

**FOR THE CHAIR AND MEMBERS OF
THE LICENSING SUB-COMMITTEE
FOR 2 MARCH 2015**

APPLICATION FOR TEMPORARY EVENT NOTICE

Applicant: Som Amir Emadi

Ref.No. TEN/475

Premises: The Purple Pig, 156-158 Linthorpe Road, Middlesbrough TS1 3RB

Application received: 17 February 2015

Summary of the nature of proposed event:

A function with a live DJ, pay at bar service.

Proposed date and time of event:

14 March 2015, 12 midnight until 4.00am

Full details of the application have been reproduced at Appendix 1.

1. Notification to Police:

A copy of the notice was served on the Police on 17 February 2015.

2. Legislation

The Licensing Act 2003 allows for the issue of a Temporary Events Notice (TEN) which permits licensable activities on a temporary basis without the need for a premises licence. They are often used for venues that do not have the benefit of a premises licence or to extend the permitted hours for licensable activities at venues where a premises licence is already in place.

There are a number of limitations imposed by the Licensing Act 2003 on the use of Temporary Event Notices. These restrictions include:

- Limiting the maximum number of people who may attend such an event to 499.
- Restricting the duration of an individual event to 7 days
- Restricting the number of events for an individual premises to 12 per year.

The Licensing Act 2003 permits only the Police and the Environmental Health Officer to object to a TEN on the basis of any of the 4 licensing objectives.

3. Background

The premises consist of a bar/restaurant located close to other commercial premises on Linthorpe Road in Middlesbrough. The premises currently operate with the benefit of a premises licence. A copy of the current premises licence relating to the premises is attached at Appendix 2.

4. The Objection

On 18 February 2015 an objection notice was received from Cleveland Police under Section 104 Licensing Act 2003 which objects to the Temporary Event Notice on the grounds of the Prevention of Crime and Disorder and Public Nuisance. (See Appendix 3)

5. Additional Information

On 30 January 2015 a Licensing Officer visited the premises and found that a number of conditions on the premises licence were not being complied with at that time. Those conditions included:

- A requirement to display notices indicating that a challenge 25 policy was in place at the premises.
- A requirement to display notices requesting that patrons leave the premises quietly
- CCTV was required to retain recorded footage for a period of 31 days
- An incident book must be kept on premises and maintained at all times.
- Staff must be trained and retrained every 6 months; training records must be retained and made available to Police or other responsible authority on request.

As Members may be aware, by virtue of Section 136 (1) of the Licensing Act 2003 a person commits an offence if they carry on licensable activities otherwise than in accordance with the licensable conditions. This offence upon conviction can carry a fine of up to £20,000 and/or 6 months imprisonment.

It is not the Council's policy to immediately seek to prosecute as a result of breaches of legislation and Licensing Officers have been working with representatives of the premises in order to resolve the breaches without the necessity for legal action, however, at the time of writing, CCTV was not being retained for a period of 31 days as required by condition on the premises licence.

6. The Licensing Policy

Members are referred to the following Sections of the Council's Licensing Policy:

Crime and Disorder starting at page 32.

And any other sections of the Policy Members may consider relevant.

7. Guidance to the Licensing Act 2003

Members are referred to the following relevant sections of the guidance:

Temporary Event Notices starting at paragraph 7.1

Crime and Disorder starting at paragraph 2.1

And any other sections of the guidance Members may consider relevant.

8. Members Options

Members may consider the following options:

1. To allow the Temporary Event to take place consistent with the application.
2. To allow the Temporary Event to take place with the imposition of one or more conditions from the existing premises licence.
3. To uphold the objection by Police on the grounds of the prevention of crime and disorder and issue a counter notice to the premises user under Section 105(3) Licensing Act 2003.

Members are reminded that any aggrieved party (i.e. Premises User, Chief of Police) may appeal any decision of the Licensing Committee to the Magistrates Courts.

Contact Officer: John Hodgson
Senior Licensing Officer
Tel 01642 728719

2 MARCH 2015

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Decision: