

NORTH LINCOLNSHIRE COUNCIL

LICENSING (ACTIVITIES) SUB-COMMITTEE

**LICENSING ACT 2003
TEMPORARY EVENT NOTICE – COMMON PLANTATION, LEETHWAITE**

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 Common Plantation, Leethwaite, received on 12 June 2017.
- 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 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.
- 2.3 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.
- 2.4 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.

2.5 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)

2.6 The TEN was originally scheduled to be heard on 23 June 2017. However, the applicant was served notice on 19 June 2017 that in accordance with Paragraph 11 of the Licensing Act 2003 (Hearings) Regulations 2005, the council's Licensing Manager had been deemed necessary in the public interest to extend the determination period time to consider the representation made by Environmental Health. A copy of the notice is attached at Appendix E.

3. ISSUES FOR CONSIDERATION

3.1 The Temporary Event Notice was received on 12 June 2017.

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.

5.3 Protection of Children from Harm

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

5.4 Public Safety

5.4.1 No concerns have been raised with regard to this objective

6. FURTHER INFORMATION & CLARIFICATION

6.1 A site plan is attached as Appendix D.

6.2 There is a Premises Licence in place for this site. The conditions are detailed in Appendix A.

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 premises user 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 OPERATIONS

Civic Centre
Ashby Road
Scunthorpe
North Lincolnshire

Author: Narelle Plowright
Dated: 16 June 2017

Background Papers used in the preparation of this report Nil

APPENDIX A

Summary of Application (New)

| Name of Premises | Common Plantation | Type of Application | TEN |
|------------------|-------------------|---------------------|-----|
|------------------|-------------------|---------------------|-----|

| Point Number | Detail | Action |
|--------------|---|--------|
| 1 | <ul style="list-style-type: none">The sale by retail of alcoholThe provision of regulated entertainment <p>To take place on 5 August 2017 12:00 – 23:00.</p> | |
| 2 | Area to be used – Small area in woodland at rear of the property. Flat land used for car parking and camping. | |

Summary of Representations/Conditions Requested (Responsible Authorities)

| Point Number | Detail | Action |
|--------------|---|--------|
| 3 | <p>Appendix C – Environmental Health (Commercial).</p> <p>An objection has been received on the grounds of prevention of public nuisance.</p> <p>The TEN overrides the conditions on the current premises licence and it does not include details concerning the control of noise. It is unclear which area of the site the TEN applies to.</p> <p>Bearing in mind the history of public nuisance due to noise from music events held at this premises the Environmental Health team objects.</p> | |

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

| Point Number | Detail | Action |
|--------------|---|--------|
| 4 | Page 47, paragraph 7.37 & 7.38 – Applying conditions to a TEN | |

Summary of North Lincolnshire Council's Licensing Policy

| Point Number | Detail | Action |
|--------------|---|--------|
| 5 | Page 16, paragraph 22 – Temporary Events Notice | |

Summary of Other Relevant Information

| Point Number | Detail | Action |
|--------------|---|--------|
| 6 | <p>Conditions currently attached to the Premises Licence:</p> <p><u>General</u></p> <p>A Risk Assessment shall be updated for each event and shall be produced and made available upon request by an Authorised officer.</p> | |
| 7 | <p>There shall be a Code of Conduct for Guests, notifying them of the standard of behaviour expected of them at each event. A copy of the Code of Conduct shall be available upon request by an Authorised Officer.</p> | |
| 8 | <p><u>The Prevention of Crime and Disorder</u></p> <p>Guests shall be requested both in our advertising flyers and on our website, to consider exactly what they choose to bring with them with regards to personal property when attending an event. This will help to prevent loss, damage or theft when bringing items of value.</p> | |
| 9 | <p><u>Public Safety</u></p> <p>Guests shall be informed immediately through the Public Announcement (PA) system, of any potential hazards or treats to the general public which may arise.</p> | |
| 10 | <p>Only stewards and Licensed Security staff who are trained to deal with crowd control and conflict management techniques shall be employed to supervise events.</p> | |
| 11 | <p>A containment area shall be assigned for any person who is seen to be acting dangerously, or unlawfully. This area shall be defined on the Event Management Plan, signposted and used exclusively for this purpose.</p> | |

| | | |
|----|--|--|
| 12 | Personal searches shall be carried out by staff licensed with the Security Industry Authority to check for dangerous weapons and banned substances. | |
| 13 | Experienced First Aiders shall be employed at each event. | |
| 14 | Glass bottles shall be banned from site and will be confiscated on entry. | |
| 15 | That the premises licence holder submit an event notification form to the satisfaction of the Council's Event Safety Advisory Group, supported by an event management plan detailing relevant risk assessments and details of the safety and organisational arrangements in respect of the event. | |
| 16 | That the premises licence holder complies in its entirety with any recommendations from the Council's Event Safety Advisory Group in relation to the event management plan submitted by the premises licence holder. | |
| 17 | That the maximum capacity at the premises be 2,750 people inclusive of all staff. | |
| 18 | <u>Prevention of Public Nuisance</u> There shall be a minimum period of 4 weeks between events permitted where Live Music, Recorded Music or anything similar is provided in any calendar year. | |
| 19 | When an event is to take place which will provide Live Music, Recorded Music or anything similar, notification shall be sent to all potentially effected neighbours. The notification shall include the times proposed for the event and offer a contact telephone number in the event of a complaint. | |
| 20 | Any guest whose behaviour is considered to be dangerous to themselves or others shall be removed from the site. Any guest acting in a disorderly manner shall receive one warning only, a record of any such matter, shall be retained in a paginated book. This record shall be available upon request by an Authorised Officer or Humberside Police. | |

| | | |
|----|---|--|
| 21 | In the event of a suspected crime being committed at the event, details shall be recorded in a paginated book and Humberside Police shall be contacted. The record shall be available to Humberside Police upon request. | |
| 22 | That the number of amplified music events be restricted to only one day in any calendar year. | |
| 23 | That the terminal hour for the event be 23:00 hours. | |
| 24 | <p>That the total cumulative noise levels from licensed activities on site shall not exceed the following levels at 1 metre from the façade of Haverholme House care home:</p> <ul style="list-style-type: none"> • 45dB $L_{Aeq, 15 \text{ minutes}}$ • 60dB L_{Amax} • $L_{eq, 5 \text{ min}}$ level in the 63HZ and 125 Hz octave bands to show no more than +3dB increase when compared with the representative $L_{eq, 5 \text{ min}}$ level in the 63Hz and the 125Hz octave bands measured from the same position, under the same conditions and during a comparable period with no entertainment taking place. | |
| 25 | That the premises licence holder undertake noise and safety perimeter checks on an hourly basis, which are to be recorded and made available for inspection as and when requested by any responsible authority. | |

Reference: AF2813548

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

<p>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. </p>

<p>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.</p>

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

Surname* Hird
 First name(s)* Gary
 Title* Mr
Previous names (Please enter details of any previous names or maiden names, if applicable).

Date of birth:* 22 Mar 1986

Place of birth:* Grimsby

National Insurance Number:* JJ851469B

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 or street name in the box below and then select **[Lookup]**. 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.

Postcode or street name to search for DN160DE

Flat
 House* Leethwaite
 Street* Santon Lane
 Town Scunthorpe

| | |
|--|--------------------|
| Locality | |
| County | North Lincolnshire |
| Postcode* | DN16 0DE |
| Country | United Kingdom |
| Telephone Number* | 07746154139 |
| Preferred contact method | Email |
| Mobile Number | |
| Email Address | gazhird@live.co.uk |
| 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

| | |
|---------------------------|--------------------|
| Flate.g. first floor flat | |
| House* | Leethwaite |
| Street* | Santon Lane |
| Town | Scunthorpe |
| County | North Lincolnshire |
| Country | United Kingdom |
| Postcode* | DN15 0DE |

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)*

Small area in woodland at rear of the property. Flat land used for car parking and camping.

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

5 acre clearing within woodland, flat field for parking and camping

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

small music event

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 (Please read note 7)
 The provision of late night refreshment.

Please state the dates on which you intend to use these premises for licensable activities (Please read note 9).

From:* 05 Aug 2017 To:* 05 Aug 2017

Please state the times during the event period that you propose to carry on licensable activities (Please read note 10).

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 11)* 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 12)* Both

Personal licence holders (Please read note 14)

Do you currently hold a valid personal licence?* No

Previous temporary event notices you have given (Please read note 15)

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 16)

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 18)

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 19)

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:*

Gary Hird

Date:

12 Jun 2017

Acknowledgement

I acknowledge receipt of this temporary event notice.

Signed:



On behalf of the
Licensing Authority

Date: 13 JUNE 2017

Name of officer
signing:

KARA HALL

Our ref: SRU 221893
 Date: 15 June 2017
 If telephoning please ask for:
 Email

Annie Ward 01724 297611
 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 G Hird
 Leethwaite
 Santon Lane
 Scunthorpe
 North Lincolnshire
 DN15 0DE

Dear Mr Hird,

Licensing Act 2003
Temporary Event Notice, Private Woodland at Leethwaite, Santon Lane
Scunthorpe, DN15 0DE

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 05 August 2017 to hold a music festival.

The granting of a TEN application would override conditions on the current premises licence; I note that the Temporary Event Notice does not include details concerning the control of noise. It is also unclear which area of the site this TEN applies to. Bearing in mind the history of public nuisance due to noise from music events held at this premises, the Environmental Health team therefore objects to this TEN application.

North Lincolnshire Council therefore gives notice of **objection under Section 104 of the Licensing Act 2003** as amended, to this notice on the grounds of prevention of public nuisance.

Please note, an application has been made by this department to amend the conditions of the premises license for this site under section 51 of the Licensing Act 2003.

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

Yours sincerely,

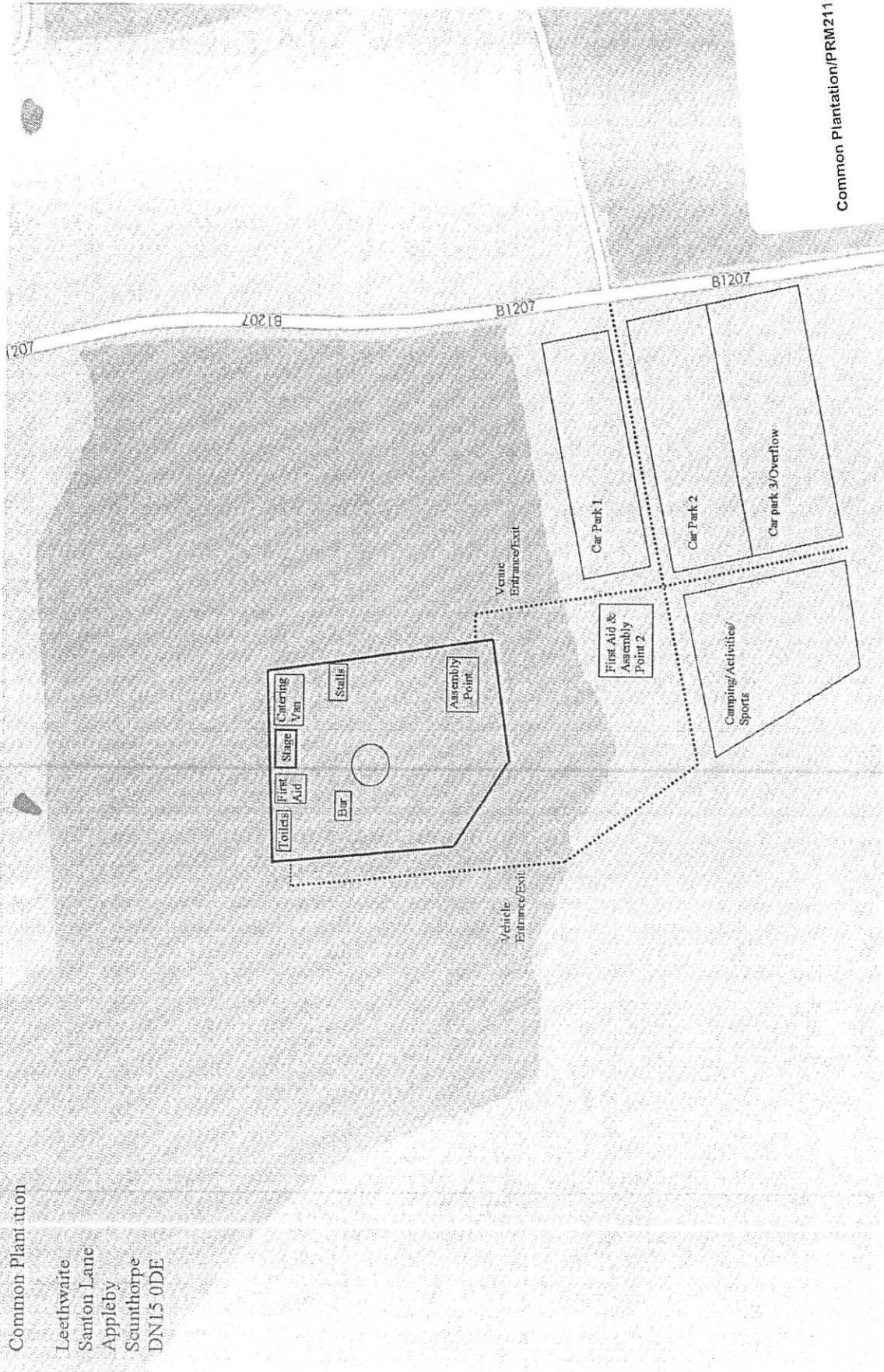
Annie Ward
 Environmental Health (Commercial)

Cc Licensing Department



Common Plantation

Leethwaite
Santon Lane
Appleby
Scunthorpe
DN15 0DE



Common Plantation/PRM21118/42013/

APPENDIX E

Licensing: (01724) 297707-Fax (01724) 297692
Email: licensing@northlincs.gov.uk

Our Ref: NB/PRM0361
Your Ref:
Date: 19 June 2017



www.northlincs.gov.uk

Mr Gary Hird
Leethwaite
Santon Lane
Appleby
DN15 0DE

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

Dear Gary

Re: Temporary Events Notice (TEN), Common Plantation

I write in reference to a TEN submitted by yourself for an event at the aforementioned premises on 5 August 2017.

Following due consideration, I hereby inform you that in accordance with Paragraph 11 of the Licensing Act 2003 (Hearings) Regulations 2005, it has been deemed necessary in the public interest to extend the determination period time to consider the representation made by Environmental Health. I deem this necessary in the public interest as the premises licence is due to be considered at a Review Hearing by 31 July 2017 and any conditions that could be attached to the licence as part of the TEN Hearing are likely to change at the Review Hearing, thus impacting on all of the licensing objectives.

The TEN must be considered at least 48 hours before the event, therefore I hereby extend the determination date until 2 August 2017.

Yours sincerely

Nick Bramhill
Licensing Manager

Copy- North Lincolnshire Council, Environmental Health
North Lincolnshire Council, Democratic Services