

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 8th August 2017 the Licensing Authority received from you Christopher Ward a temporary event notice (“the notice”) in respect of proposed temporary licensable activities due to take place on 27th August 2017 at Cromwells, Bridge Street, Warrington, WA1 2HP. 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 27th July 2017, the licensing authority received an objection notice from:

Objection Notice	Insert “X” as applicable
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.	X
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.	

The objection notice was received on the 27th July 2017 and was not withdrawn.

On the 8th August 2017 at 10am a hearing was held to consider the objection notice. The Sub-Committee determined the objection notice with a view to promoting the Licensing objectives.

Members of the committee have considered carefully all of the written and verbal representations submitted by the applicant and Cheshire Constabulary.

Having regard to the objection notice as submitted by Cheshire Constabulary, members of the Licensing Sub-Committee have resolved to:

Issue a Counter Notice under Section 105(2) of the Act as they considered it appropriate for the promotion of the licensing objective of crime and disorder for the following reasons:

The Sub-committee heard oral representations from Mr. Ward and also from Neil Dukes, Licensing Liaison officer and Rob Horton, Town centre sergeant, both of Cheshire Constabulary. The sub-committee considered the Temporary Event notice,

the written objection from Cheshire police and the oral representations made at the hearing.

The Panel also considered the Licensing Act 2003, the 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 objective.

The police objection to the temporary event on the basis that they are satisfied that the licensing objective of prevention of crime and disorder would be undermined as a result of allowing the Temporary event to proceed.

The Sub-Committee was satisfied that there is demonstrable evidence that the density of late night/early morning drink-orientated premises in the town centre undermines the licensing objective of prevention of crime and disorder. Evidence for this had been gathered and was relied on when the Council had adopted the Cumulative Impact Policy in respect of the licensing of premises in the town centre. The Sub-Committee heard oral representations from the police that this evidence was still relevant and that the potential for crime and disorder within the town centre, and Bridge Street in particular, was significant if the numbers of people exiting licensed premises was increased. Submissions were made that this was particularly so after 3 am when clientele may well have been drinking for several hours and/or taken stimulants to keep them awake.

Mr. Ward made submissions that his premises were well run. His clientele were sporting enthusiasts, generally older than the "club" clientele that may be exiting other clubs and bars after 3am. He indicated that he would close the bar at the end of the boxing match and this may well be earlier than 7 am. He was also proposing to employ additional bar, floor and door staff, to use plastic glasses and to attach the conditions applying to his regular licence to the temporary event.


The Panel accepted that the premises were well run. They noted that the proposals offered by Mr. Ward. However, the Sub-Committee accepted the Police representations that allowing the premises to be used in accordance with the Temporary Event Notice would undermine the licensing objective of the prevention of crime and disorder. They felt that 250 people exiting into the Bridge Street night-time economy would undermine the licensing objective of the prevention of crime and disorder.

The Panel was therefore satisfied that the Temporary Event would not support the licensing objective of the prevention of crime and disorder and resolved to issue a counter – notice under section 105(2) of the Licensing Act 2003 as it considers it appropriate for the promotion of the licensing objective so to do.

The premises user has the right of appeal to the Magistrates' court within the period 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 specified in the temporary event notice begins.

The Licensing Act 2003 Schedule 5 grants the right of appeal, which maybe brought no later than 5 working days before the date the event begins.

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.

SIGNATURE	 On behalf of the licensing authority	DATE	08/08/2017
Name of Officer signing	Mr David Watson Public Protection Unit Manager		