

Report of the Assistant Director Waste, Fleet & Transport Services to the meeting of the Bradford District Licensing Panel to be held on 30 April 2018.

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Subject:

Consideration of an objection notice received from the Environmental Health Department regarding two Temporary Event Notices for the Bay Horse Inn, 20 Uppertown, Oxenhope, Keighley, BD22 9LN.

Summary statement:

Consideration of two Temporary Event Notices for events to be held in the car park of the Bay Horse Inn on 8-10 June 2018 from 14.00 to 23.00 hours and 4 August 2018 from 14.00 to 20.00. The events include the sale of alcohol and the provision of regulated entertainment.

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Portfolio:

Neighbourhoods & Community Safety

Overview & Scrutiny Area:

Corporate

1. SUMMARY

Temporary Event Notices have been served for the sale of alcohol and the provision of regulated entertainment at two proposed events to be held in the car park of the Bay Horse Inn, 20 Uppertown, Oxenhope, Keighley. The proposed dates and times of the events are:

8-10 June 2018 - 14.00 to 23.00 hours
4 August 2018 - 14.00 to 20.00 hours

The Council's Environmental Health Department have submitted an objection notice to both Temporary Event Notices.

2. BACKGROUND

2.1 The premises user

Ms Ann-Mairead Pollitt.

A copy of the notice for 8-10 June 2018 is attached at Appendix 1.
A copy of the notice for 4 August 2018 is attached at Appendix 2.

2.3 Counter notice received

Environmental Health

The Council's Environmental Health Department have submitted a notice objecting to the proposed events on the grounds of prevention of public nuisance. Environmental Health received complaints of noise nuisance relating to a similar event in June 2017. Complaints have also been received following Temporary Events in 2015 and 2016.

A copy of the Environmental Health objection notice is attached at Appendix 3.

3. OTHER CONSIDERATIONS

- 3.1 The Licensing Act 2003 facilitates the holding of temporary events at premises that are not otherwise licensed for licensable activities. Proposed events must involve no more than 499 people at any one time. There are also limits on the number of temporary events that can take place at any premises or can be organised by a premises user in a calendar year.
- 3.2 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.
- 3.3 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. FINANCIAL & RESOURCE APPRAISAL

There are no apparent finance or resource implications.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

There are no apparent risk management or governance implications.

6. LEGAL APPRAISAL

Referred to in part 3 above.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

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

7.2 SUSTAINABILITY IMPLICATIONS

There are no apparent sustainability implications.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

There are no apparent implications.

7.4 COMMUNITY SAFETY IMPLICATIONS

There are no apparent community safety implications.

7.5 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 must be given.

7.6 TRADE UNION

None

7.7 WARD IMPLICATIONS

Ward Councillors have been notified of the meeting.

7.9 IMPLICATIONS FOR CORPORATE PARENTING

There are no apparent implications for Corporate Parenting.

7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESSMENT

There are no apparent data protection or information security implications.

8. NOT FOR PUBLICATION DOCUMENTS

None

9. OPTIONS

9.1 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.

9.2 Should the premises user or the Environmental Health Department feel aggrieved at any decision with regard to the Notice they may appeal to the Magistrates Court no more than 5 days before the event is due to take place.

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 for event to be held on 8-10 June 2018
- 2. Temporary Event Notice for event to be held on 4 August 2018
- 3. Objection Notice from the Environmental Health Department dated 19 April 2018

12. BACKGROUND DOCUMENTS

Licensing Act 2003 and statutory guidance.