



Agenda for a meeting of the Bradford District Licensing Panel to be held on Thursday, 3 August 2017 at 10.00am in Committee Room 4 - City Hall, Bradford

Members of the Committee – Councillors

LABOUR	INDEPENDENT
M Slater (Ch) Peart	Morris

Notes:

- This agenda can be made available in Braille, large print or tape format on request by contacting the Agenda contact shown below.
- The taking of photographs, filming and sound recording of the meeting is allowed except if Councillors vote to exclude the public to discuss confidential matters covered by Schedule 12A of the Local Government Act 1972. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted. Anyone attending the meeting who wishes to record or film the meeting's proceedings is advised to liaise with the Agenda Contact who will provide guidance and ensure that any necessary arrangements are in place. Those present who are invited to make spoken contributions to the meeting should be aware that they may be filmed or sound recorded.
- If any further information is required about any item on this agenda, please contact the officer named at the foot of that agenda item.

From:

Parveen Akhtar
City Solicitor
Agenda Contact: Tracey Sugden
Phone: 01274 434287
E-Mail: tracey.sugden@bradford.gov.uk

To:

A. PROCEDURAL ITEMS

1. DISCLOSURES OF INTEREST

(Members Code of Conduct - Part 4A of the Constitution)

To receive disclosures of interests from members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

Notes:

- (1) Members may remain in the meeting and take part fully in discussion and voting unless the interest is a disclosable pecuniary interest or an interest which the Member feels would call into question their compliance with the wider principles set out in the Code of Conduct. Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (2) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*
- (3) Members are also welcome to disclose interests which are not disclosable pecuniary interests but which they consider should be made in the interest of clarity.*
- (4) Officers must disclose interests in accordance with Council Standing Order 44.*

2. INSPECTION OF REPORTS AND BACKGROUND PAPERS

(Access to Information Procedure Rules – Part 3B of the Constitution)

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.

Any request to remove the restriction on a report or background paper should be made to the relevant Strategic Director or Assistant Director whose name is shown on the front page of the report.

If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Tracey Sugden - 01274 434287)

B. BUSINESS ITEMS

3. TEMPORARY EVENTS NOTICE FOR FELL EDGE FARM, MOORSIDE LANE, ADDINGHAM 1 - 16

The report of the Assistant Director Waste , Fleet and Transport Services (**Document “D”**) asks that the Panel gives consideration to a Temporary Events Notice for an event to be held at Fell Edge Farm on the 7th to the 10TH of September 2017 from 21.00 to 03.00 hours, which includes the sale of alcohol, the provision of regulated entertainment and the provision of late night refreshment.

Members are invited to consider the information and documents referred to in this report and, after hearing the parties, determine the related notice.

(Melanie McGurk – 01274 431873)



Report of the Assistant Director Waste, Fleet & Transport Services to the meeting of the Bradford District Licensing Panel to be held on 3 August 2017.

D

Subject:

Consideration of an objection notice received from the Environmental Health Department regarding a Temporary Events Notice for Fell Edge Farm, Moorside Lane, Addingham.

Summary statement:

Consideration of a Temporary Event Notice for an event to be held at Fell Edge Farm on 7th to 10th September 2017 from 21.00 to 03.00 hours, which includes the sale of alcohol, the provision of regulated entertainment and the provision of late night refreshment.

John Major
Assistant Director
Waste, Fleet & Transport Services

Report Contact Melanie McGurk
Senior Licensing Officer
Phone: (01274) 431873
E-mail: melanie.mcgurk@bradford.gov.uk

Portfolio:

Neighbourhoods & Community Safety

Overview & Scrutiny Area:

Corporate



1. SUMMARY

A Temporary Event Notice has been served for the sale of alcohol, provision of regulated entertainment and provision of late night refreshment at an event to be held at Fell Edge Farm, Straight Lane, Addingham, LS29 9JX, to be held on 7th to 10th September 2017 from 21.00 to 03.00 hours.

The Council's Environmental Health Department has submitted at objection notice.

2. BACKGROUND

2.1 The premises user

Mr Rowan Mataram. A copy of the Notice is included at Appendix 1.

2.2 Details of temporary event

The Notice has been served for the Grass Roots Festival event which includes the following licensable activities:

- Sale of alcohol
- Provision of regulated entertainment
- Provision of late night refreshment

Hours of licensable activities:

21.00 to 03.00 hours – Thursday 7th to Sunday 10th September 2017

2.3 Counter notice received

Environmental Health

The Council's Environmental Health Department has submitted a notice objecting to the proposed event on public safety and prevention of public nuisance grounds.

A notice under the powers of Private Water Supplies (England) Regulations 2016 Regulation 18, has been served as the private water supply at the premises represents a potential danger to human health. The notice requires all water for consumption to be boiled or an alternative supply found.

The department has previously received complaints regarding noise from similar events in the locality and the officer has concerns regarding nuisance to other local residents as Fell Edge Farm is in close proximity to other residential properties.

The applicant has not provided any information to show how noise, which will arise from the event, will be controlled to prevent a public nuisance.



A copy of the Environmental Health objection notice is attached at Appendix 2.

3. OTHER CONSIDERATIONS

Legal Appraisal

- 3.1 The Licensing Act 2003 facilitates (subject to certain limits) the holding of temporary events at premises that are not otherwise licensed for licensable activities. A premises user can serve a notice on the Licensing Authority no less than ten working days before the event is due to take place.
- 3.2 The proposed event must not involve no more than 499 people at any one time. There are also limits to the number of temporary events that can take place at any premises or can be organised by a premises user in a calendar year.
- 3.3 The Police and Environmental Health can object to a temporary event notice, where they believe that allowing the event would undermine the licensing objectives. The Police and Environmental Health have 3 working days from receipt of the notice to serve an objection notice specifying the relevant issues.
- 3.4 On receipt of a valid objection notice from the Police or Environmental Health, the Council must hold a hearing to decide whether to uphold the relevant objection. The hearing must take place at least 24 hours before the event. If the objection notice is upheld, the Council can serve a Counter Notice preventing the event from taking place. If the objection notice is not upheld the event can take place without further formality.

4. OPTIONS

- 4.1 Members may:
 - (a) Uphold the Environmental Health objection and then serve a Counter Notice on the premises user preventing the event.
 - (b) Decide not to uphold the Environmental Health objection, therefore allow the event to take place.
- 4.2 Should the premises user or the Environmental Health Department feel aggrieved at any decision with regard to the Notice either may appeal to the Magistrates Court no more than 5 days before the event is due to take place.

5. FINANCIAL & RESOURCE APPRAISAL

There are no apparent finance or resource implications.



6. RISK MANAGEMENT AND GOVERNANCE ISSUES

There are no apparent risk management and governance implications.

7. LEGAL APPRAISAL

Referred to in part 3 of this report.

8. OTHER IMPLICATIONS

8.1 EQUALITY & DIVERSITY

The Council has to comply with the public sector equality duty in section 149 Equality Act 2010.

8.2 SUSTAINABILITY IMPLICATIONS

There are no apparent sustainability implications.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

There are no apparent implications.

8.4 COMMUNITY SAFETY IMPLICATIONS

There are no apparent community safety implications.

8.5 HUMAN RIGHTS ACT

The following rights are applicable:

Article 1 - Right to peaceful enjoyment of possessions subject to the state's right to control the use of property in accordance with the general interest. The Council's powers set out in the recommendations fall within the states right. A fair balance must be struck between the public and the applicant's rights.

Article 6 - A procedural right to a fair hearing. As a counter notice preventing the event is an option, adherence to the Panels' usual procedure of affording a hearing to the premise user is very important. If the decision is to issue a counter notice, then reasons should be given.

8.6 TRADE UNION

Not applicable.

8.7 WARD IMPLICATIONS

Ward Councillors have been notified of the meeting.



9. NOT FOR PUBLICATION DOCUMENTS

None.

10. RECOMMENDATIONS

Members are invited to consider the information and documents referred to in this report and, after hearing the parties, determine the related notice.

11. APPENDICES

1. Temporary Event Notice received 24 July 2017.
2. Objection Notice from Environmental Health received 26 July 2017.

12. BACKGROUND DOCUMENTS

Legislation and statutory guidance.



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209482

APP1

City of Bradford MDC

**Bradford
Temporary Event Notice
Licensing Act 2003**

For help contact
licensingteam@bradford.gov.uk
Telephone: 01274 432240

* 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 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

Family name

E-mail address

Main telephone number

Include country code.

Other telephone number

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

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK? Yes No

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

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?

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.

Yes

No

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.

Email

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

Location Details

Provide further details about the location of the event

The location is a private farm with indoor and outdoor spaces.

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)

Continued from previous page...

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

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

Family camping event with arts and crafts, workshops, music and dance. We will be selling food at meal times and we will be selling alcohol at restricted times (between 9pm and 1am).

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 / /
 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 / /
 dd mm yyyy

Continued from previous page...

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock) (see also guidance on completing the form, note 9)

2100 - 0300, 7th, 8th and 9th

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

300

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

2100 - 0300, music

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		
DECLARATION (See also guidance on completing the form, note 18)		
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.		
<input checked="" type="checkbox"/> 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	<input type="text" value="Rowan Mataram"/>	
Capacity	<input type="text"/>	
Date	<input type="text" value="22"/> / <input type="text" value="07"/> / <input type="text" value="2017"/>	
	dd	mm yyyy
<input type="button" value="Add another signatory"/>		
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/bradford/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.		

OFFICE USE ONLY

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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Memo

To: Licensing Team
3rd Floor
Argus Chambers
Bradford

Department of Health and Wellbeing

Environmental Health
5th Floor
Britannia House
Bradford
BD1 1HX

From: Edward Smith

Tel: (01274) 434190
Email: edward.smith@bradford.gov.uk
Our Ref: 437966

Date: 26 July 2017

Licensing Act 2003

Application for a Premises Licence

Grass Roots Festival, Fell Edge Farm, Moorside Lane, Addingham Moorside

This Service has reviewed the application and has a number of concerns. With regard to the following, Environmental Health at present recommends refusal of this application.

Public Safety

At present the private water supply serving Fell Edge Farm, Moorside Lane, Addingham Moorside has failed a number of microbial samples. These failures mean that the water does not meet a number of parameters as per the Private Water Supplies (England) Regulations 2016 and represents a potential danger to human health.

At present a notice has been served under the powers of Private Water Supplies (England) Regulations 2016 Regulation 18. This notice requires all water for consumption to be boiled or an alternative supply found. It also requires the person responsible to suitably treat the supply so as not to contain any micro-organisms or parasites that would constitute a potential danger to human health.

Until, this notice is complied with and the supply no longer represents a potential danger to human health Environmental Health recommends refusal of the application on the grounds of public safety.

Public Nuisance

Environmental Health has previously received complaints regarding noise from similar events in the locality and therefore has concerns regarding nuisance to other local residents.

The applicant has offered no evidence to show how noise, which will arise from the event will be controlled to prevent a public nuisance.

The Fell Edge Farm is in close proximity to other residential properties.

The application states the standard times are 21:00 hours to 03:00 hours from Friday to Sunday. Live and recorded music is stated as being provided from within these hours.

The applicant has not provided any information on how they will control noise so as to prevent a public nuisance.

If the applicant wishes this to pursue this application he should employ a suitably qualified noise consultant and submit to the Council a report to show how they will adequately control the noise from any outdoor concert and events on the land. The report should indicate with some clarity the number and type of event which it is expected will be occurring in each 12 month period as this will affect the level of noise which is permitted from the event.

The noise consultant's report shall include a survey to determine the background noise levels (*as defined by the Code of Practice on Environmental Noise Control at Concerts*) at locations around the venue representative of the noise sensitive premises likely to experience the largest increase in noise as a result of the concert/events. These locations should be agreed in advance with this service.

If the authority is minded to grant this application it is recommended that this is for **one event** and the following conditions should be imposed:

- *the Control limits set at the mixer position shall be adequate to ensure that the Music Noise Level (MNL) shall not at any noise sensitive premises exceed the background noise level by more than 15dB(A) over a 15 minute period throughout the duration of the event*
- *the background noise level should be measured at 1 metre from the façade of any noise sensitive premises for events held between 21:00 and 00:00 hours*
- *music from the event is only permitted between 21:00 hours to 00:00 hours.*

In line with similar events held previously in the locality, the following conditions should also be imposed:

- *audible entertainment to cease at midnight*
- *mail drop to local residents of planned events 2-3 weeks before festival*
- *repositioning of tents and directivity of speakers away from noise sensitive premises*
- *maximum level of 95 dBA set for inside each marquee / tent.*

The current application if granted is likely to result in complaints of noise being made to this Department. This Service is not satisfied that the noise can be adequately controlled and would therefore recommend refusal.

Regards