

## **Report of the Assistant Director Waste, Fleet & Transport Services to the meeting of the Bradford District Licensing Panel to be held on 26 June 2018.**

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### **Subject:**

**Consideration of an objection notice received from West Yorkshire Police regarding two Temporary Event Notices for Bradford Pride 2018, Morley Street, Bradford.**

### **Summary statement:**

**Consideration of two Temporary Event Notices for an event to be held in Morley Street, Bradford. The event includes the provision of regulated entertainment on 30 June 2018 from 13.00 to 21.00 hours.**

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**Portfolio:**

**Neighbourhoods & Community Safety**

**Overview & Scrutiny Area:**

**Corporate**

## **1. SUMMARY**

Temporary Event Notices have been served for the provision of regulated entertainment at a proposed event to be held in Morley Street, Bradford. The proposed date and time of the event is:

30 June 2018 – 13.00 to 21.00 hours

West Yorkshire Police have submitted an objection notice to both Temporary Event Notices.

## **2. BACKGROUND**

### **2.1 The premises users**

Mr Jason Courcoux (area1).  
Mr Dean Gale (area 2)

A copy of the notice for area 1 is attached at Appendix 1.  
A copy of the notice for area 2 is attached at Appendix 2.

Guidance issued under section 182 of the Licensing Act 2003 advises that the premises user should provide a clear description of the area in which they propose to carry on licensable activities.

An extract from the guidance is attached at Appendix 3.

### **2.3 Counter notice received**

#### **West Yorkshire Police**

The Police have submitted a notice objecting to the proposed event on public safety grounds, due to concerns about the ability of the organising committee to effectively manage the safety of the large number of people expected to attend and the location of the event being unsuitable for purpose.

A copy of the Police objection notice is attached at Appendix 4.

## **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 Police objection and then serve a Counter Notice on the premises user preventing the event.
- (b) Decide not to uphold the Police objection, therefore allow the event to take place.

9.2 Should the premises user or West Yorkshire Police 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 area 1.
2. Temporary Event Notice for area 2.
3. Extract from the Government Guidance.
4. Objection Notice from West Yorkshire Police dated 20 June 2018.

## **12. BACKGROUND DOCUMENTS**

Licensing Act 2003 and statutory guidance.