or passing drinks over said barrier to anyone on the outside of the event which in all likelihood would lead to proxy sales.
3. They have not indicated any contingencies with regards to how they intend to manage crowds with regards to fans awaiting entry to the premises / event.

Public safety

The applicant clearly intends to hold this event on Local Authority controlled land however they have not sought the permission of the LA to use the area outlined in the notice.

The planned activity will be taking place in a live highway and Greater Manchester Police are not aware of any road closure order's in place and therefore there is a likelihood that injury will be caused to attendees/pedestrians by moving traffic which poses a risk to public safety.



To prevent public nuisance	
The protection of children from harm	

**Section 3B – Suggestions/Further information**

Signed.....P. Eccleston.....

dated 18/04/2023

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