

Report

Licensing Sub-Committee

Part 1

Date: 14th March 2018

Item No: 1

Subject Temporary Event Notice Objection to:

**Site of Newport Open Air Market, Mill Parade, Newport
on Saturday 21 July 2018**

Purpose To consider the objection notice served on the Licensing Authority by Newport City Council's Environmental Health/Pollution Control Officer of a notice of a temporary event to take place at Newport Open Air Market Land at Mill Parade, Newport and having regard to the objection notice, to consider whether the premises user should be given a counter notice to ensure the promotion Licensing Objectives of the Prevention of Public Nuisance.

Author Licensing Officer

Ward As indicated in the report

Summary The Licensing Committee has delegated powers to take decisions in relation to licensing applications. The Licensing Committee will make the decision on whether a counter notice should be served on the premises user.

Proposal To make a decision on the application as detailed within this report.

Contact Licensing Manager

Action by Head of Law and Regulation

Timetable Immediate

Signed

1. Application

On 28th February 2018 a notification under Section 100 of the Licensing Act 2003 giving notice of a 'Temporary Event' was served online to Newport City Council Licensing Authority by Mr Mohammed Rashid for provision of 'licensable activities' of 'the sale by retail of alcohol and the provision of regulated entertainment' at the site of Newport Open Air Market Land at Mill Parade, Newport on 21st July 2018.

In accordance with the requirements for online notification of Temporary Events copies of the notification were sent by email on 28th February to the responsible authorities of Heddlu Gwent Police and Newport City Council Environmental Health Department providing a period of three working days (until midnight on 05th March 2018) during which they may serve notice of objection to the Temporary Event.

2. Temporary Activities

The Temporary event notice details that the premises user intends to provide activities of the Sale of Alcohol and the Provision of Regulated Entertainment between 15:00 hours and 22:30 hours on Saturday 21st July 2018.

The maximum number of people as indicated within the Notice at any one time that will be allowed on the premises during the times when licensable activities take place during the event, including staff, will be 499.

3. Existing Authorisations

The proposed site for this event has no authorisation under the Licensing Act 2003.

Licensing records detail that a similar event was held at the site on 08th July 2017 following service of a Late Temporary Event Notice by Mr Mohammed Rashid on 27th June 2017 that attracted no objection from Police or Environmental Health/Pollution Control Officer

4. Objection Notice

On the 05th March 2018 in accordance the amended Guidance under Section 182 of the Licensing Act 2003 an objection notice (copy attached at Appendix 2) to the Temporary Event Notice was served on the Licensing Authority under the provisions of Section 104 Licensing Act 2003 by Newport City Council's Environmental Health/Pollution Control Officer on the grounds that the event would undermine the Licensing Objective in respect of the, Prevention of Public Nuisance.

This objection having satisfied statutory requirements under the Licensing Act 2003 was served on 05th March 2018 on Mr Mohammed Rashid by way of an attachment to an email.

5. Legal Considerations

- a. The Temporary Event Notification has been served in accordance with requirements of the Licensing Act 2003, Police Reform and Social Responsibilities Act 2012.
- b. The objection to this Temporary Event Notification complies with the provisions of Section 182 of the Licensing Act 2003 which provides that the Secretary of State must issue and, from time to time, may revise guidance to licensing authorities on the discharge of their functions under the 2003 Act
- c. The police and a local authority exercising environmental health functions have a period of three working days from when they are served a copy of the notice to object to it on the basis of any of the four licensing objectives.

- d. If the licensing authority receives an objection notice from the police or local authority exercising environmental health functions 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).
- e. The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice.
- f. 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.
- g. All decisions taken by the Sub-Committee must
 - be within the legal powers of the Council and its Committees;
 - comply with any procedural requirement imposed by law;
 - be undertaken in accordance with the procedural requirements imposed by the Council;
 - be fully and properly informed;
 - be properly motivated; and
 - be reasonable and proper in all the circumstances.

6. Issues for Discussion

- The objection notice and evidence provided by Newport City Council Environmental Health/Pollution Control.
- Information provided by the applicant.
- The proposed events impact on the promotion of the 'Licensing Objectives'
- To approve the Temporary Event Notification.
- To issue a counter notice if it is decided that the allowing the Temporary Event to proceed would undermine the licensing objective of the Prevention of Public Nuisance.

William Lewis
Licensing Officer

Appendix 1

Temporary Event Notification

A copy of the 'online' notification/application form served under section 100 of the Licensing Act 2003.

From: City Contact Centre
Sent: 28 February 2018 12:33
To: Environment Licensing
Subject: New TEN submission

A new Online form - Temporary Event Licence

Reference number 674672

Question

Title:

Surname:

Forename:

Previous names (Please enter details of any previous names or maiden names, if applicable):

Date of birth:

Place of birth:

National Insurance Number:

payment:

Your current address :

Post code:

Daytime telephone:

Evening telephone:

Mobile telephone:

Fax number:

Email address:

Response

Mr

RASHID

MOHAMMED

22/03/1975

NEWPORT

JC 59 96 92 A

21

10 BRYNHYFRYD ROAD

NP20 4FX

07970600124

0797600124

07970600124

asherwales@yahoo.com

Please note: This is the address that we will use to correspond with you, unless you provide alternative details. Do you wish to provide an alternative address for correspondence? :

No

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 Ordnance Survey references) - Please read note 2:

MILL PARADE NEWPORT
NP20 2JQ

Does the premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate details. Premises licence number:

N/A

Club premises certificate number (if applicable):

N/A

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 and details below. (Please read note 3):

<i>Please describe the nature of the premises below. (Please read note 4):</i>	MARKET
<i>Please describe the nature of the event below. (Please read note 5):</i>	FOOD AND MUSIC EVENT
<i>Please state the licensable activities that you intend to carry on at the premises (please read note 6):</i>	The sale by retail of alcohol
<i>Please state the licensable activities that you intend to carry on at the premises (please read note 6):</i>	The provision of regulated entertainment
<i>Are you giving a late temporary event notice? (please read note 7):</i>	No
<i>Please state the dates on which you intend to use these premises for licensable activities. (please read note 8):</i>	21st July 2018
<i>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):</i>	15.00pm - 22.30pm
<i>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):</i>	500
<i>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):</i>	On the premises only
<i>Please state if the licensable activities will include the relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment. (please read note 12):</i>	15.00pm - 22.30pm
<i>Do you currently hold a valid personal licence?:</i>	Yes
<i>Issuing licensing authority:</i>	ncc
<i>Licence number:</i>	NCC/14/1259
<i>Date of issue:</i>	23/02/2007
<i>Any further relevant details:</i>	
<i>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?:</i>	No
<i>If answering yes, please state the number of temporary event notices you have given for events in that same calendar year :</i>	
<i>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 b) begins 24 hours or less after the event period proposed in this notice? :</i>	No
<i>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?:</i>	No

If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year.

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 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

If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.:

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

No

I confirm that all the details I have provided are complete and correct:

I agree

Confirmation:

I have read the conditions and declaration above

Name of person completing request:

MOHAMMED ASHER
RASHID

Appendix 2

Copy of the Objection Notice served by Newport City Councils Environmental Health/Pollution Control

DATE: 5th March 2018

TO: Environmental Licensing Team

FROM: Noise & Neighbourhood Team

Objection Notice issued under Section 104 Licensing Act 2003

APPLICATE: Mr Rashid Mohammed

ADDRESS: 10 Brynhyfryd Road, NP20 4FX

VENUE: Mill Parade, Newport, NP20 2JQ

DETAILS: FOOD AND MUSIC EVENT

The sale by retail of alcohol
The provision of regulated entertainment
21st July 2018 between 15.00pm - 22.30pm

I can confirm that the above-mentioned Temporary Event Notice was received by the Environmental Protection Team on the 28th February 2018 and allocated to the undersigned on the same date.

I wish to object against this Temporary Event by virtue of Section 182 Licensing Act 2003 (amended guidance).

Due to complaints being previously received during last year's event at the same location, and I am concerned with the likely escape of unwanted noise (loud amplified music) from the event, which was proven to have an adverse impact on nearby residents and therefore, would again conflict with the Licensing Objective in respect of "Prevention of Public Nuisance".

However if the applicant can provide the following information, I would retract my objections to the Temporary Event.

- The applicant needs to specify the mitigation, management measures and environmental and community considerations so as to prevent disturbances to local residents living in the immediate area that are likely to be adversely affected by noise nuisance or other disturbances during every stage of the planned event. Whilst being in compliant with the various statutory obligations placed on event organiser's, including the requirement of both the Environmental Protection Act 1990 and Anti-Social Behaviour, Crime and Policing Act 2014.
- The application or organisers needs to confirm what procedures are to be put in place to alleviate any possible concerns of others who may be affected by the event and by possible anti-social behaviour by those attending event.
- To enable effective management of noise levels, the applicant needs to confirm in terms of possible noise nuisance to the nearby local residents, a pre-event assessment (noise propagation test at the

nearest residential property) of likely noise levels coupled with on-site monitoring and control of noise levels during the event.

- During the event, those involved in monitoring and controlling noise levels need to be able to maintain a dialogue. If complaints are received the applicant and / or the sound engineers needs to be able to adjust the sound systems immediately on requirement and / or as instructed by Senior
- Licensing, Environmental Health or Pollution Control Officer or a duly authorised Officer by Newport City Council. Can the applicant confirm what steps are to be implemented to ensure this is achieved?

However, should the applicant prove the information yet to be submitted to ensure prevention of public nuisance objective is achieved, I would then withdraw my representation.

Should the applicant wish to discuss any of the above they may contact the Licensing Authority.

Regards

A handwritten signature in black ink, appearing to read 'B Miles', written in a cursive style.

Brian Miles
Pollution Control Officer