

NORTH LINCOLNSHIRE COUNCIL

LICENSING (ACTIVITIES) SUB-COMMITTEE

**LICENSING ACT 2003
TEMPORARY EVENT NOTICE – BARTON TOWN FOOTBALL CLUB, MARSH
LANE, BARTON UPON HUMBER**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To request that Members of this Sub-Committee determine a Temporary Event Notice (TEN) for Barton Town Football Club, Marsh Lane, received on 1 March 2016.
- 1.2 A summary of the TEN is attached as Appendix A and a copy of the TEN as Appendix B.

2. BACKGROUND INFORMATION

- 2.1 In accordance with the provisions of the Licensing Act 2003 and the council's scheme of delegation, all Temporary Event Notices where a relevant representation has been made need to be determined by this Sub-Committee.
- 2.2 When determining the TEN Members of the Sub-Committee should only consider issues, which relate to the Prevention of Crime and Disorder and Prevention of Public Nuisance objectives.
- 2.3 Members of the Sub-Committee must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 and our Statement of Licensing Policy. Members of the Sub-Committee may deviate from the statutory guidance and licensing policy only if they deem that there is good reason to do so.
- 2.4 Members of the Sub-Committee should not allow themselves to pre-determine the Temporary Event Notice or to be prejudiced in favour or opposed to the Notice and shall only determine the TEN having had an opportunity to consider all relevant facts. Members of the Sub-Committee should not hear or decide on Temporary Event Notices in their own ward.
- 2.5 Members of the Sub-Committee must remember that they are acting in a quasi-judicial role in determining the TEN and shall remain in the room so that they hear all the evidence before determining the TEN. The determination shall be based on the evidence provided, which is relevant to the Prevention of Crime and Disorder and Prevention of Public Nuisance objectives.

2.6 The options available to the Sub-Committee having considered all the relevant information are as follows:

- To issue a Counter Notice.
- Not to issue a Counter Notice.
- Impose relevant conditions (only where the event has an existing premises licence)

3. ISSUES FOR CONSIDERATION

3.1 The Temporary Event Notice was received on 1 March 2016.

3.2 A copy of the Temporary Event Notice is attached as Appendix B to this report.

3.3 There has been one notice of objection, from Environmental Health (Commercial), which has been deemed relevant. The objection is attached as Appendix C to this report.

4. OUTCOMES OF CONSULTATION

4.1 The Police and Environmental Health (Commercial) are served with a copy of the Temporary Event Notice. Environmental Health has made a relevant representation which is the subject of this report.

5. LICENSING OBJECTIVES & STATUTORY PROVISIONS

5.1 Prevention of Public Nuisance

5.1.1 Environmental Health have raised concerns with regard to this objective, which is attached to this report at Appendix C.

5.2 Prevention of Crime and Disorder

5.2.1 No concerns have been raised with regard to this objective.

6. FURTHER INFORMATION & CLARIFICATION

6.1 A site plan is attached as Appendix D and a copy of the existing Premises Licence is shown as Appendix E.

7. RECOMMENDATIONS

- 7.1 That the Sub-Committee determines the Temporary Event Notice in accordance with the Statutory Guidance issued under s182 of the Licensing Act 2003, our Statement of Licensing Policy, the information contained within this report and having had due regard to the applicant and those making representation.
- 7.2 That the Sub-Committee determines the application in accordance with the options in paragraph 2.6.
- 7.3 That the Sub-Committee provides the reasons for its decision.

DIRECTOR OF PLACES

Civic Centre
Ashby Road
Scunthorpe
North Lincolnshire

Author: Narelle Plowright
Dated: 3 March 2016

Background Papers used in the preparation of this report Nil

APPENDIX A

Summary of Application (New)

Name of Premises	Barton Town Football Club	Type of Application	TEN
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Point Number	Detail	Action
1	The sale by retail of alcohol and the provision regulated entertainment 1 May 2016 12:00 hrs – 23:00 hrs	

Summary of Representations/Conditions Requested (Responsible Authorities)

Point Number	Detail	Action
2	Appendix C – Environmental Health (Commercial) On the grounds of prevention of public nuisance due to the close proximity of residents, entertainment being outside and the proposed times of the event, renders it unsuitable for outdoor entertainment.	

Summary of Statutory Guidance Issued under s182 of The Licensing Act 2003

Point Number	Detail	Action
3	Page 36, paragraph 7.28, page 38, paragraph 7.39 relates to the Licensing Authority imposing conditions for a TEN	

Summary of North Lincolnshire Council's Licensing Policy

Point Number	Detail	Action
4	Pages 25 – 26, paragraph 43 relates to Temporary Event Notices	

Summary of Other Relevant Information

Point Number	Detail	Action
5	<p>Conditions currently attached to the premises licence relating to the prevention of public nuisance:</p> <ul style="list-style-type: none">• Licensees shall ensure that music or other activity at the premises does not cause a nuisance or annoyance to nearby residents. They shall control any form of amplification to prevent such a nuisance. Noise shall not be audible from the boundary of the premises so as to cause a nuisance.• To help prevent noise nuisance, external windows and doors shall be kept closed during any entertainment consisting of music or singing.• That in accordance with the agreement previously made with Environmental Health, all outside drinking is to cease at 22:00 hrs.• That additional signage be placed around the club premises asking club members to show quiet consideration for the local residents when leaving.• That a designated smoking area be provided to the rear of the building, in order to discourage the use of the car park to the front for smoking.	

Temporary Event Notice

Before completing this form please read these guidance notes:

Information on the Licensing Act 2003 is available on the website of the [UK Legislation website](#) or from your local licensing authority.

Cost of application

Cost £21.00

Please note: You must provide payment for this licence after completing the form. You do this online. After clicking the submit button at the end of the form you will be taken to our secure online payment website. You can then make the required payment using either a credit or debit card. You will be charged a 1.8% surcharge if you pay using your credit card.

If you do not wish to pay online you cannot use this application form. In this case you must apply using the downloadable (PDF) version of the form, which is also available on our website.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

The personal details of premises user (Please read note 1)

Name

Title* Mr
First name(s)* Stuart
Surname* Foster

Previous names (Please enter details of any previous names or maiden names, if applicable).

Date of birth:* 27 Jan 1972

Place of birth:* UK

National Insurance Number:* NX940939B

Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)

If the address is within North Lincolnshire, enter the postcode in the box below and then select "**find address**". If the address is outside of North Lincolnshire, or your address is NOT SHOWN in the list or is incorrect, you will need to enter the address in the boxes provided below.

Enter a postcode to search DN18 5Jh

Prefix.g. first floor flat
House number/name* 31
Street* BUTTS ROAD
Town/village BARTON UPON HUMBER
County NORTH LINCOLNSHIRE
Country United Kingdom

Postcode*

DN18 5JH

Telephone numbers:

Daytime:*

07736 500643

Evening (optional):

07736 500643

Mobile (optional):

07736 500643

Fax number (optional):

E-Mail address:*

stuartfoster06@btinternet.com

Would you like to provide alternative contact details for correspondence?*

No

Premises details

**Please 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)
(Please read note 2)**

Does the premises have a postal address, or would you like to enter ordnance survey map references, or a description of it's location?*

Yes, it has a postal address.

If the address is within North Lincolnshire, enter the postcode in the box below and then select "**find address**". If the address is outside of North Lincolnshire, or your address is NOT SHOWN in the list or is incorrect, you will need to enter the address in the boxes provided below.

Enter a postcode to search

DN18 5JD

Prefix.e.g. first floor flat

House number/name*

Street*

Town/village

County

Country

BARTON TOWN FOOTBALL GROUND

MARSH LANE

BARTON UPON HUMBER

NORTH LINCOLNSHIRE

United Kingdom

Postcode*

DN18 5JD

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details.(Please read note 3)*

All entertainment to be situated on the football pitch. The bar will be open for refreshments and use of the toilet facilities.

Please describe the nature of the premises (Please read note 4)*

Football Ground.

Please describe the nature of the event (Please read note 5)*

Charity music festival.

Licensable activities

Please state the licensable activities that you intend to carry on at the premises (Please read 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.

Please state the dates on which you intend to use these premises for licensable activities (Please read note 8).

From:* 01 May 2016 To:* 01 May 2016

Please state the times during the event period that you propose to carry on licensable activities (Please read note 9).

From:* 12:00:00 To:* 23:00:00

Please 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. (Please read note 10)* 499

If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 11)* On the premises only

Personal licence holders (Please read note 12)

Do you currently hold a valid personal licence?* No

Previous temporary event notices you have given (Please read note 13)

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?* No

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 b) begins 24 hours or less after, the event period proposed in this notice?* No

Associates and business colleagues (Please read note 14)

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?* 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 b) begins 24 hours or less after, the event period proposed in this notice?*

No

Has any person with whom you are in business carrying on licensable activities 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?*

No

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after, the event period proposed in this notice?*

No

Condition (Please read note 16)

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

Declarations (Please read note 17)

The information contained in this form is correct to the best of my knowledge and belief.

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.

Signature:*

Stuart Foster

Date:

01 Mar 2016

Acknowledgement

I acknowledge receipt of this temporary event notice.

Signed:



Date: 02-03-2016

On behalf of the
Licensing Authority

Name of officer

signing: VICTORIA SPENCER

Our ref: SRU 209667
Date: 03 March 2016
If telephoning please ask for: Annie Ward, 01724 297611
Email: annie.ward@northlincs.gov.uk



www.northlincs.gov.uk

Peter Williams BSc, DMS, CEng, MEI, MCMI, AMIMechE
Director of Places
PO Box 42
Church Square House
Scunthorpe
North Lincolnshire
DN15 6XQ

Mr Stuart Foster
31 Butts Road
Barton upon Humber
North Lincolnshire
DN18 5JH

Dear Mr Foster,

RE: Environmental Protection Act 1990
Temporary Event Notice, Barton Town Football Club, Marsh Lane, Barton upon Humber

North Lincolnshire Council's Environmental Health team has received notification that you have applied for a Temporary Event Notice to hold an event at the above premises on 01 May 2016.

One of the Environmental Health team's roles is to protect residents from statutory noise nuisances arising from commercial premises. You have submitted no information with your application as to how you would prevent noise nuisance.

This department is of the opinion that the close proximity of residents, entertainment being outside and the proposed times of the event, renders it unsuitable for outdoor entertainment.

North Lincolnshire Council therefore gives notice of **objection under Section 112 of the Licensing Act 2003** as amended, to this notice on the grounds of prevention of public nuisance.

This department would appreciate your cooperation in this matter.

A copy of this letter has been forwarded to the Licensing Department.

Yours sincerely

Annie Ward
Environmental Health (Commercial)

Cc Licensing Department



NORTH LINCOLNSHIRE COUNCIL

Schedule 12

PREMISES LICENCE

Premises licence number

PRM5322

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Barton Town Football Club Marsh Lane Barton upon Humber North Lincolnshire	
Post Town: Barton	Post Code: DN18 5JD
Telephone Number: N/A	

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Indoor Sporting Events
 Performance of Live Music (Indoors)
 Playing of Recorded Music (Indoors)
 Performance of Dance (Indoors)
 Making Music (Indoors)
 Dancing (Indoors)
 Late Night Refreshment (Indoors)
 Supply of Alcohol for Consumption On the Premises

The times the licence authorises the carrying out of licensable activities

Indoor Sporting Event - Authorised Hours

Monday 10:00 hrs to 24:00 hrs
Tuesday 10:00 hrs to 24:00 hrs
Wednesday 10:00 hrs to 24:00 hrs
Thursday 10:00 hrs to 24:00 hrs
Friday 10:00 hrs to 24:00 hrs
Saturday 10:00 hrs to 24:00 hrs
Sunday 10:00 hrs to 24:00 hrs

Performance of Live Music - Authorised Hours (indoors)

Monday 19:00 hrs to 24:00 hrs
Tuesday 19:00 hrs to 24:00 hrs
Wednesday 19:00 hrs to 24:00 hrs
Thursday 19:00 hrs to 24:00 hrs
Friday 19:00 hrs to 24:00 hrs
Saturday 19:00 hrs to 24:00 hrs
Sunday 19:00 hrs to 24:00 hrs

Non-standard timings

A further additional hour to the terminal hour on a Bank Holiday Monday, Christmas Eve and Boxing Day.

A further additional two hours to the terminal hour on New Years Eve.

Playing of Recorded Music - Authorised Hours (indoors)

Monday 10:00 hrs to 24:00 hrs
Tuesday 10:00 hrs to 24:00 hrs
Wednesday 10:00 hrs to 24:00 hrs
Thursday 10:00 hrs to 24:00 hrs
Friday 10:00 hrs to 24:00 hrs
Saturday 10:00 hrs to 24:00 hrs
Sunday 10:00 hrs to 24:00 hrs

Non-standard timings

A further additional hour to the terminal hour on a Bank Holiday Monday, Christmas Eve and Boxing Day.

A further additional two hours to the terminal hour on New Years Eve.

Performance of Dance - Authorised Hours (indoors)

Monday 10:00 hrs to 24:00 hrs
Tuesday 10:00 hrs to 24:00 hrs
Wednesday 10:00 hrs to 24:00 hrs
Thursday 10:00 hrs to 24:00 hrs
Friday 10:00 hrs to 24:00 hrs
Saturday 10:00 hrs to 24:00 hrs
Sunday 10:00 hrs to 24:00 hrs

Non-standard timings

A further additional hour to the terminal hour on a Bank Holiday Monday, Christmas Eve and Boxing Day.

A further additional two hours to the terminal hour on New Years Eve.

Making Music - Authorised Hours (indoors)

Monday 19:00 hrs to 24:00 hrs
Tuesday 19:00 hrs to 24:00 hrs
Wednesday 19:00 hrs to 24:00 hrs
Thursday 19:00 hrs to 24:00 hrs
Friday 19:00 hrs to 24:00 hrs
Saturday 19:00 hrs to 24:00 hrs
Sunday 19:00 hrs to 24:00 hrs

Non-standard timings

A further additional hour to the terminal hour on a Bank Holiday Monday, Christmas Eve and Boxing Day.

A further additional two hours to the terminal hour on New Years Eve.

Dancing - Authorised Hours (indoors)

Monday 10:00 hrs to 24:00 hrs
Tuesday 10:00 hrs to 24:00 hrs
Wednesday 10:00 hrs to 24:00 hrs
Thursday 10:00 hrs to 24:00 hrs
Friday 10:00 hrs to 24:00 hrs
Saturday 10:00 hrs to 24:00 hrs
Sunday 10:00 hrs to 24:00 hrs

Non-standard timings

A further additional hour to the terminal hour on a Bank Holiday Monday, Christmas Eve and Boxing Day.

A further additional two hours to the terminal hour on New Years Eve.

Late Night Refreshment - Authorised Hours (indoors)

Monday 23:00 hrs to 00:30 hrs the following morning
Tuesday 23:00 hrs to 00:30 hrs the following morning
Wednesday 23:00 hrs to 00:30 hrs the following morning
Thursday 23:00 hrs to 00:30 hrs the following morning
Friday 23:00 hrs to 00:30 hrs the following morning
Saturday 23:00 hrs to 00:30 hrs the following morning
Sunday 23:00 hrs to 00:30 hrs the following morning

Non-standard timings

A further additional hour to the terminal hour on a Bank Holiday Monday, Christmas Eve and Boxing Day.

A further additional two hours to the terminal hour on New Years Eve.

Sale of Alcohol for Consumption On the Premises - Authorised Hours

Monday 10:00 hrs to 24:00 hrs
Tuesday 10:00 hrs to 24:00 hrs
Wednesday 10:00 hrs to 24:00 hrs
Thursday 10:00 hrs to 24:00 hrs
Friday 10:00 hrs to 24:00 hrs
Saturday 10:00 hrs to 24:00 hrs
Sunday 10:00 hrs to 24:00 hrs

Non-standard timings

A further additional hour to the terminal hour on a Bank Holiday Monday, Christmas Eve and Boxing Day.

A further additional two hours to the terminal hour on New Years Eve.

All outside drinking shall cease at 22:00 hrs.

The opening hours of the premisesHours Premises Open to the Public

Monday 10:00 hrs to 00:30 hrs the following morning
Tuesday 10:00 hrs to 00:30 hrs the following morning
Wednesday 10:00 hrs to 00:30 hrs the following morning
Thursday 10:00 hrs to 00:30 hrs the following morning
Friday 10:00 hrs to 00:30 hrs the following morning
Saturday 10:00 hrs to 00:30 hrs the following morning
Sunday 10:00 hrs to 00:30 hrs the following morning

Non-standard timings

A further additional hour to the terminal hour on a Bank Holiday Monday, Christmas Eve and Boxing Day.

A further additional two hours to the terminal hour on New Years Eve.

Where the licence authorises the supplies of alcohol whether these are on and / or off supplies

Consumption On the Premises

Part 2

Name, (registered) address and telephone number of holder of premises licence

Barton Town Football Club
Marsh Lane
Barton upon Humber
North Lincolnshire
DN18 5JD

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Gigy Koshy

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence issued by **North Lincolnshire Council**, Licence Number: **NL/00204**

Annex 1 – Mandatory conditions

Supply of Alcohol

1. No supply of alcohol may be made under this premises licence
 - a) at a time when there is no Designated Premises Supervisor in respect of this licence, or
 - b) at a time when the Designated Premises Supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under this premises licence must be made or authorised by a person who holds a personal licence.

Annex 2 – Conditions consistent with the operating Schedule

General Conditions

The Club shall abide by the Club Rules as attached at Annex 2.

Prevention of Crime and Disorder

No conditions attached.

Public Safety

General Safety

The premises and all fixtures, fittings, equipment (including electrical fittings and equipment), furnishings, decorations and curtains on or about the premises shall be constructed, arranged safely, maintained in a safe and clean condition and in good working order (including where appropriate, good working order).

Electrical Safety

Emergency lighting shall be in place.

In the interest of public safety, all licensed premises shall be maintained to an acceptable level, in accordance with current legislation and safety standards, Premises licence holders and the DPS shall ensure that standards are maintained.

Temporary electrical installation shall be installed by a competent persons and be intrinsically safe and shall not remain connected to the permanent electrical supply when not in use.

Gas Safety

In the interest of public safety, all licensed premises shall be maintained to an acceptable level, in accordance with current legislation and safety standards. Premises licence holders and the DPS shall ensure that standards are maintained.

Fire Safety

In the interest of public safety, all licensed premises should be maintained to an acceptable level, in accordance with current legislation and safety standards. Premises licence holders and the DPS shall ensure that standards are maintained.

We recommend that everyone working in the premises (whether for payment or not) shall be instructed on what they shall do if there is a fire on the premises.

The Prevention of Public Nuisance

Licensees shall ensure that music or other activity at the premises does not control a nuisance or annoyance to nearby residents. They shall control any form of amplification to prevent such a nuisance. Noise shall not be audible from the boundary of the premises so as to cause a nuisance.

To help prevent noise nuisance, external windows and doors shall be kept closed during any entertainment consisting of music or singing.

Ventilation shall be provided at all premises. Where mechanical ventilation is used, it shall be maintained in a satisfactory condition.

External fire doors shall be fitted with self-closing devices. These must be kept in good working order and not restricted or disconnected.

Protection of Children from Harm

No conditions attached.

Annex 3 – Conditions attached after a hearing by the licensing authority

That Annex 2 of the report 'Conditions consistent with the Club Operating Schedule' be attached as a condition to the licence.

That in accordance with the agreement previously made with Environmental Health, all outside drinking is to cease at 22:00 hrs.

That a designated smoking area be provided to the rear of the building, in order to discourage the use of the car park to the front for smoking.

That additional signage be placed around the club premises asking club members to show quiet consideration for the local residents when leaving.

Annex 4 – Plans

As attached

NORTH LINCOLNSHIRE COUNCIL

Part B

Premises licence summary

Premises licence number

PRM5322

Premises details

Postal address of premises, or if none, ordnance survey map reference or description

Barton Town Football Club
Marsh Lane
Barton upon Humber
North Lincolnshire

Post Town: Barton

Post Code: DN18 5JD

Telephone Number: N/A

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Indoor Sporting Events
Performance of Live Music (Indoors)
Playing of Recorded Music (Indoors)
Performance of Dance (Indoors)
Making Music (Indoors)
Dancing (Indoors)
Late Night Refreshment (Indoors)
Supply of Alcohol for Consumption On the Premises

The times the licence authorises the carrying out of licensable activities

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A further additional two hours to the terminal hour on New Years Eve.

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Where the licence authorises the supplies of alcohol whether these are on and / or off supplies

Consumption On the Premises

Name, (registered) address of holder of premises licence

Barton Town Football Club
Marsh Lane
Barton upon Humber
North Lincolnshire
DN18 5JD

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Gigy Koshy

State whether access to the premises by children is restricted or prohibited

Unrestricted