

Bath & North East Somerset Council

MEETING: Licensing Sub Committee

MEETING DATE: 25 May 2017

AGENDA
ITEM
NUMBER

TITLE: Temporary Event Notice for 1st July 2017 Haydon Village Hall, Kilmersdon Road, Haydon, Bath BA3 3QR

WARD: Radstock

AN OPEN PUBLIC ITEM

List of attachments to this report:

Annex A Temporary Event Notice

Annex B Objection Notice from the Police together with supporting information

1 THE ISSUE

- 1.1 A Temporary Event Notice has been received for Haydon village Hall, Kilmersdon Road, Haydon, Bath BA3 3QR for the 1st July 2017. (Copy attached at Annex A).
- 1.2 An Objection Notice has been served by the Police on the Premises User and the Licensing Authority. (Copy attached at Annex B).

2 RECOMMENDATION

- 2.1 That the Sub Committee consider the Temporary Event Notice in light of the Police objection.

3 FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications arising from this report.

4 THE REPORT

- 4.1 A Temporary Event Notice has been received for Haydon Village Hall, Kilmersdon Road, Haydon, Bath BA3 3QR for the 1st July 2017.
- 4.2 The Temporary Event Notice is for the **Sale of Alcohol** for consumption on and off the premises and the provision of **Regulated Entertainment** for the following date and times:

Saturday 1st July 12.00 to 23.00
- 4.3 The maximum number of people (including any staff, organisers or performers) that may be present at the premises at any one time under a Temporary Event Notice may not exceed 499.
- 4.4 **An Objection Notice has been received from the Police in relation to the Licensing Objective of the Prevention of Crime and Disorder.** The Objection states that the Police have serious concerns over the effective running of the premises based on evidence which demonstrates a propensity towards crime, violence, drunkenness and anti-social behaviour. The Police believe that the Licensing Objective of the Prevention of Crime and Disorder is being undermined and that authorising the Temporary Event Notice would lead to further incidents of crime and disorder.

- 4.7 In considering the Police objection, the jurisdiction of the Licensing Authority is restricted to considerations relating to the Crime Prevention Objective and it has no discretion outside of that issue (Paragraph 7.28 of the Statutory Guidance).
- 4.8 The Licensing Authority may grant or refuse the Temporary Event Notice. They may not seek to attach any terms, limitations or restrictions to the Notice. (Paragraph 7.28 of the Statutory Guidance)
- 4.9 If the Licensing Authority accepts the Police objection it must issue a counter notice to the Premises User in which case the event cannot proceed. The counter notice must be accompanied by a notice stating the reasons for the decision. A copy of both notices must be given to the Police.
- 4.10 If the Licensing Authority decide not to issue a counter notice the Premises User and the Police must be given notice of the decision.
- 4.11 Notice of the decision and the counter notice, if relevant, must be given to the Premises User and the Police at least 24 hours before the beginning of the event period specified in the Temporary Event Notice.
- 4.12 The Licensing Authority should also have regard to the Council's Statement of Licensing Policy, the Statutory Guidance issued under Section 182 of the Licensing Act 2003, and the Licensing Act itself, and in particular to:-
- a) Paragraphs 3-8, 15, 17-18, 21, 30 and 33-36, of the 2015 policy.
 - b) Chapter 7 of the Statutory Guidance (as revised in April 2017)
 - c) Sections 4, 9, 10, 98-110, 136-155, 181-183 and Schedules 1, 2 and 5 of the Act
- 4.13 Both the Police and/or the Premises User may appeal to the Magistrates' Court within 21 days of the parties being notified of the decision with the restriction that no appeal may be brought later than 5 working days before the day on which the Temporary Event Notice begins under paragraph 16(6) of Schedule 5 to the Act.
- On appeal the court may either dismiss the appeal; substitute the decision appealed against for any other decision which could have been made by the Licensing Authority, or remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court. The court may make such order for costs as it thinks fit.
- 4.14 This report has not been sent to the Trades Union because they would have no involvement in this application.

Contact person	Ian Nash, Licensing Officer, 01225 396719
Background papers	2003 Licensing Act, Guidance Notes, Licensing Act Regulations, BANES Licensing Policy

17/01/229

ANNEX A

**Bath & North East
Somerset Council****Bath and North East Somerset
Temporary Event Notice
Licensing Act 2003**For help contact
licensing@bathnes.gov.uk
Telephone: 01225 477531

* required information

Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Richard John

* Family name

Clifford

* E-mail

richard@clifford-construction.com

Main telephone number

01373 834000

Other telephone number

07812003656

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

- ☒
- Applying as a business or organisation, including as a sole trader
-
- ☐
- Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House?

☐ Yes ☒ No

Is your business registered outside the UK?

☐ Yes ☒ No

Business name

Haydon Village Hall

If your business is registered, use its registered name.

VAT number

- none

Put "none" if you are not registered for VAT.

Legal status

Charity or Association

ENVIRONMENTAL SERVICES	
16 MAY 2017	
Post Log No:	275350
Receipt No:	CH/CA £21.00

Include country code.

*Continued from previous page...*Your position in the business Home country

The country where the headquarters of your business is located.

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name Street District City or town County or administrative area Postcode Country **Section 2 of 9****APPLICATION DETAILS** (See also guidance on completing the form, general notes and note 1)

Have you had any previous or maiden names?

☐ Yes☒ No

* Your date of birth

 / /
dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth **Correspondence Address**

Is the address the same as (or similar to) the address given in section one?

☒ Yes☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name Street District City or town County or administrative area Postcode Country

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

☒ Yes☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail Telephone number Other telephone number **Section 3 of 9****THE PREMISES**

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

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). (See also guidance on completing the form, note 2)

* Does the premises have an address?

☒ Yes☐ No**Address**

Is the address the same as (or similar to) the address given in section one?

☒ Yes☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

* Building number or name * Street District * City or town County or administrative area * Postcode * Country

* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

☐ Neither☒ Premises licence☐ Club premises certificate* Premises licence number **Location Details**

* Provide further details about the location of the event

Continued from previous page...

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below (see also guidance on completing the form, note 3)

Describe the nature of the premises below (see also guidance on completing the form, note 4)

HAYDON VILLAGE HALL AND SOCIAL CLUB

Describe the nature of the event below (see also guidance on completing the form, note 5)

WE ARE HOLDING OUR ANNUAL VILLAGE DAY IN THE FIELDS AT THE CLUB, THERE WILL BE LOCAL BANDS PLAYING MUSIC, ZUMBA DANCING, VARIOUS STALLS, ARTS AND CRAFTS AND TABLE TOP SALES. VARIOUS CHARITIES RAISING FUNDS, CHILDRENS CRAFT AND ACTIVITIES FOR CHILDREN.

Section 4 of 9**LICENSABLE ACTIVITIES**

State the licensable activities that you intend to carry on at the premises
(see also guidance on completing the form, note 6):

- ☒ The sale by retail of alcohol
- ☐ 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
- ☐ The provision of late night refreshment
- ☐ The giving of a late temporary event notice

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

(See also guidance on completing the form, note 7).

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

(see also guidance on completing the form, note 8)

Event start date

01	/	07	/	2017
dd		mm		yyyy

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

Event end date

01	/	07	/	2017
dd		mm		yyyy

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State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

12 - 23.00

(see also guidance on completing the form, note 9)

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

490

(see also guidance on completing the form, note 10)

Note that the maximum number of people cannot exceed 499.

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

(see also guidance on completing the form, note 11):

☐ On the premises only

☐ Off the premises only

☒ Both

Section 5 of 9**RELEVANT ENTERTAINMENT (See also guidance on completing the form, note 12)**

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

12-23.00

Section 6 of 9**PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 13)**

Do you currently hold a valid personal licence?

☐ Yes

☒ No

Section 7 of 9**PREVIOUS TEMPORARY EVENT NOTICES (See also guidance on completing the form, note 14)**

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

☒ No

Continued from previous page...

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 ☐ Yes ☒ No
- b) Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 9**ASSOCIATES AND BUSINESS COLLEAGUES (See also guidance on completing the form, note 15)**

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 ☒ No

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 ☐ Yes ☒ No
- b) Begins 24 hours or less after the event period proposed in this notice?

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 ☒ No

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 ☐ Yes ☒ No
- b) Begins 24 hours or less after the event period proposed in this notice?

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Section 9 of 9**CONDITION (See also guidance on completing the form, note 17)**

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £21

ATTACHMENTS**AUTHORITY POSTAL ADDRESS****Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

DECLARATION (See also guidance on completing the form, note 18)

- * 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 such an offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.

☐ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

Date (dd/mm/yyyy)

Add another signatory

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Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/bath-and-north-east-somerset/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.



ANNEX B

**Avon & Somerset Constabulary
Temporary Event Objection notice
Licensing Act 2003
Section 104**

Your Name	Geoff CANNON
Job Title	POLICE LICENSING OFFICER
Postal and email address	REDBRIDGE HOUSE BATH BA2 3EW Geoff.cannon@avonandsomerset.police.uk
Contact telephone number	07889 655950

Name of Premise User (person who gave the TEN)	Richard CLIFFORD
Name or location of the premises you are making a representation about.	HAYDON VILLAGE HALL
Address of the premises you are making a representation about.	HAYDON VILLAGE HALL KILMERSDON RD HAYDON RADSTOCK BA3 3QR
Date of Temporary Event	01.07.17

Reason(s) why allowing the premises to be used in accordance with the notice would undermine the crime prevention objective	<p>This event has had a problematic history in terms of crime and disorder. 3 years ago the event was scrutinised by the police following a serious incident involving violence on the site and the event was found to much larger than authorised by a TEN. Richard Clifford and the committee were taken to task as the event was clearly poorly organised with a lack of security and disregard for the law. There was much evidence of drugs use and drunkenness late at night at the event.</p> <p>Organisation of this event has improved since this totally unacceptable situation but not to the level expected of an organiser of such an event.</p> <p>Last year the event generated numerous complaints to the police (and other agencies) from residents, members of the public and a local councillor. As a result of these complaints the police licensing officer and the BANES Senior Environmental Protection Officer met with Richard Clifford to discuss these issues.</p>
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In terms of crime and disorder issues raised are:

Lack of clearly identifiable security staff at the event to deal with any disorder, drunkenness or other similar issues. These observations have been made by residents and from BANES staff visiting the site during the day.

Anti – Social behaviour, criminal damage and public order offences committed by people leaving the site late in the evening. It has been reported that many are drunk and that the residents living near the site have to act as 'security staff' to ensure their properties remain safe.

Loud music and vocals coming from the stage which included swearing by the performer. This is a public order offence and clearly undermines the 'protection of children from harm' licensing objective. The organiser admitted this had taken place last year. It had also occurred in previous years.

Litter is deposited every year along the route leading from the venue despite some effort to clean up after the event by the organisers.

As a result of these issues raised last year (and in previous years) Richard Clifford was given suitable advice by me and the Senior Environmental Protection Officer to assist in creating a credible Event management Plan for the event that could stand up to scrutiny. He was also advised that an Event Management Plan would need to be submitted to the Police well in advance of submitting a Temporary Event Notice notification to ensure these and other issues had been addressed.

There has been no communication received by the police from Richard Clifford or any other organiser of this event prior to the police being supplied a copy of the Temporary Event Notice notification.

This indicates that the organisers have failed to take notice of concerns and issues raised by members of the public, the police and other agencies and are unwilling to take responsibility for running a safe, crime and trouble free event.

For the event to take place safely, the police would expect to see:

An Event Management Plan containing details (as a minimum) of:

The management structure of the event with clearly defined areas of responsibility and contact details

SIA trained security staff at key points and their areas of responsibility

Details of measures to control numbers attending the event

Stewarding of the overall event and their responsibilities

Record of bar staff and training regarding their responsibilities with regard to the sale of alcohol

A clear age verification policy for the sale of alcohol (i.e. 'Challenge 21')

An eviction policy for anyone causing a nuisance or anti – social behaviour

The removal of 'off sales' from the authorisation to sell alcohol

Lost child / vulnerable adult procedure

N.B. If you, on behalf of the Chief of Police, make an objection to the notice, you will be expected to attend the Licensing Sub Committee and any subsequent appeal proceeding.

Signed: G CANNON (Police Licensing Officer)

Date: 17.05.17

ANNEX B

This form must be returned within 48 Hours of receipt of Temporary Event Notice.

