

COUNTER NOTICE (TEMPORARY EVENT NOTICE)

Warrington Borough Council, New Town House,
Buttermarket Street, Warrington, WA1 2NH

Counter Notice (Temporary Event Notice) – Permitted Temporary Activities

On [21st October 2016] the Licensing Authority received from you [David Whittle] 5 Temporary Event Notices (“the notice”) in respect of proposed temporary licensable activities due to take place on [3rd and 4th December 2016; 10th and 11th December 2016; 17th and 18th December 2016; 21st, 22nd, 23rd and 24th December 2016; 27th and 28th December 2016] at [Voodoo Lounge, 10 Friars Gate, Warrington, WA1 2RW]. The Licensing Authority has received an objection notice under section 104(2) of the Licensing Act 2003 (“the Act”).

During the 3 working day objection period, which expired on [26th October 2016], the Licensing Authority received an objection notice from:

| Objection Notice | Insert “X” as applicable |
|---|--------------------------|
| <p>A chief officer of police for any police area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective.</p> | <p>X</p> |
| <p>A local authority exercising environmental health functions for the area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective.</p> | |

The objection notice was received on the 25th October 2016 was not withdrawn.

On the [3rd November 2016] a hearing was held to consider the objection notice. The Sub-Committee determined the objection notice with a view to promoting the Licensing objectives.

The Panel considered the Temporary Event Notices for Voodoo Lounge, the written objection from Cheshire Police and the representations made at the hearing and took them all into consideration.

The Panel also considered the Licensing Act 2003, regulations made thereunder; the guidance issued by the Secretary of State, Warrington Borough Council’s Statement of Licensing Policy and the Licensing Objectives, in particular the Prevention of Crime and Disorder.

The Sub-Committee was satisfied that there is demonstrable evidence that the density of late night drink oriented premises in the late night early morning focal point in the Town Centre undermine the Licensing objectives of the prevention of crime

and disorder(albeit the responsibility for that is clearly not the sole responsibility of Voodoo Lounge). There are significant levels of crime and disorder associated with the night time economy

The Police object to the Temporary Event Notices on the grounds that they are satisfied that the Licensing objective of the prevention of crime and disorder would be undermined as a result of allowing each of the Temporary Events to proceed

The Sub-Committee heard relevant representations from the Police that the existing situation in this sensitive location already leads to the Licensing objective being undermined and provided both statistical evidence in relation to the pattern of crime and disorder in the Town Centre connected with the varying provision within the night time economy and evidence of a number of incidents in the Town Centre some associated directly with these premises.

The Police are the Licensing Authority's main source of advice on the promotion of the crime and disorder licensing objective and notwithstanding the mitigation measures put forward by the Applicant the Sub-Committee accepts the Police representations that allowing the premises to be used in accordance with the Temporary Event Notices would undermine the licensing objective of the prevention of crime and disorder. Those representations are considered to be reasonable and proportionate.

The Panel was therefore satisfied that the Temporary Events would not promote the Licensing Objective of the prevention of crime and disorder and resolved to issue a counter notice under section 105(2) as it considers it appropriate for the promotion of the licensing objective to do so.

The premises user has the right of appeal to the Magistrates' court within the period of 21 days beginning on the day on which the appellant is notified of the decision but no appeal may be brought later than 5 working days before the day on which the event period specified in a temporary event notice begins (Licensing Act 2003 Schedule 5).

Under section 136 of the Licensing Act 2003, a person commits an offence if he carries on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or if he knowingly allows a licensable activity to be so carried on. A person convicted of such an offence is liable to imprisonment for a term not exceeding six months or to an unlimited fine or to both.

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| SIGNATURE |  On behalf of the licensing authority | DATE | [4 th November 2016] |
| Name of Officer signing | Mr David Watson Regulatory Services Manager | | |