

Agenda

Licensing Hearing

Date:	Friday, 10 th October 2014 at 9:30am
Venue:	Town Hall, St Annes
Committee members:	Councillor Angela Jacques Councillor Alan Clayton Councillor Barbara Nash

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1	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
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Contact: Sharon Wadsworth – Telephone (01253) 658546 – Email: sharon.wadsworth@fylde.gov.uk

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LICENSING ACT 2003

THE LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005

PROCEDURE FOR THE CONDUCT OF HEARINGS

1. *Preliminary*

- 1.1. Under the regulations, the Licensing Authority is required to determine the procedure that it proposes to follow at any hearing under the Act. This document sets out the procedure that Fylde will normally follow.
- 1.2. A panel may decide to follow a different procedure at any hearing. If it does, it will specifically draw attention to any departures from the procedures set out in this document and the reasons for them.
- 1.3. Please refer to the regulations for other rules about procedure

2. *Interpretation*

In this procedure, the following words or phrases have the following meanings:

applicant	an applicant for a licence or any person who has a licence which may be reviewed or revoked as a result of the hearing
act	The Licensing Act 2003
licence	Includes any consent or permission under the act
panel	A sub-committee established by Fylde Borough Council under section 10 of the act
regulations	The Licensing Act 2003 (Hearings) Regulations 2003, and any reference to a numbered regulation is to the regulation so numbered in that statutory instrument
witness	A person given permission to appear at the hearing under regulation 8(2)

3. *Before the hearing*

- 3.1. At least ten days before the hearing, the panel will meet to consider:
 - 3.1.1. If the circumstances set out in regulation 9(1) apply, whether to dispense with holding a hearing;
 - 3.1.2. What, if any, particular points it considers it will want clarification on at the hearing from a party under regulation 7(1)(d), and
 - 3.1.3. What time limit to set under regulation 24.
- 3.2. If it is not practicable for the panel to meet to consider these matters, the convenor may ascertain the views of panel members separately and give effect to the majority view as if it had been reached in a meeting of the panel.

4. Opening the hearing

- 4.1. The convenor will identify all parties to the hearing who are present. The convenor will also identify any persons who are present who intend to assist or represent any party and any witnesses.
- 4.2. The convenor will then explain to the parties the procedure to be followed at the hearing, specifically drawing attention to any departures from the procedures set out in this document and the reasons for them. The convenor will also inform the parties that the proceedings will be recorded.
- 4.3. The panel will then consider any request by a party under regulation 8(2) for another person to appear at the hearing. The convenor will give any party who has made such a request (or their representative) which the panel proposes to deny an opportunity to address the panel about their request. The panel will then re-consider the request.
- 4.4. The convenor may invite any officer to carry out any functions under this paragraph.

5. Listening to the parties

- 5.1. Each of the parties will then be invited to:
 - 5.1.1. Open their case by addressing the panel;
 - 5.1.2. Give any further information requested by the panel under regulation 7(1)(d);
 - 5.1.3. Present the evidence of any witness; and
 - 5.1.4. Conclude their case by addressing the panel.
- 5.2. The order in which the parties will be invited to put their cases will be in the discretion of the panel, except that a party who is an applicant will be invited to put their case last.

6. Questioning the parties

- 6.1. Members of the panel may, following the conclusion of the case of each party, ask questions of that party or any witness appearing for them.
- 6.2. A party or their representative may only question another party if they have asked for permission from the panel after the panel members have finished questioning that party or their witness. The panel will only give permission if it is satisfied that the questioning will provide useful information about a matter relevant to their determination which is unlikely to be placed before the panel without such questioning

7. Time limits

Each party will be limited to the time set by the panel under regulation 24 in which to exercise their rights provided in paragraphs 5 and 6.2. The convenor will require the party or their representative to close their case or cease their questioning immediately this time limit is reached.

8. Considering the decision

- 8.1. The panel will consider their decision in private.
- 8.2. No officers will retire with the panel except for the committee administrator. The committee administrator may, if requested to do so, provide procedural, but not legal or technical, advice to the panel. The committee administrator will also assist the panel by drafting and finalising the wording of the panel's decision, if requested by the panel.
- 8.3. The panel may, while it is considering its decision, seek advice from legal or licensing officers. Officers will limit their advice to the specific issue identified by the panel and will leave the room where the panel is considering its decision as soon as that advice has been given and understood.

9. Announcing the decision

- 9.1. When the panel has made its decision, the public part of the meeting will resume.
- 9.2. The convenor will read out the decision of the panel, or may invite the committee administrator to do so. The meeting will then close or move on to the next business.

REPORT

REPORT OF	MEETING	DATE
RESOURCES DIRECTORATE	LICENSING COMMITTEE	10 OCTOBER 2014

OBJECTION NOTICE TO A TEMPORARY EVENT FYLDE TROUT FISHERIES

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

The Licensing Authority has received notification of a Temporary Event for the 25th/26th October 2014 between 1500 and 0030. An objection notice has been served by the Environmental Protection department and as such the Panel are requested to consider the matter.

RECOMMENDATIONS

1. That the Panel considers the objection notice and determine whether to give the premises user a counter notice if it considers it appropriate for the promotion of a licensing objective to do so.

CABINET PORTFOLIO

This item falls within the following cabinet portfolio(s):

Social Wellbeing - Councillor Cheryl Little

SUMMARY OF PREVIOUS DECISIONS

There are no previous decisions relating to this matter.

REPORT

Application

1. The Licensing Authority is in receipt of a Temporary Event Notice.
2. The matter has been referred to the panel because an Objection Notice has been received from the Environmental Protection department to the event.

Papers

3. The following papers are relevant and have been made available to panel members:
 - The Temporary Event Notice Application
 - Objection Notice
 - The statutory guidance for licensing authorities issued by the secretary of state under section 182 of the Licensing Act 2003
 - The council's statement of licensing policy

Consideration

4. The licensing objectives are:
 - The prevention of crime and disorder;
 - Public Safety
 - Prevention of Public Nuisance
 - Protection of Children from Harm
5. As an objection notice has been made, it is the duty of the panel to consider the application and determine whether to issue a Counter Notice or to allow the event to proceed.
6. Should the panel determine to uphold the objection of the Environmental Protection department as it considers it appropriate for the promotion of a licensing objective to do so the Licensing Authority must give the premises user (the applicant of the Temporary Event Notice) a Counter Notice stating the reasons for the decision.
7. However, should the Panel consider that it is not appropriate for a Counter Notice to be issued the Licensing Authority need only notify the Premises User and Police of the decision.
8. The premises does not benefit from a Premises Licence or Club Premises Certificate and as such, there is no opportunity to attach conditions.
9. The following parts of the secretary of state's guidance appear to be particularly relevant to the application and the relevant representations:

7.31 Police and Environmental Health Intervention

However, the parties appearing in the hearing may wish to draw the panel's attention to other parts of the guidance.

10. The following parts of the council's statement of licensing policy appear to be particularly relevant to the application and the relevant representations:

34 Temporary Event Notices

However, the parties appearing in the hearing may wish to draw the panel's attention to other parts of the policy.

Procedure

11. The applicant and the makers of the relevant representations have been invited to attend or be represented at the hearing.

IMPLICATIONS	
Finance	There are no implications arising directly from the report.
Legal	There are no implications arising directly from the report.
Community Safety	There are no implications arising directly from the report.
Human Rights and Equalities	There are no implications arising directly from the report.
Sustainability and Environmental Impact	There are no implications arising directly from the report.
Health & Safety and Risk Management	There are no implications arising directly from the report.

REPORT AUTHOR	TEL	DATE	DOC ID
Chris Hambly	01253 658422	30 th September 2014	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
S182 Guidance	June 2014	https://www.gov.uk/government/publications/revised-guidance-issued-under-section-182-of-the-licensing-act-2003
Statement of Licensing Policy	January 2011	www.fylde.gov.uk

Attached documents

Temporary Event Notice

Objection Notice

Area Plan



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 or typed in black ink. 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 excising 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 checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	BOOKER
Forenames	ANDREW MARK
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	
4. Your place of birth	
5. National Insurance Number	
6. Your current address (If you complete the separate sheet you complete the separate sheet)	
	22
Post town	LYTHAM
7. Other contact details	
Telephone numbers	
Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address (if available)	info@lythambrewery.co.uk
8. Alternative address for correspondence (If you complete the details below, we	

will use this address to correspond with you)	
Post town	Post code
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)	
FYLDE FISHERIES (STANLEY VILLA CAMPSITE) BACK LANE GASSWALTON	
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)	
LODGE + MARQUEE AT CAMPSITE	
Please describe the nature of the premises below. (Please read note 4)	
LODGE AND MARQUEE FOR WINDING AT CAMPSITE	
Please describe the nature of the event below. (Please read note 5)	
WINDING	

3. The licensable activities
Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on).

(Please read note 6)	
The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment	<input checked="" type="checkbox"/>
The provision of late night refreshment	<input type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 7)	<input type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)	
SATURDAY 25 th OCTOBER to SUNDAY 26 th OCTOBER 2017	
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)	
15.00 HRS to 00.30 HRS	
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)	
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 11)	On the premises only <input checked="" type="checkbox"/>
	Off the premises only <input type="checkbox"/>
	Both <input type="checkbox"/>

4. Personal licence holders (Please read note 12)		
Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you)	Yes	No
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	F7205	
Licence number	F7405 F7 PA0318	
Date of issue	31/10/15	
Date of expiry	31/10/15	
Any further relevant details		

5. Previous temporary event notices you have given (Please read note 13)		
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? (Please mark an "X" in the box that applies to you)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year	1	
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? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 14)		
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? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices 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? (Please mark an "X" in the box that applies to you)	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? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices 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? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

7. Checklist (Please read note 15)	
I shall (Please mark the appropriate boxes with an "X")	
Send at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Send a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Send 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, send at least one copy of this notice to each additional licensing authority	<input checked="" type="checkbox"/>

If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police	<input checked="" type="checkbox"/>
If the premises are situated in one or more local authority areas, send a copy of this notice to each additional local authority exercising environmental health functions	<input checked="" type="checkbox"/>
Make or enclose payment of the fee for the application	<input checked="" type="checkbox"/>
Sign the declaration in Section 9 below	<input checked="" type="checkbox"/>

8. Condition (Please read note 16)

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.


9. Declarations (Please read note 17)

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to 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 conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.

Signature	
Date	30/9/14
Name of Person signing	A Bookman

For completion by the Licensing Authority

10. Acknowledgement (Please read note 18)

I acknowledge receipt of this temporary event notice.

Signature	 On behalf of the Licensing Authority
Date	30/9/14
Name of Officer signing	Aswara

Fylde Borough Council
Environmental Protection
The Town Hall,
Lytham St Annes
FY8 1LW

Local Authority Objection to Temporary Event Notice

Licensing Authority: FYLDE BOROUGH COUNCIL

Applicant: Andrew Booker

Premises Subject of Event to be Held: Fylde Trout Fisheries (Stanley Villa Farm Camping), Back Lane, Greenhalgh

Date Application Received: 30th September 2014

Date of Event: 25th – 26th October 2014

Hours Proposed: 15.00 – 00.30

Proposed Event: Wedding

Grounds for Objection:

In pursuance of the Licensing Act 2003 Section 104(2), I am satisfied that this temporary event notice would undermine the Public Nuisance Objective and so serve notice accordingly.

In July 2014 two temporary event notices (TENs) were given for two weddings including marquees on Saturday 2nd August 2014 and Saturday 16th August 2014 at this venue. As there was no previous history relating to this premises no objections were made and the TENs were approved.

Following the event on 2nd August 2014 a number of noise complaints were received. Two from nearby residents, and an unknown number who had contacted Cllr Maxine Chew. A “likely to recur” noise abatement notice was issued on the Company.

On Saturday 16th August 2014 I was in the vicinity of Stanley Villa campsite at about 20.00 to monitor the noise levels. As I approached along Back Lane from Kirkham, the noise from the event was clearly audible and I could work out the words to the song being played though did not recognize it. I then drove to a complainant's property and could clearly hear the music being played. I was able to recognize the song as the lyrics were clearly audible. In my opinion the level and extent of the noise was sufficient to be causing a statutory nuisance. It continued at this level for the 20 minutes I was there.

The music was coming from Stanley Villa Farm campsite and originated from a DJ performing in a tee pee type marquee. On 18th August 2014 complaints were received from two local residents and two visitors to the Little Orchard Caravan Park which is adjacent to Fylde Fisheries/Stanley Villa Campsite. There were five more complaints that were not officially reported to the Council. The complainants each confirm that the music had continued until 00.30 on Sunday morning.

The premises is situated on Back Lane in Greenhalgh which is a small village within rural Fylde. The area is not affected by any traffic noise and is also used as a fishery. Its location is ideal for the serenity that this sport requires. The area is a tranquil quiet setting ideal for fishing and camping but not in my opinion for frequent outside entertainment.

When I have visited at times that outside entertainment is taking place the sound level can be heard some distance away and in my opinion causes nuisance to the residents in the vicinity.

Whilst in the area on that Saturday night I also observed that there were a number of cars parked on the roadside up to 500m beyond the entrance to the campsite. As the road is narrow this did cause some congestion.

Other events have been held on this site that have not fallen under the licensing regime but have also caused statutory nuisance in my opinion. This is being dealt with under nuisance legislation.

In my opinion whenever amplified entertainment such as this takes place at the campsite noise complaints are received and having witnessed noise in person I would say that public nuisance is being caused. I do not think the venue is suitable for events at the frequency that they are being held and would ask that the TEN is not approved.

Philip Dent
Principal Officer – Environmental Protection

