

**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 15<sup>th</sup> May 2014 the Licensing Authority received from you, Ronald Bannerman-Thompson a temporary event notice (“the notice”) in respect of proposed temporary licensable activities due to take place on Friday 25<sup>th</sup> to Saturday 26<sup>th</sup> July 2014 at The Apartment, 1 Bold Street, Warrington, WA1 1DN. The Licensing Authority has received objection notices under section 104(2) of the Licensing Act 2003 (“the Act”).**

During the 3 working day objection period, which expired on 20<sup>th</sup> May 2014, the licensing authority received an objection notice from:

Objection Notice	Insert “X” as applicable
<b>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.</b>	X
<b>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.</b>	X

The objection notice(s) were received on the 19<sup>th</sup> May 2014 and were not withdrawn.

On the 29<sup>th</sup> May 2014 at 10am a hearing was held to consider the objection notice(s). The Sub-Committee determined the objection notice(s) with a view to promoting the Licensing objectives.

The Sub-Committee accepts that Mr Whittle is an expert witness and accepts his evidence that in the circumstances of this notice there is a real possibility that a public nuisance is likely to occur from the breakout of noise including loud amplified music affecting people living and sleeping in the area. In coming to that conclusion the Sub-Committee have given due weight to the fact that there have been a number of previous temporary event notices and there was no evidence of any complaints. The Sub-Committee also took account of the proposed noise mitigation measures.

The Sub-Committee accepts the evidence of the Police that there has been crime and disorder in the premises in relation to an earlier event. The operations of the premises will undermine the licensing objective of the prevention of crime and disorder in particular there are low levels of lighting which makes observation and intervention difficult and may lead to less inhibited behaviour and there is no CCTV to act as a deterrent and also other conditions to promote the licensing objective such as door supervisors would not apply.

It was noted that the adjoining premises (the Apartment) were well run and that the Applicant would voluntarily commit to comply with conditions relating to the connected premises including a drugs policy, door supervisors and challenge 25.

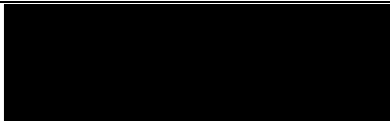
The Sub-Committee considered it appropriate for the promotion of the licensing objectives of the Prevention of Public Nuisance & the Prevention of Crime & Disorder to issue a Counter Notice to the premises user.

The Sub-Committee is satisfied that by issuing a Counter Notice it has upheld the licensing objectives.

A copy of this counter notice will be sent to the chief of police and the local authority exercising environmental health functions for the area in which the premises specified in the late temporary event notice you gave is situated.

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 a fine not exceeding £20,000, or to both.

<b>SIGNATURE</b>	 On behalf of the licensing authority	<b>DATE</b>	29/05/14
<b>Name of Officer signing</b>	Dave Watson		