

	<p>Licensing Sub-Committee 18th June 2014</p>
<p style="text-align: right;">Title</p>	<p>Temporary Event Notice for Forecourt and Beer Garden, 56 The Burroughs, London, NW4 4AN</p>
<p style="text-align: right;">Report of</p>	<p>Trading Standards & Licensing</p>
<p style="text-align: right;">Wards</p>	<p>Hendon Ward</p>
<p style="text-align: right;">Date added to Forward Plan</p>	<p>N/A</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Enclosures</p>	<p>Report of the Licensing Officer Annex 1 – Temporary Event Notice Annex 2 – Police Objection Notice Annex 3 – Notice of Decision</p>
<p style="text-align: right;">Officer Contact Details</p>	<p>Jack Dowler 0208 359 7575 jack.dowler@barnet.gov.uk</p>

Summary

This report asks the Sub-Committee to consider a Temporary Event Notice under Licensing Act 2003.

Recommendations

That the Sub-Committee considers the Temporary Event Notice for an event to be held from 4th July – 9th July 2014 at the Forecourt and Beer Garden, 56 The Burroughs, London, NW4 4AN to which a Police Objection has been received.

1. WHY THIS REPORT IS NEEDED

- 1.1 The licensing authority having received an objection notice from the police that has not been withdrawn must (in the case of a standard TEN only) hold a hearing to consider the objection (unless all parties agree that this is unnecessary)

2. REASONS FOR RECOMMENDATIONS

- 2.1 The Licensing Act 2003 states that should the licensing authority receive an objection notice from the police or EHA that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection (unless all parties agree that this is unnecessary). The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions (a “notice (statement of conditions)”) and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and should not take place. In this case, the licensing authority must give a counter notice.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 Not applicable

4. POST DECISION IMPLEMENTATION

- 4.1 The decision will have immediate effect

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The Council's Licensing Policy

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 None

5.3 Legal and Constitutional Reference

- 5.3.1 A valid objection notice has been received in relation to this Temporary Event Notice, which is therefore before the Sub-Committee for consideration

5.3.2 The Licensing Sub-Committee will discharge the functions under the Licensing Act 2003 and associated Regulations, as delegated to it by the Licensing Committee

5.4 Risk Management

5.4.1 Not applicable

5.5 Equalities and Diversity

5.5.1 Licence applications/notices are dealt with according to the provisions of the Licensing Act 2003 and associated Regulations which allow both applications and representations to applications to be made by all sectors of the community

5.6 Consultation and Engagement

5.6.1 Not applicable

6. BACKGROUND PAPERS

6.1 The Temporary Event Notice, The Licensing Officer report and the enclosures are attached to this report

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Officers Report

LICENSING ACT 2003

REPORT FOR PUBLIC HEARING

Forecourt and Beer Garden, 56 The Burroughs, London, NW4 4AN

1 The Notice

- 1.1 This Temporary Event Notice was given to the Licensing Authority by Ms Georgina Conway under Section 100 of the Licensing Act 2003.
- 1.2 The notice submitted seeks to permit the sale by retail of alcohol for consumption on the premises, the provision of regulated entertainment and the provision of late night refreshment for an event which is due to commence on Friday 4th July at 12:00hrs and finish at 01:15hrs the next day until the 9th July.
- 1.3 The event is described within the notice as being an event to 'supply alcoholic beverages such as beer and Pimms along with a meal from the catering trailer and to show TV/movies during the dates and times specified in the beer garden..'
- 1.4 A copy of the Temporary Event Notice is attached to this report in Annex 1.

2 Objection notice from Police and Noise Nuisance

- 2.1 The licensing authority has received an objection notice from Sergeant Mark Altman on behalf of the Metropolitan Police Service. Sergeant Altman states:

"The Police are concerned that in the exceptional circumstances, and to prevent crime and disorder, that this notice should be rejected."

- 2.2 The objection notice is attached to the report in Annex 2.

3 Officers Comments

- 3.1 The London Borough of Barnet's Licensing Policy states the following about Temporary Event Notices:
 - Applicants should be aware that the serving on the Council of a Temporary Event Notice does not remove their obligations under other legislation. Where necessary, permissions should be sought from the appropriate body. The Council expects that applicants understand their obligations in respect of:
 - Planning permissions
 - Health and safety
 - Noise pollution
 - The erection of temporary structures
 - Road closures
 - The use of pyrotechnics
 - Anti-social behaviour
 - Applicants intending to sell alcohol should be aware that it is an offence to supply alcohol to minors or persons who are drunk. Also that the Police have powers to close down events without notice on the grounds of disorder, the likelihood of disorder or because of public nuisance caused by noise.
 - Applicants should be aware that a limit of less than 500 persons at any one time applies to temporary events and failure to comply with this limit may lead to prosecution. Where appropriate, organisers are strongly recommended to

employ means of recording the number of persons entering and leaving the premises.

- The attention of applicant is drawn to the fact police will expect to see a completed Music Promotion / Event Risk Assessment Scheme (Form 696 & 696A). If the event involves live or DJ music and is open to the public or section of the public.

4 Determination

4.1 The sub-committee shall determine the application in accordance with Section 105 of the Licensing Act 2003. The Notice of Decision is attached in Annex 3.

4.2 The relevant licensing authority must-

- (a) hold a hearing to consider the objection notice, unless the premise user, the chief officer of police who gave the objection notice and the authority agree that a hearing is unnecessary, and
- (b) having regard to the objection notice, give the premises user a counter notice under this section if it considers it necessary for the promotion of the crime prevention objection to do so.

4.3 *Section 105 (3) states:-*

The relevant licensing authority must -

- (a) in a case where it decides not to give a counter notice under this section, give the premises user and the relevant chief officer of police notice of the decision, and
- (b) in any other case –
 - (i) give the premises user the counter notice and a notice stating the reasons for its decision, and
 - (ii) give the relevant chief officer of police a copy of both of those notices.

4.4 Any decision or counter notice must be issued to the premises user at least 24 hours before the specified event period. A failure to do so will result in the premises user being able to proceed with the event.

Prepared By:

Jack Dowler
Trading Standards and Licensing Technical Officer

Annex 1 – Temporary Event Notice
Annex 2 – Police Objection
Annex 3 – Notice of decision

Temporary Event Notice

* required information

Section 1 of 0

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

First name

Family name

E-mail address

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Your Address

Address official correspondence should be sent to.

Building number or name	
Street	
District	
City or town	
County or administrative area	
Postcode	
Country	

Section 2 of 0

APPLICATION DETAILS (See also guidance on completing the form, general notes and note 1)

Have you had any previous or maiden names?

Your date of birth

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

Is the address the same as (or similar to) the address in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

- Yes No

E-mail	<input type="text"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>

Section 3 of 0

THE PREMISES

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

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). [\(See also guidance on completing the form, note 2\)](#)

Does the premises have an address?

- Yes No

Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

- Yes No

Building number or name	<input type="text" value="56"/>
Street	<input type="text" value="the burroughs"/>
District	<input type="text"/>
City or town	<input type="text" value="london"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="nw4 4an"/>
Country	<input type="text" value="United Kingdom"/>

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

- Neither Premises licence Club premises certificate

Location Details

Provide further details about the location of the event

outside beer garden and forecourt

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below [\(see also guidance on completing the form, note 3\)](#)

Continued from previous page...

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

[\(see also guidance on completing the form, note 9\)](#)

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

Note that the maximum number of people cannot exceed 499.

[\(see also guidance on completing the form, note 10\)](#)

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

[\(see also guidance on completing the form, note 11\):](#)

- On the premises only
- Off the premises only
- Both

Section 5 of 0

PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 12\)](#)

Do you currently hold a valid personal licence?

- Yes
- No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of issue

17	/	10	/	2011
dd		mm		yyyy

Date of expiry

16	/	10	/	2021
dd		mm		yyyy

Any further relevant details

Section 6 of 0

PREVIOUS TEMPORARY EVENT NOTICES [\(See also guidance on completing the form, note 13\)](#)

Continued from previous page...

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? Yes No

State the number of temporary event notices you have given for events in that same calendar year

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 Yes No

b) Begins 24 hours or less after the event period proposed in this notice?

Section 7 of 0

ASSOCIATES AND BUSINESS COLLEAGUES [\(See also guidance on completing the form, note 14\)](#)

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? Yes 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 Yes No

b) Begins 24 hours or less after the event period proposed in this notice?

Has any person with whom you are in business carrying on licensable activities 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? Yes No

Continued from previous page...

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

Yes No

a) Ends 24 hours or less before; or
b) Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 0

CONDITION

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 4 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.
[\(See also guidance on completing the form, note 16\)](#)

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.
This formality requires a fixed fee of £21

DECLARATION

- * 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
- Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

Full name

Capacity

Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/barnet/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

Dowler, Jack

From: Georgina Conway <georgina@ameris.co.uk>
Sent: 06 June 2014 17:14
To: Dowler, Jack
Subject: Re: Temporary Event Notices

Hi jack

all events are to supply alcoholic beverages such as beer and pimms along with a meal from my catering tailer and show tv/movies during the dates and times specified in my beer garden. The premises I rent is the forecourt and beer garden of a disused pub. My customers are currently buying food from me and alcohol across the road and bringing to my beer garden I consume.

I hope this clears up any confusion.

Best wishes

Georgina Conway
Sent from my iPhone

On 6 Jun 2014, at 16:53, "Dowler, Jack" <Jack.Dowler@Barnet.gov.uk> wrote:

Hi Georgina,

I am e-mailing in regards to the two Temporary Event Notices you have submitted today for events on the 9th July and the 14th July.

On both Notices you have not stated the nature of the event. Please could you explain the nature of the event.

Kind Regards

Jack Dowler
Trading Standards and Licensing Technical Officer
Development & Regulatory Services
London Borough of Barnet, 2nd Floor Building 4, North London Business Park, Oakleigh Road South, London N11 1NP

Tel: 020 8359 7575
Mob: 07951 985 176
Email: Jack.Dowler@barnet.gov.uk
Barnet online: www.barnet.gov.uk
www.re-ltd.co.uk

<image001.jpg>

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 Please consider the environment - do you really need to print this email?

This email and any attachments to it are intended solely for the individual to whom it is

Police Objection



**METROPOLITAN
POLICE**

Working for a safer London

With compliments

London Borough of Barnet
Licensing Team
Building 4
North London Business Park
Oakleigh Road South
London
N11 1NP

WHETSTONE POLICE STATION
1170 HIGH ROAD
WHETSTONE
LONDON N20 0LW

Telephone: 020 8733 5261
Facsimile: 020 8733 5268
e-mail: [SX_Licensing@met.police.uk](mailto: SX_Licensing@met.police.uk)
Date: 9th June 2014

L.B.B. ref:
Our ref: T/184/14

CC:

Police Make Representations to the following Temporary Event Notice
Sect 100 of the Licensing Act 2003

Application Given To Police On: 6th June 2014

Premises: Forecourt & Beer Garden of closed White Bear Pub 56 The Burroughs Hendon NW4 4AN
Person: Georgina CONWAY
Event: Sale of alcohol Screens during World Cup 2014 4th - 9th July 2014

The Police are concerned that in the exceptional circumstances, and to prevent crime and disorder, that this notice should be rejected.

This is taking place during the Football World Cup and the Police are concerned that selling alcohol and using the forecourt and and beer garden of the now closed White Bear pub is likely to lead to disorder and noise nuisance.

The area adjoins the public footway and causes a potential Policing issue.

There is no CCTV covering the area, no Risk assessment has been submitted and no details of security/SIA staff have been mentioned.

The Police respectfully request that the Licensing Sub Committee rejects this notice for the reasons mentioned and in order to promote the licensing objectives.

Yours Sincerely,

Police Sergeant Mark ALTMAN

Notice of Decision

PERMITTED TEMPORARY ACTIVITIES
Licensing Act 2003 part 5 sections 100-110 (the Act)

**Licensing Authority: Directorate of Corporate Governance, Building 4, North
London Business Park, Oakleigh Road South, New Southgate, London,
NW11 1NP**

Ref: LTEN/14/06491

On Friday 6th June 2014 the licensing authority received from you, the premises user Ms Georgina Conway, a temporary event notice in respect of proposed temporary licensable activities due to take place on Friday 4 July 2014 at 12:00hrs and finishing at 01:15hrs every day until Wednesday 9 July 2014 within the Forecourt and Beer Garden of 56 The Burroughs, London, NW4 4AN.

NOTICE OF DECISION

- (a) COUNTER NOTICE**
 - (b) DECISION NOT TO ISSUE A COUNTER NOTICE**
- (delete that which is not applicable)**

The Licensing Authority, having received a notice of objection from the relevant chief officer of police under section 104(2)(a) of the Act and in accordance with section 105(2)(a) of the Act, having held a hearing on Wednesday 18th June to consider the objection notice hereby;

- (a)** gives the premises user this counter notice as it considers it necessary for the promotion of the crime prevention objective to do so. **The event may not go ahead.**
- (b)** does not consider it necessary to give a counter notice for the promotion of the crime prevention objective. **The event may go ahead.**

(delete that which does not apply)

NOTICE STATING REASONS FOR THE DECISION

The following reasons are given:

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SERVICE OF THIS COUNTER NOTICE/NOTICE OF DECISION.

At least twenty four hours before the beginning of the event period as specified in the temporary event notice, the relevant licensing authority must:

- (a) in a case where it decided not to give a counter notice under this section, give the premises user and the relevant chief officer of police notice of the decision, and
- (b) in any other case-
 - (i) give the premises user the counter notice and a notice stating the reasons for its decision, and
 - (ii) give the relevant chief officer of police a copy of both of those notices.

CERTIFICATE OF SERVICE

I _____ (print name) an officer of the London Borough of Barnet, hereby certify that I served a true copy of this notice on the premises user _____ (print name of premises user)

by: (insert method notice given)

Signed _____

Dated _____

MANNER OF GIVING A COUNTER NOTICE:

A counter notice is given in the prescribed manner if it is:

- (a) delivered to the relevant premises user in person
- (b) left at the “appropriate address”
- (c) sent to that address by ordinary post; or
- (d) sent by e-mail to an appropriate e-mail address.

RIGHTS OF APPEAL:

Under Schedule 5 Part 3 Licensing Act 2003

Temporary Event Notices

- 16(1) This paragraph applies where -
 - (a) a temporary event notice is given under section 100, and
 - (b) a chief officer of police gives an objection notice in accordance with section 104(2).
- (2) Where the relevant licensing authority gives a counter notice under section 105(3), the premises user may appeal against that decision.
- (3) Where that authority decides not to give such a counter notice, the chief officer of police may appeal against that decision.
- (4) An appeal under this paragraph must be made to the magistrate’s court for the petty sessions area (or any such area) in which the premises concerned are situated.
- (5) An appeal under this paragraph must be commenced by notice of appeal given by the appellant to the justices’ chief executive for the magistrate’s court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.
- (6) But no appeal may be brought later than five working days before the day on which the event period specified in the temporary event notice begins.
- (7) On an appeal under sub-paragraph (3), the premises user is to be the respondent in addition to the licensing authority.