
REPORT OF THE LEAD MEMBER FOR ENVIRONMENT TO THE LICENSING SUB COMMITTEE.

TO THE LICENSING SUB COMMITTEE Thursday 22 September 2022

TITLE: Consideration of a Temporary Event Notice under the Licensing Act 2003.

RECOMMENDATIONS: 1. Members are asked to make a decision in accordance with the protocol served on the parties.

EXECUTIVE SUMMARY A Temporary Event Notice was received by the Licensing Section from Mr James McConnachie. An objection against the notice was received within the required 3 working days.

BACKGROUND DOCUMENTS (Available for public inspection) Licensing Act 2003, Statutory Guidance and Salford City Council Licensing Policy

ASSESSMENT OF RISK Not Applicable.

SOURCE OF FUNDING Licence Fee

LEGAL ADVICE OBTAINED

FINANCIAL ADVICE OBTAINED Not Applicable

CONTACT OFFICER Tim Cook

WARD (S) TO WHICH REPORT RELATES Pendleton and Charlestown

BACKGROUND

A Temporary Event Notice (TEN) was received from Mr James McConnachie on 08/09/2022. The notice informed of the intention to hold an event on 24/09/2022 from 14.00hrs to 22.00hrs, with a maximum of 400 people on the premises at any one time. Licensable activities to be provided are regulated entertainment and the sale of alcohol. The event address is the car park of GRG House, Cobden Street, Salford, M6 6NA.

The notice was provided with at least 10 working days' notice and as such is treated as a standard TEN.

On 12/09/2022 the licensing service received an objection from Environmental Health, objecting against the TEN on the grounds of public safety. The objection was received within the 3 working day requirement from when the responsible authority was given notice of the TEN.

Please find a copy of the Temporary Event Notice attached as appendix 1.

Please find a copy of the objection from Environmental Health attached as appendix 2.

The notice will be considered on its own merits. When dealing with this application Members will also take into account the licensing policy of Salford City Council and the statutory guidance issued by the Secretary of State for Culture, Media and Sport.

In respect of consideration of a temporary event notice on receipt of an objection, The Revised Guidance issued under Section 182 of the Licensing Act 2003, published by the Home Office states:

If the licensing authority receives an objection notice from the police or EHA that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection unless all parties agree that this is unnecessary.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.

Members are requested to make a decision on the matter.

LICENSING ACT 2003 PROTOCOL TO BE FOLLOWED IN HEARINGS

All hearings will be conducted in public by a Licensing Sub-Committee, unless it is necessary to sit in private.

Each application will be considered on its merits, taking the following factors into account

- The four licensing objectives, namely
 - Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm
- The policy of the licensing authority
- Statutory guidance issued by the Secretary of State for Culture, Media and Sport

The proposed procedure will be as follows

- The Chair will introduce the members and officers present, identify the applicant and responsible authorities and interested parties who have submitted representations and explain the purpose of the hearing together with the procedure to be followed.
- The Chair will seek confirmation that the application is complete.
- The Chair will indicate, if appropriate, that the members of the sub-committee have read the papers and that the parties do not need to repeat their written submissions, unless to clarify specific points notified to them by the Authority.
- The Chair will invite the applicant to address the hearing.
- Members may ask questions of the applicant.
- Other parties may ask questions of the applicant if appropriate.
- The Chair will invite the responsible authorities to present their representations.
- Members may ask questions of the responsible authorities.
- Other parties may ask questions of the responsible authorities if appropriate.
- The Chair will invite the interested parties to present their representations. Where a large number of similar written representations have been received, the Chair may request that the parties nominate a spokesperson on their behalf.
- Members may ask questions of the interested parties.
- Other parties may ask questions of the interested parties if appropriate.
- The Chair will invite the applicant and all other parties to summarise their points if they wish to.

- The legal adviser to the Sub-Committee will advise on any points of law.
- The Sub-Committee will make a decision upon the application.
- If the Sub-Committee is minded to grant the licence subject to conditions of a specific nature, it may ask the parties to draft such conditions. Comments will then be invited upon the proposed conditions.
- Once the Sub-Committee has made its determination, the Chair will announce the decision, giving the reasons for the decision and notifying the parties of the timescale for confirming this in writing.

Please note

- Late representations and evidence will only be accepted with the agreement of all parties present.
- All parties will be allowed a reasonable and equal amount of time to present their case as determined by the Chair.
- If the hearing is for a review, the premises licence holder will become a separate party entitled to present his/her case and question other parties as appropriate. Where the review follows a closure order, it is likely that the Police will be treated as the applicant for procedural purposes.
- Cross-examination will not normally be permitted unless the sub-committee considers that it would be necessary in the circumstances of the case.
- The Sub-Committee may exclude any parties from the hearing who are behaving in a disruptive manner.
- The Sub-Committee may adjourn the hearing to a further specified date if it considers such action necessary, giving its reasons for doing so.