

Central Bedfordshire  
Council  
Priory House  
Monks Walk  
Chicksands,  
Shefford SG17 5TQ

**This meeting  
may be filmed.\***



**Central  
Bedfordshire**

**please ask for** Leslie Manning  
**direct line** 0300 300 5132  
**date** 29 January 2016

## **NOTICE OF MEETING**

### **LICENSING SUB-COMMITTEE**

Date & Time

**Friday, 5 February 2016 at 10.00 a.m.**

Venue at

**Council Chamber, Leighton-Linslade Town Council, The  
White House, Hockliffe Street, Leighton Buzzard, LU7 1HD**

Richard Carr  
**Chief Executive**

To: The Chairman and Members of the LICENSING SUB-COMMITTEE:

CLlrs Mrs A L Dodwell, K Janes and T Nicols

[Named Substitutes:

CLlrs A Barker, J Chatterley, K M Collins, F Firth, I Shingler, P Smith, T Swain,  
N Warren and R D Wenham

All other Members of the Council - on request

***MEMBERS OF THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THIS  
MEETING***

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# AGENDA

1. **Election of Chairman**

To elect a Chairman for the hearing.

2. **Apologies for Absence**

To receive apologies for absence and notification of substitute Members.

3. **Members' Interests**

To receive from Members any declarations of interest.

4. **Procedure for the Hearing of Applications under the Licensing Act 2003**

To note the procedure for hearing applications under the Licensing Act 2003 (copy attached).

5. **The Four Licensing Objectives**

To note the four Licensing Objectives (copy attached).

## Report

<b>Item</b>	<b>Subject</b>	<b>Page Nos.</b>
6.	<b>Temporary Event Notice - Objections by the Environmental Health Officer and the Police Licensing Officer</b>	* 25 - 42

To consider objections by the Environmental Health Officer and the Police Licensing Officer to a Temporary Event Notice for Stockwell Farm, Leighton Road, Eggington, Leighton Buzzard, Beds.

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## **Procedure for the hearing of applications The Licensing Act 2003**

**The Licensing Act 2003 (Hearings) Regulations 2005**

**Public Protection  
Central Bedfordshire Council  
Priory House  
Monks Walk  
Chicksands  
Shefford  
SG17 5TQ**

**0300 300 8000**

**Central Bedfordshire Council**

Priory House, Monks Walk  
Chicksands, Shefford, Beds  
SG17 5TQ

**Telephone** 0300 300 8000

**Email** [info@centralbedfordshire.gov.uk](mailto:info@centralbedfordshire.gov.uk)  
[www.centralbedfordshire.gov.uk](http://www.centralbedfordshire.gov.uk)

**Licensing Sub-Committee Procedure for  
Determining applications under the Licensing Act 2003**

**CONTENTS**

1. Introduction
2. General Principles

**PRE-HEARING**

3. Licensing Panels
4. Timescales for Convening a Hearing
5. Notice of Hearing
6. Persons to be Notified of a Hearing
7. Contents of Notice
8. Hearings to be open to the public
9. Failure to attend the hearing
10. Disruptive behaviour

**SUB - COMMITTEE AGENDA**

11. Licensing Sub-Committee agenda

**HEARING PROCEDURE**

12. Opening the Hearing
13. Licensing Officer's Report
14. Licensing Authority's request(s) for clarification
15. Presentation of Case / Submissions from Parties
16. Modification or Withdrawal of Application or Representation
17. Closing Submissions
18. Legal Advice
19. Committee Decision in Relation to Procedure
20. Determination of the Application

**POST HEARING**

21. Record of Proceedings
22. Irregularities
23. Decision Notice
24. Appeals
25. Closing the Hearing

**Licensing Sub-Committee Checklist**

**Appendix 'A'**

**Appendix 'B'**

## **Introduction**

- 1.1. The Licensing Act 2003 has placed local authorities at the centre of the decision making process for regulating the sale and supply of alcohol, provision of regulated entertainment and late night refreshment.
- 1.2. This document and the procedures detailed herein are based upon the guidance issued by the Local Government Regulation Service and with regards to the provisions of:
  - the Licensing Act 2003;
  - the Guidance issued by the Secretary of State for Culture, Media and Sport on 7 July 2004 under section 182 of the Licensing Act 2003; and
  - The Licensing Act 2003 (Hearings) Regulations 2005 (as amended).
- 1.3. This guidance is intended for all concerned in any way whatsoever with a hearing before a licensing panel (Licensing Sub-committee, the Licensing Committee or Council, as may be the case) in relation to the determination of applications under the Licensing Act 2003.

## **2. General Principles**

- 2.1. All Members sitting on the determination of an application will always:
  - promote the right of all parties to have a fair hearing;
  - only have regard to such of the four licensing objectives that are subject to a relevant representation, namely:
    - the prevention of crime and disorder;
    - public safety;
    - the prevention of public nuisance; and
    - the protection of children from harm;
  - have regard to the Licensing Act 2003 and any relevant secondary legislation;
  - have regard to the Council's Statement of Licensing Policy;
  - have regard to the Guidance issued by the Secretary of State for Culture, Media and Sport under section 182 of the Licensing Act 2003;
  - treat each application on its own merits; and
  - undertake its decision-making responsibilities honestly and fairly, in an open, transparent and accountable way.

## **PRE-HEARING**

### **3. Licensing Panels**

- 3.1. Generally, hearings will take place before a Licensing Sub-committee consisting of three Members of the Licensing Committee, although, to avoid unnecessary adjournments, a fourth Member may attend as a substitute Member.
- 3.2. If, for any reason whatsoever, it is not possible to have a matter determined by a Licensing Sub-Committee, the matter would be heard by the Licensing Committee. A Licensing Committee must consist of between ten and fifteen Members and at least one half of those Members must attend for a hearing to proceed before the Licensing Committee.
- 3.3. In the highly unlikely event of it not being possible, for any reason whatsoever, to have a matter determined by either a Licensing Sub-committee or the Licensing Committee, the matter would be heard by Council.

### **4. Timescales for Convening a Hearing**

- 4.1. Most hearings under the Licensing Act 2003 must normally take place within 20 working days from the last date in which representations can be made. There are exceptions to this rule.
- 4.2. Exceptions:
  - 4.2.1. A hearing must take place within 10 working days of the Authority receiving notification of a review of the premises following a closure order;
  - 4.2.2. A hearing must take place within 7 working days from the day after the end of the period within which the police can object to a temporary event notice;
  - 4.2.3. A hearing must take place within 5 working days beginning the day after the end of the last day for the police to object to an interim authority notice.
- 4.3. Hearings may be dispensed with where all relevant persons agree a hearing is unnecessary.

### **5. Notice of Hearing**

- 5.1. Generally 10 clear days notice will be given of a hearing. There are exceptions to this rule.
- 5.2. Exceptions:
  - 5.2.1. 5 days notice will be given of a hearing for a review of a premises licence following a closure order;
  - 5.2.2. 2 days notice will be given of a hearing following police objection to an interim authority notice;
  - 5.2.3. 2 days notice will be given of a hearing following police objection to temporary events notice.



## **6. Persons to be Notified of a Hearing**

- 6.1. The following persons must be notified of a hearing:
  - 6.1.1. Any applicant for any licence, provisional statement or review;
  - 6.1.2. Premises user who submitted a temporary event notice;
  - 6.1.3. Any person who has made relevant representations;
  - 6.1.4. Any Responsible Authority; and
  - 6.1.5. Where an application is made for a review, the holder of a premises licence or club premises certificate.

## **7. Contents of Notice**

- 7.1. The notice of a hearing must contain:
  - 7.1.1. The date, time and place of the hearing;
  - 7.1.2. The procedure to be followed at the hearing;
  - 7.1.3. The right of a party to attend and to be assisted or represented by any person whether legally qualified or not;
  - 7.1.4. Any points upon which the authority considers that it will want clarification from a party at the hearing;
  - 7.1.5. The right of the party to provide additional information to provide any clarification sought by the Authority;
  - 7.1.6. The consequences of failing to attend the hearing or not being represented at the hearing;
  - 7.1.7. Any information the Licensing Authority has received in support or opposition of the application.

## **8. Hearings to be open to the public**

- 8.1. Hearings will generally be open to the public as the Licensing Authority is committed to taking decisions in an honest, accountable and transparent way, but on occasions a licensing panel may find it necessary to exclude a party or parties, the public and press from all or any part of a hearing.
- 8.2. A panel will only pass an exclusion resolution where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in public. Such decisions will be made on an individual basis.
- 8.3. The panel's deliberations, which do not form part of the hearing, will be conducted in private. The announcement of the panel's decision is part of the hearing and will generally be open to the public, subject to any exclusion resolution.

**9. Failure to attend the hearing**

- 9.1. No party is obliged to attend a hearing, although the Licensing Authority encourages all parties to attend hearings to make their application or representation, as may be the case.
- 9.2. Regardless of whether a party attends a hearing or not, the matter will generally be heard and determined by the licensing panel (the Council, the Licensing Committee or a Licensing Sub-committee). At the hearing, the panel will consider any application, representation or notice made by an absent party in the same way as it will of any application, representation or notice made by a party that attends the hearing.
- 9.3. If, however, the hearing is adjourned to a specified date, all parties will forthwith be notified of the date, time and place to which the hearing has been adjourned.

**10. Disruptive behaviour**

- 10.1. Any person who disrupts a hearing by the Council, the Licensing Committee or a Licensing Sub-committee of a matter under the Licensing Act 2003 may be required to leave the hearing.
- 10.2. It is for the panel hearing the matter to decide whether such person will be permitted to return to the hearing, but should they be allowed to do so, this may be on such conditions as the panel may specify.
- 10.3. If a disruptive person is a person who has a right to address the panel, then that person may, before the end of the hearing (i.e. before Stage 25 of the following procedure), put in writing any information they would have been entitled to give orally, had they not been required to leave the hearing.

**SUB - COMMITTEE AGENDA**

**11. Licensing Sub-Committee agenda**

- 11.1. The Licensing Sub-Committee Hearing shall be commenced in accordance with the Licensing Sub-Committee agenda. Any Committee matters shall be addressed at this stage.
- 11.2. The Licensing Sub-Committee Hearing procedure shall take over at the point at which the agenda item is called to be heard.
- 11.3. The Sub-Committee agenda shall deal with the issue of exclusion of press and public for the Licensing Sub-Committee Hearing.

## **HEARING PROCEDURE**

### **12. Opening the Hearing**

- 12.1. The Licensing Sub-Committee Hearing shall be formally opened by the Chair.
- 12.2. The Chair shall introduce Members of the licensing panel (a Licensing Sub-committee, the Licensing Committee or Council), officers present and all other parties present.
- 12.3. The Chair shall explain the procedure to be followed at the meeting and the nature of the decision to be taken by the panel.

### **13. Licensing Officer's Report**

- 13.1. The Licensing Officer presents his / her Report, including an outline of the application, the representation(s) and any points upon which the Licensing Authority has given notice that it required clarification; and identifies anything relevant in the legislation, the Council's Statement of Licensing Policy and the statutory guidance issued by the Secretary of State for Culture, Media and Sport.
- 13.2. Members of the panel may ask questions of the Licensing Officer with regards to the Report.

### **14. Licensing Authority's request(s) for clarification**

- 14.1. If points of clarification have been asked for, the Chair invites the Licensing Officer or relevant party to provide necessary information.
- 14.2. Members of the panel may ask questions with regards to the further information provided.

### **15. Presentation of Case / Submissions from Parties**

- 15.1. In the order of Applicant, Responsible Authority and Interested Party (or in the case of a review the relevant person), each party shall be invited to undertake the following:
  - 15.1.1. Set out their case;
  - 15.1.2. Call Witnesses in support of their case (provided notification of the witnesses has previously been given to the Council);
  - 15.1.3. Introduce documentary evidence in support of their case (provided notification of the documentary evidence has previously been given to the Council); and
  - 15.1.4. Respond to any questions asked of them by Members of the Licensing Panel.
- 15.2. At the Sub-Committee and Chair's discretion each party may ask questions of other parties by directing them through the Chair.

- 15.3. The Sub-Committee shall have the absolute discretion to restrict the number of witnesses and documents that any party can introduce, or the time spent on submissions or oral evidence, to ensure the proper running of the hearing.
- 15.4. Any witnesses that any party is seeking to call that have not previously been notified to the Council, in advance of the hearing, shall only be allowed with the consent of all other parties at the hearing. The Sub-Committee shall have the sole discretion to refuse to allow any witnesses to be heard, even where the consent of all parties has been given. In reaching the decision the Sub-Committee may consider any circumstances they believe to be relevant, and will have regard to the relevance of the evidence to the matters before the Committee.
- 15.5. Any documents that any party is seeking to adduce that have not previously been notified to the Council, in advance of the hearing, shall only be allowed with the consent of all other parties at the hearing. The Sub-Committee shall have the sole discretion to refuse to allow any documents to be adduced, even where the consent of all parties has been given. In reaching the decision the Sub-Committee may consider any circumstances they believe to be relevant, and will have regard to the relevance of the evidence to the matters before the Committee.

## **16. Modification or Withdrawal of Application or Representation**

- 16.1. The Chair shall ask the applicant whether the applicant wishes to modify the application (e.g. by way of withdrawing a licensable activity and / or reducing the times asked for and / or volunteering additional steps to promote the licensing objectives).
- 16.2. The Chair shall ask each party making a representation whether such party would like to withdraw their representation.

## **17. Closing Submissions**

- 17.1. The Chair shall invite each of the parties to present a closing submission to the Sub-Committee.
- 17.2. The Chair shall invite the Licensing Officer to make any final representations.
- 17.3. At the end of the Closing Submissions the Chairman may ask the Legal Advisor if there is any clarification or points they wish to make.

## **18. Legal Advice**

- 18.1. The role of the Legal Advisor is to provide Members with advice on:
  - Questions of law;
  - Matters of practice and procedure;
  - The options available to the sub-committee in making their decision;
  - Whether information or evidence is relevant to the licensing objectives;
  - Any relevant case law or guidelines.

18.2. The hearing shall be directed by the Chair and assisted by the Legal Advisor as appropriate and necessary.

**19. Committee Decision in Relation to Procedure**

19.1. The Sub-Committee shall be entitled to vary the order and procedure for the hearing, at its absolute discretion.

**20. Determination of the Application**

20.1. After all representations have been heard, the Chair will inform all parties that the panel will retire in private to determine the matter.

20.2. Either the panel will retire alone to a private room or all parties, officers and members of the public will be required to leave the room, although the panel may invite their legal adviser to join them for the purpose of providing only legal advice - the details of which will be disclosed upon the hearing reconvening.

20.3. Should the sub-committee need to ask any further questions of any party, all parties shall be invited to return for the purposes of asking and answering questions.

20.4. Where the hearing is for:

- a review of a premises licence following a closure order;
- a personal licence by holder of a justices licence; or
- a counter notice following police objection to a temporary event notice.

The Sub-Committee must make its determination at the conclusion of the meeting.

20.5. For all other hearings the determination must be made within 5 working days of the hearing. The Sub-Committee will generally announce the determination at the end of the hearing.

20.6. The Sub-Committee may consider adding any conditions necessary in order to promote one or more of the four licensing objectives:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

20.7. All decisions shall be made in line with the general principles as detailed in Appendix A, the range of options available for determining each type of application.

20.8. The Sub-Committee shall complete the decision notice as shown at Appendix B.

20.9. The hearing will reconvene and the Chair will either:

- announce the Sub-Committee determination including reasons for the determination; or
- advise those persons present that the Sub-Committee has not reached a decision, but will make a determination as soon as it can and, in any event, within five working days. All parties will then be notified forthwith of the decision.

## **POST HEARING**

### **21. Record of Proceedings**

- 21.1. The authority shall ensure that a record is taken of the hearing.
- 21.2. The record shall be kept for a period of six years from the date of the final action on the matter.

### **22. Irregularities**

- 22.1. Proceedings shall be rendered void due to a failure to comply with the procedures set out in this document.
- 22.2. Any failure to comply with the Hearing Regulations shall not render the process or the decision void.
- 22.3. Where the Authority considers any person to have been prejudiced from the irregularity it shall take such steps as it considers fit to remedy the irregularity, before reaching its determination.
- 22.4. Clerical mistakes may be corrected by the Authority.

### **23. Decision Notices**

- 23.1. The Authority shall provide a written notice of its determination as soon as practicable after the hearing and within 5 working days.

### **24. Appeals**

- 24.1. An appeal against the determination of the Authority must be made to the appropriate Magistrates Court within 21 days of the date of delivery of the decision.

### **25. Closing the Hearing**

- 25.1. The Chair shall thank all parties for attending and draw the hearing to a close.
- 25.2. Should there be another hearing to be heard the Sub-Committee shall begin the procedure again.



**Licensing Sub-Committee Checklist**  
**Procedure for determining applications under the Licensing Act 2003**

Item				
1.	Chair to introduce Sub-Committee, Committee Administrator, other Officers and all Parties present.			
2.	Chair to explain procedure for hearing to all parties.			
3.	Licensing Officer to introduce application, including details of the premises, application, objections, references to the Licensing Objectives and Policy and Statutory Obligations.			
4.	Chair to invite Sub-Committee to ask any questions of the Licensing Officer, in relation to the report provided.			
5.	Chair to ask Licensing Officer whether there are any points requiring Clarification.			
Steps 6 to 9 to be completed for each party in the order of Applicant (A), Responsible Authority (RA) and Interested Party (IP) or Relevant Person (RP). The chair will invite each party to:		A	RA	IP/ RP
6.	Set out their case			
7.	Call Witnesses in support of their case (provided notification of the witnesses has previously been given to the Council);			
8.	Introduce documentary evidence in support of their case (provided notification of the documentary evidence has previously been given to the Council); and			
9.	Respond to any questions asked of them by Members of the Licensing Panel.			
Repeat steps 6 to 9 for each party				
10.	At the Sub-Committee and Chair's discretion each party may ask questions of other parties by directing them through the Chair.			
11.	Chair asks Applicant if they wish to modify or withdraw their application in any way.			
12.	Chair to invite closing submissions from applicant, responsible authorities and interested parties.			
13.	The Sub-Committee will retire into private to consider its decision.			
14.	Chair will announce the decision of the Sub-Committee and the reasons for the decision. The Chair will advise all parties of their right of appeal.			

Appendix 'A'

Options for determining applications

Determination of application for premises licence

- To grant the licence
- To grant with the addition of conditions necessary to promote any of the licensing objectives
- To exclude from the scope of the licence any of the licensable activities to which the application relates
- To refuse to specify a person in the licence as the premises supervisor
- To reject the application

Determination of application for variation of a premises licence

- To grant the variation
- To modify the conditions of the licence – this includes altering or omitting any existing condition or adding any new conditions
- To reject the whole or part of the application

Determination of application for review of a premises licence

- To modify the conditions of the licence – this includes altering or omitting any existing condition or adding any new conditions
- To exclude a licensable activity from the scope of the licence
- To remove the designated premises supervisor
- To suspend the licence for a period not exceeding three months
- To revoke the licence

Appendix 'B'



**CENTRAL BEDFORDSHIRE COUNCIL**

**DECISION NOTICE**

**LICENSING ACT 2003**

**DECISION OF THE LICENSING SUB – COMMITTEE**

Date of Hearing	
-----------------	--

Applicant's Name:	
Premises Address:	

Application for:	
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Reasons for Hearing:	
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Members of the Licensing Sub-Committee:	
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Applicant:	
Person(s) Appearing on Behalf of the Applicant:	

Objector(s):	
Person(s) Appearing on Behalf of Objector(s):	

Other Persons Present:	
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*If appropriate:*

<b><u>COMMENCEMENT DATE</u></b>
This licence will come into effect from: <input type="checkbox"/> The date of this decision  <input type="checkbox"/> The end of the period for appeal.

**FINDINGS OF FACT**  
The Sub-Committee made the following findings of fact:

**DECISION**  
The Sub-Committee have decided that the application should be:

Granted (as set out in the application)

Refused

Amended to include the following conditions:

1.

2.

- The Sub- Committee considers the additional conditions necessary for the promotion of the licensing objectives.
- All Licences are granted subject to the mandatory conditions imposed by the Licensing Act, 2003.
- In coming to its decision, the Sub-Committee has taken into account:
  - The Licensing Act Section 18, which states that it must take such steps it considers necessary for the promotion of the licensing objectives;
  - The Secretary of State’s Guidance issued under section 182 of the Licensing Act 2003; and
  - Central Bedfordshire Council’s Licensing Policy
  - The merits of the application and the representations (including supporting information) presented by all parties.

**REASONS FOR DECISION**  
The reasons for the Committee’s decision are as follows:

Prevention of Crime and Disorder

Public Safety

Prevention of Public Nuisance

Protection of Children from Harm

General – all four licensing objectives

<b><u>Irrelevant Representations</u></b>	
The Sub-Committee determined that the following representations were irrelevant: Not applicable.	
<u>Representation</u>	<u>Reason Representation was Considered Irrelevant</u>
1.	
2.	

<b><u>Right of Review</u></b>
At any stage, following the grant of a premises licence, a responsible authority, such as the Police or an interested party, such as a resident living in the vicinity of the premises may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives. The review is a request for the Council to look at the existing licence and decide whether its conditions are adequate to meet the four licensing objectives defined under the Licensing Act 2003.

<b><u>Effect of Failing to Comply with Conditions (Explained to Applicant)</u></b>
The Sub-Committee has explained to the applicant the effect of failure to comply with any of the conditions attached to the licence or certificate is a criminal offence, which upon conviction, would result in a fine of up to £20,000 or up to six months imprisonment or both.

<b><u>Right of Appeal</u></b>
Applicants or any person who has made a relevant representation who is dissatisfied with this decision or the imposition of any condition or restriction has the right of appeal to the Magistrates Court within 21 days of the date on which they are notified of the decision.

Signed: .....  
                   [Name]  
                   Chair of Licensing Sub-Committee

Date: .....

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## **The Four Licensing Objectives**

**To promote the following Licensing Objectives:**

- 1. Prevention of crime and disorder**
- 2. Public safety**
- 3. Prevention of public nuisance**
- 4. Protection of children from harm**

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**Meeting:** Licensing Sub-Committee  
**Date:** 5 February 2016  
**Subject:** Temporary Event Notice – Objections by the Environmental Health Officer & the Police Licensing Officer  
**Report of:** Head of Public Protection  
**Summary:** The report provides information so that the Licensing Sub Committee can determine whether or not a Temporary Event Notice to which objections have been received should be allowed.

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**Advising Officer:** Marcel Coiffait, Director of Community Services  
**Contact Officer:** Margaret James/Guy Quint, Principal Public Protection Officers - Licensing  
**Function of:** Licensing Committee of a licensing authority  
**Public/Exempt:** Public  
**Wards Affected:** Heath & Reach  
**Ward Councillors** Cllr Mark Versallion  
**Location** Stockwell Farm, Leighton Road, Eggington, Leighton Buzzard  
**Applicant** Mathew Slator  
**Applicant's agent** N/A  
**Reason for consideration by Sub-Committee** Objection by the Environmental Health Officer and the Police Licensing Officer in regard to which allowing a Temporary Event Notice would undermine the Prevention of Crime & Disorder, Prevention of Public Nuisance and Public Safety objectives.

**Recommended decisions:** **The sub-committee determines the notice in accordance with the Statutory Guidance issued under s182 of the Licensing Act 2003, our Licensing Policy and the information contained within this report.**

**That, having regard to the notice and relevant representations, the sub-committee takes such of the steps mentioned below as it considers necessary for the promotion of the licensing objectives.**

**That the sub-committee provides the reasons for its decision**

## CORPORATE IMPLICATIONS

### Council Priorities:

- Promote health and wellbeing and protecting the vulnerable.

### Financial:

1. There are no direct financial implications for the Council.

### Legal:

2. Licensing applications are considered pursuant to specific legislation, explained within the report.
3. Any decision made by the Sub-Committee could be the subject of an appeal to the Magistrates Court by the license applicant or by an objector to the application.

### Risk Management:

4. All Council members are aware that any licensing matter decision which is unreasonable or unlawful could be open to challenge and could result in reputational damage and potential financial penalty.
5. The report details the options available to the Sub-Committee in determining the application/s and recommends a decision/s which could be reached. Any decision taken by the Sub-Committee could be the subject of an appeal to the Magistrates Court.

### Staffing (including Trades Unions):

6. Not Applicable.

### Equalities/Human Rights:

7. To ensure that any decision does not unfairly discriminate, public authorities must be rigorous in reporting to Members the outcome of an equality impact assessment and the legal duties.
8. Public Authorities must ensure that decisions are made in a way which minimises unfairness and without a disproportionately negative effect on people from different ethnic groups, disabled people, women and men. It is important that Councillors are aware of this duty before they take a decision.  
**When decisions are made, decision makers must have the relevant data, including the results of equality impact assessment, and of consultation and involvement, to ensure they reach an informed decision.**

### Public Health

9. N/A

**Community Safety:**

10. The Sub-Committee is required under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and is reminded of the Council's responsibility to co-operate in the reduction of crime and disorder in Central Bedfordshire.

**Sustainability:**

11. Not applicable.

**Procurement:**

12. Not applicable.

**Details of the application**

13. This is notice of a Temporary Event Notice from Mathew Slator. The event is a festival for the deaf community to include the sale of alcohol.  
Attached as Appendix A.

**Representations**

14. Representations have been received from the Environmental Health Officer, attached as Appendix B, and the Police Licensing Officer, attached as Appendix C.

**Application Guidance**

15. In accordance with the provisions of the Licensing Act 2003 and the Council's scheme of delegation, all Temporary Event Notices where relevant representations have been made must be determined by a sub-committee.
16. The sub-committee must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 Section 7(7.32 to 7.40). See Appendix D and the Council's Statement of Licensing Policy.
17. Members should not allow themselves to pre-determine the notice or to be prejudiced in favour or opposed to the notice and shall only determine the notice having had an opportunity to consider all relevant facts.

**Options**

18. The Sub-Committee must consider the notice and any submissions made in writing, and determine the notice.

The options available are:

- Accept the notice
- Modify the notice (with the agreement of all parties)
- To refuse the notice. (Following which the Council will issue a Counter Notice)

19. The Sub-Committee determination must be based upon:-

- The merits of the notice and the representations (including supporting information) presented by all the parties.
- The steps that are necessary for promotion of the four licensing objectives.
- The Policy of the Licensing Authority.

- |     |  |
|-----|--|
| 20. | <ul style="list-style-type: none"><li>• The Guidance issued by the Secretary of State for the Home Office under s182 of the Licensing Act 2003</li></ul> <p>The Sub-Committee must provide clear and relevant reasons for their decision</p> |
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**Appendices:**

Appendix A – Temporary Event Notice

Appendix B – Objection from Environmental Health Officer

Appendix C – Objection from Police Licensing Officer

Appendix D – Guidance on Temporary Event Notices

**Background Papers:** (open to public inspection)

The Licensing Act 2003

Central Bedfordshire Council Licensing Policy

(on website)



### Temporary Event Notice

Central Bedfordshire Council

25 JAN 2016

Public Protection

#### Personal details

#### Information

Before completing this form, please make payment of the fee for the application (£21.00) via our [online payment pages](#) (please select 'Miscellaneous' on the payments page for the licensing payments options). You will be given a payment reference number. You will need this when completing the application form.

Your application must be submitted **at least 10 working days** before the event, not including the day of submission and the day of the event. Or in the case of a late temporary event notice, 5 working days prior to the event, not including the day of submission. Failure to do so will result in the temporary event notice being refused.

We will email you a copy of the completed form upon submission. You should keep this for your records. If you do not receive this email, then we have not received your application.

We will forward copies to the Police Licensing Officer on behalf of the Chief of Police and to the Environmental Health Team. The Licensing Authority will provide written acknowledgement of the notice.

#### Payment details

Online payment reference number

[Redacted payment reference number]

Stockwell Farm  
8-10 / 7 / 16 .

**1. The personal details of premises user**

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.

(Please read note 1)

Title:

Forename:

Surname:

**Previous names** (if relevant) please enter details of any previous names or maiden names.

Title:

Forename:

Surname:

Address:

Post code:

Post town:

E-mail Address:

Daytime telephone number:

Mobile (optional):

Your date of birth:

Your place of birth:

National Insurance Number:

**Alternative contact details** (if applicable)

Address:

Post code:

Post town:

Daytime telephone number:

Evening (optional):

Mobile (optional):

Fax number (optional):

E-Mail address (if available):

**2. The premises**

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)

Stockwell Farm,  
Eggington Leighton Buzzard,  
Bedfordshire,  
LU7 9PA

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

No

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:  
(Please read note 3)

Private Land for Festival.  
People will coming Festival for Deaf community,

Please describe the nature of the premises below:  
(Please read note 4)

There will have beer tent, We have steward and security to make sure everyone are safe and enjoy them time.

Please describe the nature of the event below:  
(Please read note 5)

There will have beer tent, We have steward and security to make sure everyone are safe and enjoy them time.

**3. The 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:

Are you giving a late temporary event notice?  
(Please read note 7)

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

8th to 10th July 2016  
Total hour: 38hour.

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock):  
(Please read note 9)

Between 09:00am to 04:00am

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)

500 Festival people and 100 Staff/ Volunteer  
Total 600 on the event

*499*

*400 Attending  
15 Stewards  
40 Volunteers  
40 On the gate entries*

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 read note 11)

On the premises only

**4. Personal licence holders**

Do you currently hold a valid personal licence?

No



**5. 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

No

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

No

**6. 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

No

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 for an event in the same calendar year as the event for which you are now giving a temporary event notice:

No

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:

a) ends 24 hours or less before; or

No

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

No

### 7. Checklist

(Please read note 15)

**I shall:**

- If the premises is situated in more than one licensing authority area, send at least one copy of this notice to each additional licensing authority
- If the premises is situated in more than one police area, send a copy of this notice to each additional chief officer of police
- If the premises is situated in more than one local authority area, send a copy of this notice to each additional local authority exercising environmental health functions

### 8. 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.

### 9. 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:

1. 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
2. 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.

Name of person completing this form:

Mathew Slator

Date:

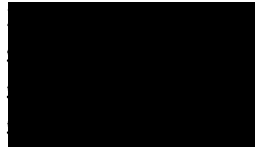
20/01/2016

**Nicola O'Donnell**

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**From:** automailer@e-paycapita.com  
**Sent:** 20 January 2016 08:03  
**To:** Licensing Enquiries  
**Subject:** Payment Authentication Receipt - DO NOT REPLY TO THIS E-MAIL

M J Slator



Central Bedfordshire Council

Date: 20 January 2016 Time: 08:03

Thank you for your payment to Central Bedfordshire Council. Please keep this e-mail as a record for your accounts.

Account Details

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Transaction ID	Payment For / Reference	Amount
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[REDACTED]		GBP21.00
-----		
	Total:	GBP21.00

Miscellaneous Details

=====

[REDACTED] Item - Temporary Event

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Payment Details

=====

Payment Reference: [REDACTED]

Email Address: [REDACTED]

Total Amount: GBP21.00

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For more information please visit <http://www.symanteccloud.com>

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**Patricia Davies**

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**From:** Alan Stone  
**Sent:** 27 January 2016 10:01  
**To:** Licensing Enquiries  
**Subject:** Stockwelll Farm Eggington Festival TEN

Hi Licensing,

Further to this application for a TEN, I object to this on prevention of public nuisance (noise) and public safety grounds. There is insufficient information on which to assess the merits of the proposals and as such I have to object.

Aside from this, the applicant has neglected to check the regulated entertainment box on the application form and as such I have emailed the applicant for further information. I have also advised that they should contact the SAG group with a view to presenting their proposals at a meeting.

If you have any queries then please feel free to contact me.

Regards

**Alan Stone**  
Environmental Health Officer  
Public Protection

Central Bedfordshire Council Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ  
Direct Dial: 0300 300 4388 | Internal: 74388 | Email: [alan.stone@centralbedfordshire.gov.uk](mailto:alan.stone@centralbedfordshire.gov.uk)

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Information security classification\* of this email: **Not protected**

\*Information security definitions:

Restricted - Sensitive Data only to be sent via secure email e.g. GCSX or message labs

Protected - Contains personal data covered by the Data Protection Agency

Not protected - General Data

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Licensing Department  
Central Bedfordshire Council

**PC 5844 Liam MITCHELL**  
**Licensing Officer**  
Luton Police Station  
Buxton Road  
Luton  
LU1 1SD

████████████████████  
LicensingCentral@bedfordshire.pnn.police.uk

28/01/2016

Dear Sir or Madame,

**RE: Temporary event notice STOCKWELL FARM EGGINGTON 8<sup>th</sup> to 10<sup>th</sup> July 2016**

On behalf of the Chief Officer of Bedfordshire Police, I wish to make the following representations in relation to stated temporary event at STOCKWELL FARM EGGINGTON, on the basis that allowing this event will undermine the licensing objectives of the prevention of crime and disorder, promotion of public safety, and the prevention of public nuisance.

Bedfordshire Police have concerns over the lack of planning and organisation of this event, and the impact on the licensing objectives that this will have.

A previous festival for 1200 -1500 people at the same site in September 2014 resulted in three people being arrested on suspicion of possession of controlled drugs with the intent to supply, one person being arrested on suspicion of assaulting event staff and damaging vehicles whilst under the influence of controlled drugs, a person being hospitalised after becoming aggressive after taking controlled drugs, the police being called to deal with rowdy people suspected of taking controlled drugs, and a serious road traffic collision at the site where a person was run over by a van and suffered internal bleeding.

In addition to these incidents, Bedfordshire Police received correspondence from a resident of Eggington, on behalf of other residents of the village, complaining of excessive noise from the sound stage at the event.

All of these incidents occurred at an event that went through a detailed safety advisory group planning process. To date the applicant for this event has made no contact with the safety advisory group or police, except in response to questions about this temporary event application.

The planning in relation to this particular application appears to be worrying limited. On speaking to the applicant via email, no public safety risk assessments appear to be in place. A review of the organiser's website, Twitter, and Facebook pages raise further concerns about

how the event is being managed. Despite stating on the application that there will be only 400 attendees, the website states 'WE WOULD LIKE TO AIM FOR 500-800 PEOPLE TO COME THIS FESTIVAL'. 4.4 thousand people have been 'invited' on the Facebook page, with 887 confirming as 'going'. Whilst Facebook may not be a true representation of actual numbers of attendees, it gives an indication of those that are aware of the event and have the potential to arrive.

The event site itself is situated on an unlit winding road with a national speed limit. The lack of any traffic management plan adds concerns over public safety with regards to the risk of road traffic collisions involving vehicles queuing to attend the site, and people walking in the road.

The website and social media pages also make reference to 'LIVE MUSIC ALL NIGHT LONG', and requests for the booking of acts. This is despite regulated entertainment not being requested on the application. Such music is likely to result in a repeat of the noise nuisance seen by the residents of Eggington during the event in 2014.

There are further concerns over how responsibly the applicant will manage the sale of alcohol, with messages on the Facebook page offering 'A FREE BOTTLE OF RUM OR VODKA AT FESTIVAL' for those that 'liked' the event page, and a challenge of drinking a 'YARD DRINK' in under a minute at the event, to receive a free T Shirt.

In summary, the previous festival at the site in question in 2014 demonstrated the impact on crime, disorder, public safety and nuisance that a well-planned event at this location generated. The applicant for this temporary event has demonstrated very limited planning, shown little consideration of public risk, and has shown a naivety around the responsible management of licensable activities. This is all whilst promoting the event to significantly larger numbers than the 400 attendees requested. All of these factors are likely to result in the undermining of the stated licensing objectives, should this event take place.

Yours Sincerely,

LP MITCHELL

**Liam MITCHELL**  
**Licensing Officer**



### **Police and environmental health intervention**

7.32 The system of permitted temporary activities gives police and EHAs the opportunity to consider whether they should object to a TEN on the basis of any of the licensing objectives.

7.33 Such cases might arise because of concerns about the scale, location, timing of the event or concerns about public nuisance. However, in most cases, where (for example) alcohol is supplied away from licensed premises at a temporary bar under the control of a personal licence holder, (for example, at weddings with a cash bar or small social or sporting events) this should not usually give rise to the use of these powers.

7.34 The police and EHA have the right under sections 109(5) and (6) of the 2003 Act to request the premises user to produce the TEN for examination. If the police do not intervene when a TEN is given, they will still be able to rely on their powers of closure under Part 8 of the 2003 Act should disorder or noise nuisance be expected or arise.

7.35 If the police or EHA believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. The objection notice must be given within three working days of their receipt of the TEN.

7.36 Where a standard TEN was given, the licensing authority must consider the objection at a hearing before a counter notice can be issued. At the hearing, the police, EHA and the premises user may make representations to the licensing authority. Following the hearing, the licensing authority may decide to impose conditions where there is an existing premises licence or club premises certificate at the venue or issue a counter notice to prevent the event going ahead. If the police, EHA or both give an objection to a late TEN, the TEN will not be valid.

### **Modification**

7.37 As noted above, the police or EHA (as “relevant persons”) may contact the premises user to discuss their objections and try to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified (for example, by changing the details of the parts of the premises that are to be used for the event, the description of the nature of the intended activities or their duration). The other relevant person has to agree.

### **Applying conditions to a TEN**

7.38 The 2003 Act provides that only the licensing authority can impose conditions from the existing conditions on the premises licence or club premises certificate to a TEN. The licensing authority can only do so:

APPENDIX D

- if the police or the EHA have objected to the TEN;
- if that objection has not been withdrawn;
- there is a licence or certificate in relation to at least a part of the premises in respect of which the TEN is given;
- and if the licensing authority considers it appropriate for the promotion of the licensing objectives to impose one or more conditions.

7.39 This decision is one for the licensing authority alone, regardless of the premises user's views or willingness to accept conditions. The conditions must be notified to the premises user on the form prescribed by regulations.

#### Hearings to impose conditions

7.40 Section 105 of the 2003 Act is clear that a licensing authority must hold a hearing to consider any objections from the police or EHA unless all the parties agree that a hearing is not necessary. If the parties agree that a hearing is not necessary and the licensing authority decides not to give a counter notice on the basis of the objection, it may impose existing conditions on the TEN.