



Wyre Borough Council
Date of Publication: 29 May 2020
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Democratic Services Officer
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Licensing Sub-Committee Agenda

**Licensing Sub-Committee meeting on Monday, 8 June 2020 at 6.00 pm
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**The Sub-Committee membership will be Councillor Craig Armstrong,
Councillor Sir Robert Atkins and Councillor Peter Cartridge**

1. **Election of Chairman**
2. **Apologies**
3. **Declarations of Interest**

Members will disclose any pecuniary and any other significant interests they may have in relation to the matter under consideration.

4. **Objections to a Temporary Event Notice submitted by Max Fox in respect of Trapp Farm, 176 Fleetwood Road South, Thornton Cleveleys** (Pages 3 - 22)

Report of the Corporate Director Environment.

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Report of:	Meeting	Date
Mark Billington, Corporate Director Environment	Licensing Sub-Committee	8 June 2020

Objections to a Temporary Event Notice submitted by Max Fox in respect of Trapp Farm, 176 Fleetwood Road South, Thornton Cleveleys

1. Purpose of report

- 1.1 To provide Members with information to assist them to consider two objection notices from relevant persons and decide whether or not to serve a counter notice on the event organiser in accordance with Section 105 of the Licensing Act 2005 (the Act).

2. Outcomes

- 2.1 Members consider the objection notices submitted under section 104(2) of the Act.

3. Recommendation

- 3.1 That Members determine whether it is appropriate to issue a counter notice under section 105 of the Act.

4. Background

- 4.1 The Act introduced Temporary Event Notices (TENs) as a simple way to authorise the temporary provision of licensable activities on or from premises, including land, which are not authorised under an existing premises licence or club premises certificate.
- 4.2 Events authorised under TENs are subject to a maximum of 499 persons being permitted on the premises at the same time, this figure includes the audience, staff and performers.
- 4.3 They are subject to a number of statutory limits and where these limits would be breached, the Licensing Authority would automatically issue a counter notice under section 107 of the Act.
- 4.4 The Police and local Environmental Health Authority are relevant persons for the purposes of section 99A of the Act and may object to a TEN where

they are concerned that allowing the premises to be used in accordance with the notice, would undermine one or more of the licensing objectives.

- 4.5 Where an objection notice is submitted and not withdrawn, the Licensing Authority must hold a hearing to consider the notice within seven working days starting at the end of the three day period given to relevant persons to respond to the TEN, unless all parties agree a hearing is not necessary.
- 4.6 Where a TEN relates to an existing licensed premises, the licensing authority may impose one or more of the existing licence conditions on the TEN, if it considers that it is appropriate for the promotion of the licensing objectives to do so.

5. Key issues and proposals

- 5.1 The event organiser has been advertising on social media under the trading name Safe Events Blackpool and selling tickets for a number of film screenings and musical performances scheduled during the first week of July, at Trapp Farm, since 23 May 2020.
- 5.2 The performances advertised to date include:
 - 6pm Sat 4 July, film screening - Sing along Greatest Showman
 - 8.30pm Sat 4 July, tribute act - Queen will rock you
 - 6pm Sun 5 July, tribute act - Billie Eilish meets Ariana Grande
 - 8pm Sun 5 July, film screening - Sing along Grease
 - 8pm Mon 6 July, film screening - Joker
 - 8pm Tues 7 July, film screening - Titanic
- 5.3 Trapp Farm is not currently authorised under an existing premises licence for any type of licensable activity under the Act.
- 5.4 A TEN was uploaded to the Gov.uk site by Mr Max Fox at 22:09 hrs on Saturday 23 May 2020 (**Appendix 1**).
- 5.5 The notice is for authorisation to provide regulated entertainment, which includes the showing of films and live music, from Saturday 4 July to Friday 10 July, between 11am and 11pm each day, on land known as Trapp Farm, 176 Fleetwood Road South, Thornton Cleveleys, FY5 5NR.
- 5.6 Copies of the TEN were forwarded to the Police and Environmental Health on Tuesday 26 May 2020, being the first working day following the submission.
- 5.7 On 27 May 2020, Environmental Health submitted an Objection Notice under section 104(a) of the Licensing Act 2003. (**Appendix 2**).
- 5.8 Environmental Health are concerned about the potential for public nuisance in respect of noise, light, litter and odour arising from the vehicles, screen and audience activity.

- 5.9** On 27 May 2020, Lancashire Constabulary submitted an Objection Notice under section 104(a) of the Licensing Act 2003. **(Appendix 3)**.
- 5.10** The Police are concerned that the activities would be unlawful under the current coronavirus restrictions.
- 5.11** The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 currently state in regulation 4 that a person responsible for carrying on a business or providing a service which is listed in Part 2 of Schedule 2, must cease to carry on that business or to provide that service during the emergency period. Cinemas, theatres and concert halls are all included in Schedule 2.
- 5.12** Regulation 7 currently provides that no person may participate in a gathering in a public place of more than two people except where all the persons in the gathering are members of the same household, or for a limited number of other prescribed reasons which do not include attending a film screening or performance.
- 5.13** The health protection legislation is subject to review by Parliament and is expected to be revised in the coming weeks.
- 5.14** When considering this matter Members should take into account the Council's own Statement of Licensing Policy. The following sections are particularly relevant to this application.
- 12. Temporary Event Notices
 - 14.3 Prevention of public nuisance
- 5.15** Members are also directed to the Statutory Guidance issued under section 182 of the Act. The relevant sections about TEN's are reproduced at **Appendix 4**.
- 5.16** After having regard to the objection notices, the council's Statement of Policy and the Statutory Guidance, the Sub-Committee must consider whether permitting the event would undermine any of the licensing objectives.
- 5.17** If it is satisfied that the licensing objectives would not be undermined, it should endorse the TEN and permit the event.
- 5.18** However if it considers that granting the application would have the potential to undermine one or more of the licensing objectives and that it is appropriate for the promotion of a licensing objective to do so, it should issue a counter notice under section 105 of the Licensing Act 2003.
- 5.19** The applicant and objectors have been invited to attend the hearing and have been provided with a copy of this report and notice of the hearing procedure.

Finance	There are no financial implications directly associated with this application.
Legal	Where the relevant licensing authority gives a counter notice under s.105(3), the premises user may appeal. Where that authority decides not to give a counter notice a relevant person may appeal. Any appeal must be made to a magistrates' court within 21 days, 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. The hearing should be conducted following the principles of natural justice and in accordance with the Council's own hearing procedure.

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with an x.

risks/implications	✓ / x
community safety	✓
equality and diversity	x
sustainability	x
health and safety	✓

risks/implications	✓ / x
asset management	x
climate change	x
ICT	x
data protection	x

Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

report author	telephone no.	email	date
Niky Barrett	01253 887236	Niky.barrett@wyre.gov.uk	29 May 2020

List of background papers:		
name of document	date	where available for inspection
Statement of Licensing Policy 2016-2021	January 2016	Licensing section

List of appendices

- Appendix 1 - Copy of TEN
- Appendix 2 - Copy of Environmental Health objection notice
- Appendix 3 - Copy of Police objection notice
- Appendix 4 - Extract from Statutory Guidance issued under S.182 of the Licensing Act



* required information

Section 1 of 9

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

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.

Applicant Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

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

Have you had any previous or maiden names?

- Yes No

Enter details of any previous names or maiden names

First name

Family name

* Your date of birth / /

dd mm yyyy

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

Continued from previous page...

Correspondence 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="Unit 1a"/>
Street	<input type="text" value="Stanley Road"/>
District	<input type="text"/>
City or town	<input type="text" value="Blackpool"/>
County or administrative area	<input type="text" value="Lancashire"/>
Postcode	<input type="text" value="FY1 4QL"/>
Country	<input type="text" value="United Kingdom"/>

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" value="[REDACTED]"/>
Telephone number	<input type="text" value="[REDACTED]"/>
Other telephone number	<input type="text"/>

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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

Continued from previous page...

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

* Street

District

* City or town

County or administrative area

* Postcode

* Country

* 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

The event will be held on the land to the rear of the farm on a gravelled section of the land. There is no residential dwellings in close proximity of the vicinity of the land.

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 [\(see also guidance on completing the form, note 3\)](#)

The area of use will be cordoned off but will ofcourse follow health and safety guidelines.

Describe the nature of the premises below [\(see also guidance on completing the form, note 4\)](#)

Describe the nature of the event below [\(see also guidance on completing the form, note 5\)](#)

These proposed events are in response to the COVID-19 outbreak. Instead of risking our company going bankrupt after losing many large scale event bookings at Blackpool Pleasure Beach, North Pier Theatre, and Theatres and Arenas up and down the country we have decided to create a Coronavirus SAFE event.

We are creating a selection of events where families that live together can remain in isolation within their vehicles and watch outdoor cinema screenings and live stage shows, where audio is transferred via an FM frequency. AT NO POINT will any of the members of the public leave their vehicles.

Continued from previous page...

This is a proven working method as you can see via the following link

https://www.google.com/url?sa=t&source=web&rct=j&url=https://www.forbes.com/sites/davidnikel/2020/04/29/in-pictures-denmarks-drive-in-venue-gets-around-coronavirus-event-ban/amp/&ved=0ahUKEwjV3Jb2xqLpAhW_aRUIHbicC-UQyM8BCE8wCA&usg=AOvVaw3MJz7aZrPd6n72XKzgBo9M&cf=1

We have vetted security staff on standby to make sure people don't leave their vehicles and it remains safe and at a distance. There will be a maximum of 150 vehicles allowed at any one time, and a space of 2 metres minimum between vehicles.

Any of our staff members in close proximity to the vehicles (ie on entry scanning tickets) will be equipped with guideline PPE equipment. We will only accept tickets purchased online. No cash will be transferred at any point during these events. There will be no toilet facilities available on site, and customers will have been made aware of this prior to ticket purchase. Vehicles will be inspected on entry to make sure that only families in isolation together at home are attending together. There is a maximum capacity of 4 family members per vehicle.

The maximum time any one person shall be in attendance of an event is 2 hours. All guidelines related on what to do if a member of the public becomes unwell will be shown using LED screen advertisement prior to show commencement, by voice through their radios, and numerous boards in the vicinity of the parked vehicles. Safety is our number one priority, and we have a risk assessment and method statement in place should the Environmental Health or Police request it. As this is an FM transmitted event there will be very minimal noise pollution.

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LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises

[\(see also guidance on completing the form, note 6\):](#)

- 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
- The giving of a late temporary event notice

[\(See also guidance on completing the form, note 7\).](#)

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

[\(See also guidance on completing the form, note 8\).](#)

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

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

Event start date

/ /
dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date

/ /
dd mm yyyy

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)

11.00 - 23.00

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

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

450

Note that the maximum number of people cannot exceed 499.

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

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

[\(see also guidance on completing the form, note 12\):](#)

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

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RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 13\)](#)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

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PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 14\)](#)

Do you currently hold a valid personal licence?

- Yes
- No

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PREVIOUS TEMPORARY EVENT NOTICES [\(See also guidance on completing the form, note 15\)](#)

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?

- Yes
- No

Continued from previous page...

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?

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ASSOCIATES AND BUSINESS COLLEAGUES [\(See also guidance on completing the form, note 16\)](#)

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?

- 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

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 Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

Continued from previous page...

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CONDITION [\(See also guidance on completing the form, note 18\)](#)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

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 [\(See also guidance on completing the form, note 19\)](#)

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 or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine not exceeding 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 summary 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?"
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for such an 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

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/wyre/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"/>

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Date: Wed 27/05/2020 11:14

From: Nick Clayton, Environmental Health

Good Morning,

Please could you note my objections to the requested TEN applications for a drive through cinema at Trapp Farm for dates in June and July.

I will provide a further detailed response to these TEN applications later today.

Date: Wed 27/05/2020 13:34

From: Nick Clayton, Environmental Health

Good afternoon,

Further to my email earlier today, I would like to provide further comments as to why I have objected to the submitted TEN applications for a Drive through Cinema for 5th-11th June and 4th-10th July. My objections to these TEN applications are based on the prevention of public nuisance, specific due to the likely impact of noise, light and ASB/Odour on the surrounding area and nearby residential properties. Below I have broken down my reasoning into specific areas.

NOISE

Having read through the limited information provided by the applicant, it has been outlined that the corresponding sound for the films will be played through a localised FM radio frequency which each car will tune into. Therefore the applicant will not be directly using their own amplified sound system to play audio for the film being shown. Given that the TEN application will allow up to 450 people to attend the event, this therefore has the potential for a significant number of vehicles to be on site for screening of a film. In my view this means a significant amount of amplified noise will be generated, as sound will be emitted from vehicles that have windows open for ventilation or soft top vehicle that have their roofs down. Given that there are residential properties nearby there is the potential for a noise nuisance to arise as the background sound levels will be lower as the night goes on meaning amplified noise will be more noticeable and likely to negatively impact on the surrounding area.

I have also considered the impact of noise from a significant number of vehicles arriving and leaving the site late at night, plus the potential noise from vehicle engines being left running in case occupiers want to heat their cars in the event they become cold.

LIGHT

As these TEN applications will be a drive through cinema, there is also the potential for light nuisance from the projection of the film on to the screen. Given the outdoor nature of the proposed event, it is assumed the screen for the projection will have to be large enough for all to see. This means there will be a large structure which will be emitting light and images which may negatively impact the surrounding residential properties nearby either on Norcross lane or on Fleetwood Road South. The applicant has not provided any information about how they will manage light emissions from the projection of the film and it should also be noted that there will be a significant amount of light generated by cars headlights leaving the site late at night.

ASB/ODOUR

Due to the current need to carry out social distancing, the applicant has stated in their application that patrons will not be allowed to leave their vehicles at any point and there will not be the provision of public toilets for patrons to use. The argument being that the provision of such provisions would be against current advice and may lead to the spread of covid-19. I believe that this will not be enforceable as the sheer number of people who potentially attend will exceed the applicant's ability to safely enforce a policy where patrons stay within their vehicles for the duration of their visit. I also believe that the lack of toilet facilities will encourage people look for alternative facilities to use as a rest room and this will likely lead to public urination in the surrounding area, which will cause anti-social behaviour and odour issues for both patrons and members of the public.

Finally I would advise that the proposed events is likely to generate a high volume of litter that patrons may discard from their vehicles which in turn could encourage an increase in pest activity. This is not unlikely as with agricultural land there is always a certain level of pest activity and anything that can contribute to an increase in activity should be avoided. When all of the above are taken into consideration I feel that this is sufficient grounds to object to the granting of the submitted TEN application.

Date: Fr 29/05/2020 11:11

From: Nick Clayton, Environmental Health

An article in the Blackpool gazette about Trapp farm has been brought to my attention

<https://www.blackpoolgazette.co.uk/news/people/drive-cinema-and-live-shows-set-thornton-next-month-2867743>

In the article Mr Fox has stated that there is going to be live music on 6th July. Given this information I would like to reiterate my objections to the TEN applications for Trapp Farm. Given this new information about having live open air music performances I would like to update my concerns about noise. Noise from live open air music performances is likely to cause a nuisance and that any open air performance will require significant noise monitoring by a qualified noise consultant and the adherence to specific noise conditions agreed by the council and the applicant months in advance.

As you are aware the necessary conditions that would need to be applied to this event cannot be applied to a temporary event notice. In the past any open air performance/music events venues have applied for a full premises licence where suitable conditions can be applied to ensure noise from the event will not negatively affect residents. With this in mind it is not appropriate for this application to be granted, as the necessary controls to control the noise have not been agreed.

I feel that this and my previously stated views provide sufficient grounds to object to the granting of the submitted TEN application.

Wyre Council Licensing Service				
Objection made by Lancashire Constabulary to a Temporary Event Notice				
Responsible Authority		Lancashire Constabulary		
Name of Officer <i>(please print)</i>	PC 4107 Emma Pritchard			
Signature of Officer				
Contact telephone number	01253 604073			
Date representation made	27	05	20	
Do you consider mediation to be appropriate			NO	
Premises Details				
Premises Name	Trapp Farm			
Address	176 Fleetwood Road South			
	Thornton-Cleveleys			
Post Code	FY5 5NR			
Reasons for objecting				
<p>I am in receipt of a Temporary Event Notice at the above premises for the provision of regulated entertainment from 4th July to 10th July 2020.</p> <p>On behalf of the Police I believe that allowing this TEN will undermine the licensing objectives, namely in relation to the Protection of Public Safety.</p> <p>This objection is based on the current Government guidance in relation to The Health Protection (Coronavirus, Business Closure) (England) Regulations 2020 which restricts gatherings (Regulation 7).</p> <p>Whilst some social distancing measures are mentioned in the application, Police are concerned that the organiser would not be able to reasonably know that the attendees in each car are from the same household and although the idea is that the attendees remain in their vehicles the applicant cannot prevent attendees getting out of their own vehicles to socialise/ move around the area.</p> <p>This application as it stands is encouraging a mass gathering of members of the public at a time when the Government is encouraging the public to remain at home as much as possible to prevent the spread of the coronavirus Covid-19. The current Government guidance also states THE public should not attend 'ticketed events', therefore this application is openly encouraging members of the public to breach this guidance.</p>				

In addition to this, parts of the application relate to a drive-in cinema. 'Cinemas' are included in part 2 schedule 2 as businesses that are required to close under the Act; this does not distinguish between outdoor or indoor.

Therefore, due to the increased risk to public safety Lancashire Constabulary wishes to object to this Temporary Event Notice.

The Police recommend to the Panel that a Counter Notice be served by the Licensing Authority unless the following restrictions or requirements can be imposed by condition.

N/A

7.28 If the licensing authority receives 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.

7.29 Premises users are not required to be on the premises during the event authorised by the TEN, but they will remain liable to prosecution for certain offences that may be committed at the premises during the period covered by it. These include, for example, the offences of the sale of alcohol to a person who is drunk; persistently selling alcohol to children and allowing disorderly conduct on licensed premises.

7.30 In the case of an event authorised by a TEN, failure to adhere to the requirements of the 2003 Act, such as the limitation of no more than 499 being present at any one time, would mean that the event was unauthorised. In such circumstances, the premises user would be liable to prosecution.

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 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 the period of three working days following the day on which they received the TEN.

7.34 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 which already apply to an existing premises licence or club premises certificate at the venue, or issue a counter notice to prevent the event going ahead. As noted above, there is no scope for hearings in respect of late TENs and if

objections are raised by the police or EHA in relation to a late TEN, the notice will be invalid and the event will not go ahead.

7.35 Such cases might arise because of concerns about the scale, location, timing of the event or concerns about public nuisance – even where the statutory limits on numbers are being observed. The premises user who signs the form is legally responsible for ensuring that the numbers present do not exceed the permitted limit at any one time. In cases where there is reason to doubt that the numbers will remain within the permitted limit the premises user should make clear what the nature of the event(s) is and how they will ensure that the permitted persons limit will not be exceeded. For example, where notices are being given for TENs simultaneously on adjacent plots of land it may be appropriate for door staff to be employed with counters. In each case it is important that licensing authorities and relevant persons can consider whether they believe that the premises user intends to exceed the 499 person limit, or will be unable to control or know whether the limit will be exceeded. Where the planned activities are likely to breach the statutory limits or undermine the licensing objectives, it is likely to be appropriate for the police or EHA to raise objections.