



Counter Notice – Permitted Temporary Activities

On the 16th November 2017, the Licensing Authority received from Zoe Dew, a temporary event notice (“the notice”) in respect of proposed temporary licensable activities due to take place on 1st December 2017 outside the North Concourse, Mill Farm Sports Stadium, Coronation Way, Wesham. Having received an objection from Lancashire Constabulary, and having held a hearing to consider the objection, the licensing authority considers it appropriate for the promotion of the licensing objectives to serve a counter notice.

The subsection which applies is indicated by a “X” in the following table.

Relevant subsection of the Licensing Act 2003	Insert “X” as applicable
Section 107(2) of the Act applies because you are a personal licence holder and you have already given at least 50 temporary event notices in respect of event periods wholly or partly within the same calendar year as the event period specified in the notice.	
Section 107(3) of the Act applies because you are not a personal licence holder and you have already given at least 5 temporary event notices in respect of event periods wholly or partly within the same calendar year as the event period specified in the notice.	
Section 107(4) of the Act applies because at least 15 temporary event notices have already been given which are in respect of the premises indicated in the notice and which specify as the event period a period wholly or partly within the same calendar year as the event specified in the notice.	
Section 107(5) applies because in the calendar year in which the event period specified in the notice, or any part of it, falls, more than 15 days are days on which one or both of the following fall – a) that event period or any part of it, b) an event period specified in a temporary event notice already given in respect of the same premises as the notice or any part of such period.	
Section 105 (2) applies as this counter notice has been issued to prevent the event going ahead to protect one or more of the licensing objectives.	X

A copy of this counter notice will be sent to the chief officer of police for the area in which the premises specified in the temporary event notice you gave are situated.

Where the relevant licensing authority gives a counter notice under section 105(3), the premises user may appeal against that decision. An appeal under this paragraph must be made to the magistrates' court for area in which the premises concerned are situated. An appeal must be commenced within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against. But no appeal may be brought later than five working days before the day on which the event period specified in the temporary event notice begins.

Under section 136 of the Licensing Act 2003 a person commits an offence if he carries on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or if he knowingly allows a licensable activity to be so carried on. A person convicted of such an offence is liable to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

SIGNATURE	On behalf of Fylde Borough Council	DATE 27/11/2017
		



Reasons for Service of Counter Notice – Permitted Temporary Activities

On 16th November 2017, the licensing authority received from Zoe Dew, a temporary event notice ("the notice") in respect of proposed temporary licensable activities due to take place on 1st December 2017 outside the North Concourse, Mill Farm Sports Stadium, Coronation Way, Wesham. The licensing authority is satisfied that following a hearing before a panel of the Licensing Committee of this Council on the 27th November 2017 a counter notice under section 105(2) of the Licensing Act 2003 must be served to promote a licensing objective. The reasons for this decision are listed below:-

The panel accepted the representations given by Sergeant Parkinson and Sergeant Smart, representing Lancashire Constabulary. The representations set out the police's concerns around policing, the potential for clashes between home and away fans, past incidents with antisocial behavior from Wigan fans and general concern for the safety of families.

The panel considered that the concerns of the police were well-founded and that allowing the sale of alcohol to proceed as applied for outside the North Concourse would not promote, and indeed would endanger, all four licensing objectives.

With no representation from the applicant to the contrary the panel were satisfied that a counter-notice should be issued.

A copy of this notice will be given to the chief officer of police for the area in which the premises specified in the temporary event notice you gave are situated.

SIGNATURE	On behalf of Fylde Borough Council	DATE 27/11/17
		

