

**NORTHAMPTON BOROUGH COUNCIL**

**ALCOHOL & GAMBLING LICENSING SUB-COMMITTEE**

Your attendance is requested at a meeting to be held at The Council Chamber, The Guildhall, St. Giles Square, Northampton, NN1 1DE on Thursday, 22 August 2019 at 10:00 am.

**George Candler**  
**Chief Executive**

**AGENDA**

1. ELECTION OF CHAIR
2. DECLARATIONS OF INTEREST
3. TEMPORARY EVENT NOTICE - UMBRELLA FAIR
4. LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005

To consider whether the Sub Committee should exclude the public from all or part of the hearing during consideration of any item listed above if the Sub Committee believe that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public, in accordance with regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005.

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## TEMPORARY EVENT NOTICE

### Alcohol and Gambling Licensing Sub-Committee

Thursday 22<sup>nd</sup> August 2019

#### 1.0 Purpose of Report

- 1.1 To consider the proposed Temporary Event Notice in relation to the Umbrella Fair Pavilion, Racecourse Northampton.

#### 2.0 Summary

- 2.1 An online application was received for a standard temporary event notice from Ian Bates on the 9 August 2019. The application is for the ground floor of the Racecourse Pavilion and the garden tea lawn outside area of the Pavilion. A copy of the temporary event notice is attached as **Appendix A**.

- 2.2 A Temporary Event Notice can be used to extend alcohol sales and the regulated entertainment hours of an existing licensed premises, or it can be used for an unlicensed premises.

- 2.3 The Umbrella Pavilion is currently an unlicensed premises that usually operates using the temporary event notice entitlement.

- 2.3 There are restrictions to the number of permitted temporary event notices, being up to 15 events per year held under this provision at a particular premises. These events may each last for up to 168 hours provided the maximum persons attending at any one time does not exceed 499 and the number of days used for these events does not exceed 21 per annum.

#### 3.0 Application Details

- 3.1 The application requested the dates from the 30 August 2019 to the 1 September 2019, however the applicant subsequently emailed and amended the application to confirm that the intended dates to be between the 24 August 2019 to the 26 August 2019.

The licensable activities and times requested on the application are for the following;

##### **Maximum Number of People at any one time**

**150**

##### **Event Dates & Times**

From 14:00 on Saturday 24 August 2019 to 01:00 on 25 August 2019

From 12:00 on Sunday 25 August 2019 to 23:00 on 25 August 2019

From 12:00 on Monday 26 August 2019 to 22:00 on 26 August 2019

**Sales of Alcohol for consumption on the premises:**

From 14:00 to 00:30 hrs on Saturday/Sunday 24/25 August 2019

From 14.00 hrs to 22.30 hrs on Sunday 25 August 2019

From 14.00 until 21.30 hrs on Monday 26 August 2019.

**Provision of Regulated Entertainment:**

Live music on a stage situated in the garden of our building - 14.00 to 23.00 hrs on 24/08/19, 12.00 noon to 23.00 hrs on 25/08/19 and 12.00 noon to 22.00 on 26/08/19.

Recorded music from 23.00 hrs Saturday 24/08/19 until 1.00am Sunday 25/08/19 in our function room.

**4.0 Consultations/Representations**

- 4.1 When a standard temporary event notice is given to the Council online the local authority is required to serve a copy of the application on the police and environmental health officer (known as relevant persons) within 1 working day. The local authority served a copy of this application by email on the 12<sup>th</sup> August 2019
- 4.2 No other parties are entitled to object or make representations in respect of a temporary event notice application.
- 4.3 The relevant persons can object to such an application on any of the four licensing objectives. The relevant person making the objection must serve an 'Objection notice' on the Licensing Authority and the applicant within 3 working days following receipt of the notice.
- 4.4 Environmental Health have considered the application and objected on the basis that it contains insufficient information to demonstrate that appropriate measures will be in place to prevent public nuisance due to noise from the proposed regulated entertainment. An objection notice in respect of this temporary event notice application was received from Environmental Health on the 12 August 2019 as detailed in **Appendix B**.

**5.0 Attendance**

- 5.1 The local authority is required to send a notice of hearing to all interested parties and request confirmation of attendance. A notice of hearing was sent by email to the following persons on the 16 August 2019.

**Ian Bates – confirmation of attendance confirmed during telephone conversation on Friday 16 August 2019.**

**Ruth Austen – confirmation of attendance confirmed.**

**6.0 Plan of Premises Layout & Location**

The event is to be held in the function room of the ground floor of the Racecourse Pavilion and adjacent garden area.

The premises does not hold a Premises Licence and for a temporary event notice application, there is no requirement for the applicant to provide a floor plan showing the internal layout of the premises.

A plan of where the premises is located in the town is included at **Appendix C**.

## **7.0 Options**

7.1 At the end of the consultation period the licensing authority must hold a hearing. It must take such steps as it considers appropriate for the promotion of the licensing objectives, which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and,
- the protection of children from harm.

The steps the Sub-Committee can take are to:

- allow the temporary event, or
- serve a counter notice, preventing the event from going ahead, if it considers it appropriate for the promotion of a licensing objectives to do so.

7.2 If, before the hearing, the person who has given the objection modifies the temporary event notice and the premises user consents, the objection is taken as being withdrawn from the time the notice was modified. The notice then has effect as if it was originally given in the modified form. If the notice is modified in that manner and served on the Council before the hearing the Sub-committee will no longer be able to take any of the steps set out in paragraph 7.1 in relation to the notice.

## **8.0 Policy Considerations**

8.1 Statement of Licensing Policy

8.2 s.182 Guidance Licensing Act 2003

Part 7 gives guidance for determination of this application.

## **9.0 Committee**

Section 105 of the Licensing Act 2003 states that a licensing authority must hold a hearing to consider any objections from the police or environmental health unless:

- the parties agree that a hearing is unnecessary;

- the notice is modified in accordance with paragraph 7.2 above;  
or
- the premises user decides to withdraw the temporary event notice.

It must be noted that each application is to be considered on its own merits.

<b>Appendix No</b>	<b>Title</b>
<b>A.</b> <b>B.</b> <b>C.</b>	Temporary Event Notice Environmental Health Objection Location Map
<b>Report Author</b>	Louise Faulkner Licensing Team Leader

## THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

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 the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

Does the premises have an address?

- Yes  No

### Address

Is the address the same as (or similar to) the address given in section one?

- Yes  No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	<input type="text" value="Umbrella Pavilion"/>
Street	<input type="text" value="Kettering Road"/>
District	<input type="text"/>
City or town	<input type="text" value="Northampton"/>
County or administrative area	<input type="text" value="Northamptonshire"/>
Postcode	<input type="text" value="NN14LG"/>
Country	<input type="text" value="United Kingdom"/>

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

- Neither  Premises licence  Club premises certificate

## Location Details

Provide further details about the location of the event

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below [\(see also guidance on completing the form, note 3\)](#)

Continued from previous page...

Our community group, the Umbrella Fair Organisation, occupy the ground floor of the Racecourse pavilion and are converting it into a community hub. We have toilets, kitchen, office, function room and workshops. For this event we will use the garden Tea Lawn where we will erect a stage for acoustic music and the function room, foyer and toilets for general use. Additionally we will use an adjacent unused tennis court for day time family activities.

Describe the nature of the event below [\(see also guidance on completing the form, note 5\)](#)

World culture & music festival called Kaya. The event will be a family focused celebration of music and culture from different parts of the world. We are working in partnership with Kaya Promotions to run the event. We will be providing all the equipment, infrastructure, project and site management, they will supply the performers.  
We are following the same format and site plan as our Tea on the Lawn event, where there is a separation between the music and bar area from the family area.  
The garden lawn area will be the music and bar area, the tennis courts will have the family activities; including art & craft stalls, drumming and art workshops and children's games . There will be live music during the day between 12.00 and 23.00 hrs. Our cafe will be open during 10.00 and 20.00 on both days.  
The licensable activities are:  
Live music on a stage situated in the garden of our building - 14.00 to 23.00 hrs on 24/08/19, 12.00 noon to 23.00 hrs on 25/08/19 and 12.00 noon to 22.00 on 26/08/19.  
Recorded music from 23.00 hrs (24/08/19) until 1.00am (25/08/19), in our function room.  
We will also have a bar serving alcohol from 14.00 hrs (24/08/19) until 00.30 hrs (25/08/19), 14.00 hrs until 22.30 hrs (25/08/19) and 14.00 hrs until 21.30hrs on 26/08/19.

#### Section 4 of 9

##### LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises

[\(see also guidance on completing the form, note 6\):](#)

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment
- The giving of a late temporary event notice

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

[\(See also guidance on completing the form, note 7\).](#)

##### Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

[\(see also guidance on completing the form, note 8\)](#)



[\(see also guidance on completing the form, note 8\)](#)

Event start date  /  /   
dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date  /  /   
dd mm yyyy

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

[\(see also guidance on completing the form, note 9\)](#)

**Continued from previous page...**

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

[\(see also guidance on completing the form, note 10\)](#)

Note that the maximum number of people cannot exceed 499.

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

[\(see also guidance on completing the form, note 11\):](#)

- On the premises only
- Off the premises only
- Both

[< Previous](#) [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [Next >](#)

### Section 5 of 9

#### RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 12\)](#)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

Live music from 14.00 to 23.00 (24/08/19), 12.00 to 23.00 (25/08/19) and 12.00 to 22.00 (26/08/19). This will include a combination of acoustic music and bands. This will take place outside on a stage situated on our garden tea lawn.  
Recorded music from 23.00 (24/08/19) to 1.00 hrs (25/08/19). This will take place inside our building, in our main function room. We will limit the number of people at the event after 23.00 to 100.  
Alcohol sales 14.00 (24/08/19) to 00.30 hrs (25/08/19), 14.00 hrs to 22.30 hrs (25/08/19) and 14.00 until 21.30 hrs (26/08/19). We will call last orders at 00.30 hrs on 25/08/19 and encourage people to leave between 00.30-1.00 hrs, in small numbers/groups.  
We have a challenge 25 policy which we will apply strictly at the event.  
We will ensure that no glass containers leave our premises on to the Racecourse park by putting up 'No glasses beyond this point' notices and have a steward on the gate leading to the park.

[< Previous](#) [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [Next >](#)

**Section 6 of 9**

**PERSONAL LICENCE HOLDERS** [\(See also guidance on completing the form, note 13\)](#)

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Do you currently hold a valid personal licence?  Yes  No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of issue  /  /   
dd mm yyyy

Date of expiry  /  /   
dd mm yyyy

Any further relevant details

**Section 7 of 9**

**PREVIOUS TEMPORARY EVENT NOTICES** [\(See also guidance on completing the form, note 14\)](#)

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?  Yes  No

State the number of temporary event notices you have given for events in that same calendar year

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  Yes  No  
b) Begins 24 hours or less after the event period proposed in this notice?

**Section 8 of 9**

**ASSOCIATES AND BUSINESS COLLEAGUES** [\(See also guidance on completing the form, note 15\)](#)

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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?  Yes  No

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?

Yes  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?  Yes  No

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?

Yes  No

**Section 9 of 9**

**CONDITION** [\(See also guidance on completing the form, note 17\)](#)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £21

**DECLARATION** [\(See also guidance on completing the form, note 18\)](#)

\* The information contained in this form is correct to the best of my knowledge and belief

*Continued from previous page...*

\* I understand that it is an offence:

- \* (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
- \* (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

Full name

Capacity

Date  /  /   
dd mm yyyy



Thu 15/08/19 08:20

Ruth Austen

**Umbrella Kaya Festival, Racecourse - 24/26 August 2019**

To Licensing

Cc Environmental Protection

 You forwarded this message on 15/08/19 09:03.

I refer to the recent application for a temporary event licence. I can confirm that the environmental protection team wish to lodge an objection to this application on the grounds that the application contains insufficient information to demonstrate that appropriate measures will be in place to prevent public nuisance due to noise from the proposed regulated entertainment.

If you need any further information please let me know.

Regards

**Ruth Austen | Environmental Health and Licensing Manager**

01604 837794

Customers and Communities | Northampton Borough Council | The Guildhall | St Giles Square | Northampton | NN1 1DE | 0300 330 7000

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NORTHAMPTON  
BOROUGH COUNCIL

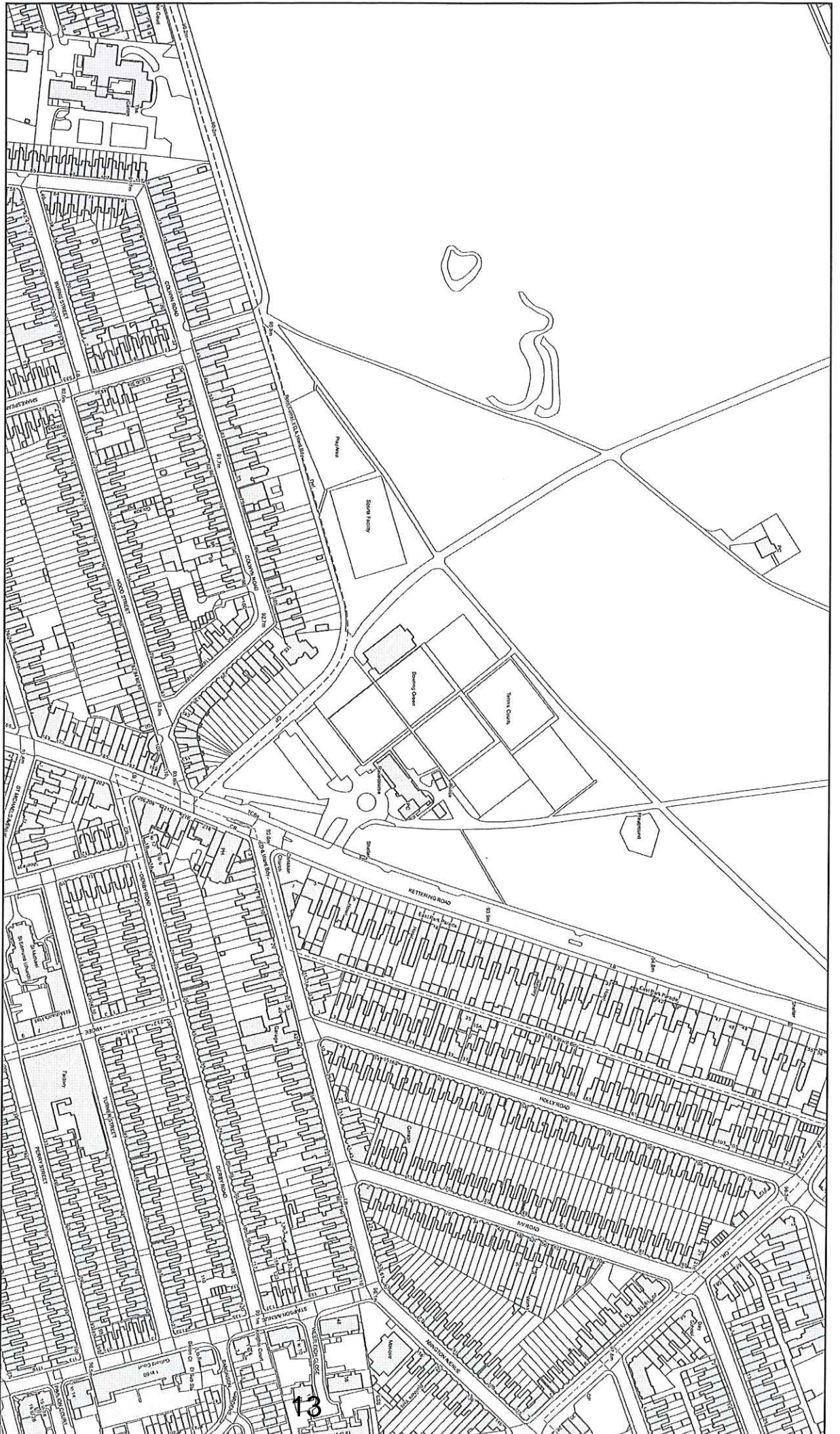
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Date: 19-08-2019

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**Umbrella Fair Organisation – Kaya World Music Festival**  
 Saturday 24<sup>th</sup> Aug 12:00 – 1:00 (25/08/19)  
 Sunday 25<sup>th</sup> Aug 12:00 – 23:00  
 Monday 26<sup>th</sup> Aug 12:00 – 22:00  
 To include a Family area, an outdoor Music stage, Umbrella café and bar

**Family Area:**  
 12.00 noon – 18:00  
 Saturday, Sunday & Monday.  
 Family art & craft  
 Family music workshops  
 Family sports day  
 Face painting  
 Ethical trading stalls

**Joining Path:**  
 The path will only be open between 11:00 and 18:30 on all days - locking gates A + B at 18:30. We will erect a barrier with 'keep of the grass signs' and if required have a steward stationed at the gate.

**Music Stage:**  
 12:00 – 23:00 Saturday  
 12:00 – 23:00 Sunday  
 12.00 – 22.00 Monday  
 Outdoor stage with seating and tables

**Umbrella Pavilion Cafe:**  
 10:00 – 20:00 Saturday  
 10.00 – 20:00 Sunday  
 12.00 – 20:00 Monday  
 Serving hot & cold food and drinks

**Umbrella Bar:**  
 14:00 – 00:30 Saturday/Sunday  
 14:00 – 23:00 Sunday  
 14:00 – 21.30 Monday  
 Recorded music 23:00 Saturday to 00.30 Sunday

