

<b>Report of:</b>	Public Protection Manager	<b>Licence Type:</b>	Temporary Event Notice
<b>Report to:</b>	Licensing Committee	<b>Date:</b>	15 <sup>th</sup> November 2021
<b>Contact Officer:</b>	Susan Chadwick	<b>Telephone:</b>	01706 238 648
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**PREMISES DETAILS**

<b>Name:</b>	The Commercial Hotel
<b>Address:</b>	1 Manchester Road, Haslingden, Rossendale, BB4 5SL
<b>Ward:</b>	Worsley
<b>Application:</b>	Temporary Event Notice

**1. REASON FOR REFERRAL**

1.1 To advise members of a temporary event notice (TEN) received and to which the Environmental Health department and the Chief Officer of Police as relevant persons have objected.

**2. RECOMMENDATIONS**

2.1 It is recommended that members consider all relevant information and decide whether to issue the premises user with a counter notice.

**3. LICENSING OBJECTIVES**

3.1 Members are reminded of the Licensing objectives as follows:

- The prevention of crime and disorder;
- Public Safety;
- The prevention of public nuisance; and
- The protection of children from harm

**4. THE NOTICE**

4.1 On 4<sup>th</sup> November 2021, a valid TEN was received from the premises user, Mr David Thompson. This notice is appended at **Appendix A**.

4.2 The proposed event is detailed as a “late night dance event” commencing at 1000 hours on 4<sup>th</sup> December 2021 and ending at 0400 hours on 5<sup>th</sup> December 2021.

4.3 The premises user has requested to provide the following licensable activities:

- ⊕ The sale by retail of alcohol; and
- ⊕ The provision of regulated entertainment

4.4 The times that the licensable activity will be carried on are:

Between 1000 hours and 0400 hours

- 4.5 The premises user proposes that relevant entertainment will take place during the whole time that licensable activity is carried on at the premises.

Relevant entertainment is defined in the Local Government (Miscellaneous Provisions) Act 1982 as *any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).*

## 5. THE OBJECTION NOTICE

- 5.1 On 8<sup>th</sup> November 2021, an objection notice was received from the Environmental Health department as a relevant person. This objection notice is appended at **Appendix B.**
- 5.2 On 8<sup>th</sup> November 2021, an objection notice was received from the Chief Officer of Police as a relevant person. This objection notice is appended at **Appendix C.**

## 6. BACKGROUND

- 6.1 There is a premises licence in force for the premises which currently authorises the following on a Saturday:
- ⊕ Live music between 0700 hours and 0200 hours.
  - ⊕ Recorded music between 0700 hours and 0200 hours.
  - ⊕ Sale of alcohol between 0700 hours and 0200 hours.

- 6.2 The conditions imposed on the premises licence are appended at **Appendix D.**

- 6.3 Members should note that a TEN is not subject to any conditions unless imposed by the sub-committee and can only be imposed following objections from one or more responsible authorities.

## 7. OPTIONS

- 7.1 Having regard to the objection notice, the Licensing Authority must give the premises user a Counter Notice if it considers it appropriate for the promotion of a licensing objective.
- 7.2 A determination must be made at the conclusion of the hearing.
- 7.3 In accordance with Section 105 of the Act, the licensing authority must, having regard to the objection notice, consider whether it is appropriate to:
- 1) Serve the premises user with a Counter Notice (the event will not be authorised)
  - 2) Not serve the premises user with a Counter Notice but impose conditions on the TEN (the event will be authorised and conditions will apply – refer to paragraph 7.4)
  - 3) Not serve the premises user with a Counter Notice (the event will be authorised)
- 7.4 The licensing authority may impose one or more conditions on the temporary event notice if:

- (a) the authority considers it appropriate for the promotion of the licensing objectives to do so,

- (b) the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the temporary event notice, and
- (c) the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.

**8. POLICIES TO CONSIDER**

- 8.1
  - Rossendale Borough Council’s Statement of Licensing Policy effective 25<sup>th</sup> March 2014.
  - Guidance issued under Section 182 of the Licensing Act 2003.

**9. CRIME AND DISORDER**

- 9.1 Section 17(1) of the Crime and Disorder Act 1998 places a duty on the Local Authority to have due regard to the likely effect of the exercise of these functions on preventing in its area, the following;
  - crime and disorder;
  - misuse of drugs alcohol and other substances; and
  - re-offending.

**APPENDICES**

Appendix A	Temporary Event Notice
Appendix B	Objection Notice – Env Health
Appendix C	Objection Notice – Police
Appendix D	Premises Licence Conditions