

**Application to/for:** Hearing for Temporary Event Application  
**Submitted by:** Staffordshire Police and Environmental Health  
**Portfolio:** Safer Communities  
**Ward(s) affected:** Madeley

**Purpose of the Report**

An application for a Temporary Event has been received for Oakanna Farm, Leycett Lane, Newcastle under Lyme, Staffordshire ST5 6AD

**Recommendations**

The Sub-Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- (a) To grant the application as requested.
- (b) To reject the application.

**1. Details of Application**

**Applicants:** Mr Benjamin Adam Nixon  
**Premises:** Oakanna Farm, Leycett Lane, Newcastle under Lyme, Staffordshire, ST5 6AD  
**Application for:** Temporary Event to be held on Saturday 28<sup>th</sup> June 2014

**Details of Requested Application:**

<b>LIVE MUSIC (Indoors) – Current</b>	<b>LIVE MUSIC (Indoors) – Requested</b>
NONE	12.00pm TO 11.20pm
<b>SUPPLY OF ALCOHOL (on and off the premises) – Current</b>	<b>SUPPLY OF ALCOHOL (on and off the premises) – Requested</b>
NONE	12.00pm to 11.35pm
<b>OPENING HOURS OF THE PREMISE – Current</b>	<b>OPENING HOURS OF THE PREMISE (Indoors) – Requested</b>
NONE	12.00pm to 12.00am

## 2. Recommendations

### 1. Introduction

Mr Benjamin Adam Nixon submitted a Temporary Event notice on 8<sup>th</sup> May 2014 in accordance with Section 100 of the Licensing Act 2003.

1.2 For member's information, under Section 100 of the Licensing Act 2003 a person must notify the licensing authority within 10 working days prior to the event if one or more licensable activities are proposed to take place under the authority of a temporary Event Notice.

1.3 The above section requires that:

The applicant is aged over 18  
They have submitted the Notice within the correct timescale  
The prescribed fee is paid with the Notification.

Should the above criteria be met by the applicant there is no discretion given to the authority to refuse or grant a Temporary Event Notice, as the applicant is merely serving notice on the authority that the event will taking place, and the authority must, within 48 hours, acknowledge receipt of the notice. In effect the notice itself constitutes the authorisation for the authority. There are no further requirements of the local authority unless a representation is received from the Chief of Police for the licensing area and/or the Environmental Health Department.

## 3. Consultation

Representations have been received from both responsible authorities stating that to grant the licence would undermine the licensing objectives for the Prevention of Crime and Disorder, The Prevention of Public Nuisance and Public Safety.

## 4. Policy Considerations

### Licensing Objectives

The Licensing Act 2003 requires the Council to carry out its various licensing functions so as to promote the following four licensing objectives:

- i. the prevention of crime and disorder
- ii. public safety
- iii. the prevention of public nuisance
- iv. the protection of children from harm

## Policy Statement

### The Licensing Act 2003

The Licensing Act 2003 require the Council to publish a "Statement of Licensing Policy" that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act.

The Council made a number of policy decisions in its Statement of Licensing Policy. The following policy decisions are relevant to the application:

- i. the prevention of crime and disorder – (paragraph 2.12 and 4.4)
- ii. public safety - (paragraph 2.15 and 4.1)
- iii. the prevention of public nuisance – (paragraph 4.2)
- iv. the protection of children from harm – (paragraph 2.10 and 4.3)

Statutory Guidance relating to the Licensing Objectives relevant to the application:

- (i) Crime and disorder - (paragraphs 2.1 to 2.7)
- (ii) Public safety - (paragraphs 2.8 to 2.17).
- (iii) Public nuisance - (paragraphs 2.18 to 2.24).
- (iv) Protection of children from harm – (paragraphs 2.25 to 2.35).
- (v) Police and Environmental Health intervention – (paragraph 7.31 to 7.35).

Copies of the Council's Statement of Licensing Policy and the Governments Statutory Guidance will be available at the Sub-Committee meeting.

## 5. Comments.

In making their decision on the application, the Sub-Committee are also obliged to have regard to Statutory Guidance and the Council's own Statement of Licensing Policy. The Sub-Committee must also have regard to all the representations made and the evidence they hear. However, the Sub-Committee must disregard any objections that do not relate to the promotion of the four licensing objectives.

The Sub-Committee must take such of the following steps as they consider appropriate for the promotion of the licensing objectives as set out in the paragraph above:

- i. grant the application as requested.
- ii. to reject the application.

The Sub-Committee are asked to note that they may not reject the application merely because they consider it desirable to do so. It must actually be appropriate in order to promote the licensing objectives

**Date of hearing: MONDAY 9TH JUNE 2014**