



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.

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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.

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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.

