REPORT OF THE DEPUTY CHIEF EXECUTIVE

LICENSING SUB COMMITTEE - 6 NOVEMBER 2013

LICENSING ACT 2003 – CONSIDERATION OF AN OBJECTION NOTICES GIVEN WITH REGARD TO TEMPORARY EVENT NOTICES

Mr Chris Bungoni 13 Stansfield Street Sunderland SR6 0JX

1.0 PURPOSE OF THE REPORT

1.1 To consider objection notices given by Northumbria Police and Environmental Health with regard to three temporary event notices.

2.0 DESCRIPTION OF DECISION

2.1 The Sub-Committee is requested to consider the objection notices and, having regard to them, give the premises user counter notices if they consider it necessary for the promotion of the crime prevention objective to do so.

3.0 INTRODUCTION/BACKGROUND

3.1 Mr Bungoni has given the Council three temporary event notices outlining his intention to use the following locations:-

EKO had car wash, West Wear Street, Sunderland Civic Centre Car Park, Burdon Road, Sunderland Unit 8, Deptford Terrace, Sunderland

For the sale by retail of alcohol during the period commencing on Saturday 30 November 2013 at 22:00 and finishing on Sunday 1 December 2013 at 05:00

Copies of the temporary event notices are attached at Appendix 1

3.2 Northumbria Police have objected to the temporary event notices.

Their objections are based on the licensing objectives of the prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm and are detailed below:-

'I refer to the 3 Temporary Event Notices submitted by Chris Bungoni in respect of the events for 30/11/13. I can advise that we have not been served a copy of the notices by the applicant as required under section 100A(2)(b) of the Licensing Act 2003. Copies of the TENs have been forwarded to us by Sunderland Council and the checklist under section 7 has not been completed. It is a requirement that at least one copy of

the notice is sent to the Licensing Authority; one copy must be sent to the Chief Officer of Police and Environmental Health in the area the premises are situated.

Northumbria Police have a statutory requirement under the Licensing Act 2003 in relation to the Prevention of Crime and Disorder, Public Nuisance, Protection of Children from Harm and Public Safety. We are satisfied that allowing the events to proceed would undermine all of the Licensing objectives therefore would also still object to the TENs.

The Police and other responsible authorities have a duty of care to make sure such events are safe for people to attend. There is no safety plan in place for the events, it appears that the organisers have little concern for the health, safety and welfare of those attending the events; for local residents who can be adversely affected by noise, anti-social behaviour and the impact on the environment; or the landowner left with the litter and damage.

Two of the TENS are within areas covered under a Designated Public Place Order (DPPO) which restricts the consumption of alcohol in that specific area; the Eko Hand Car Wash on West Wear Street and Sunderland Civic Centre Car Park on Burdon Road.'

3.3 The Council's Environmental Health Section have also objected to the temporary event notices. Their objections are based on the licensing objectives of the prevention of public nuisance and public safety and are detailed below:-

'I refer to the Temporary Event Notices submitted by Mr Bungoni in respect of the events which are scheduled to take place on Saturday 30 November 2013 and Sunday 1 December 2013 between 22:00 and 05:00. I can advise that the Department has not been served with the appropriate copy of the notices by the applicant as required by Section 100A(2)(b) of the Licensing Act 2003. We are aware of the application however as a copy was distributed by the Licensing Department as part of their audit procedure and as a result having considered the application wish to submit our objection on the grounds of Public nuisance and health and safety for the following reasons:

The provision of amplified music at the venues listed is likely to cause a noise nuisance to local residents living in the vicinity of the premises. None of the venues are constructed with the specific requirements for sound insulation, each location has particular issues in relation to the escape of noise through weak structures or open sides. All the proposed locations have residential dwellings in close proximity and the intended hours of operation make it likely complaints of disturbance will be received. In addition the potential for disturbance from up to 499 patrons attending the event and leaving early in the morning will also contribute to the impact of noise.

From the notices the venues do not appear to have the relevant toilet provision for an event of this capacity nor are there any details provided for safe means of escape in the event of a fire or crowd disorder.'

4.0 CURRENT POSITION

4.1 The Council must hold a hearing to consider the objection notices and, having regard to them, give the premises user counter notices if it considers it necessary for the promotion of the crime prevention objective to do so. Counter notices will prevent the temporary event notices from being used.

5.0 REASONS FOR THE DECISION

5.1 To comply with the requirements of Section 105 of the Licensing Act 2003.

6.0 ALTERNATIVE OPTIONS

6.1 None.

7.0 RELEVANT CONSIDERATIONS/CONSULTATIONS

7.1 There are no other considerations.

8.0 GLOSSARY

8.1 No acronyms or abbreviations have been used in this report.

9.0 APPENDICES

9.1 Appendix 1 – Temporary Event Notices.

BACKGROUND PAPERS

10.1 None.

Appendix 1

Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

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

1. Your name	details of premises			
Title	Mr Mrs Mis	s Ms Other (please state)	
Surname	BUNGO	NII		
Forenames	CHRIS	101		
2. Previous nam	es (Please enter det se continue on a sep	ails of any previous	names or maid	den names, if
Title	Mr Mrs Miss	Ms Other (p	lease state)	
Surname	1,1110	- wall offiel (b	nease state)	
Forenames				
3. Your date of bi	rth	Dov	Maril	
4. Your place of b		Day	Month	Year
	5. National Insurance Number			
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6. Your current accomplete the sep	dress (We will use	ze box below)	espond with you	u unless you
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Post town	Postcode
Alternative contact details Telephone numbers: Daytime	(if applicable)
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	
2. The premises	
activities or, if it has no addre Survey references)	ne premises where you intend to carry on the licensable ess, give a detailed description (including the Ordnance
activities or, if it has no addre Survey references) (Please read note 2)	cour wash street Sunderland
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activities or, if it has no address Survey references) (Please read note 2) ELO hours SRI IXD. Does a premises licence or coremises (or any part of the premises licence number	ess, give a detailed description (including the Ordnance CCU WOUSH Street Sure every cure) Elub premises certificate have effect in relation to the premises)? If so, please enter the licence or certificate
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Please describe the nature of the event below	(Please read note 5)	
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The licensable activities		nu
Please state the licensable activities that you in tick all licensable activities you intend to carry of	ntend to carry on at the proon). (Please read note 6)	emises (please
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The supply of alcohol by or on behalf of a club member of the club	to, or to the order of, a	
The provision of regulated entertainment		
The provision of late night refreshment		
Are you giving a late temporary event notice? (I	Please read note 7)	
Please state the dates on which you intend to u licensable activities. (Please read note 8)	se these premises for	
30th N	lovember:	2013.
Please state the times during the event period to activities (please give times in 24 hour clock). (F	hat you propose to carry o	n licensable
22:00 - 05:00 am.		
Please state the maximum number of people at ntend to allow to be present at the premises dur ntend to carry on licensable activities, including performers. (Please read note 10)	ing the times when you	499
f the licensable activities will include the supply of alcohol, please state whether the supplies	On the premises only	Q .
vill be for consumption on or off the premises, or both (please tick as appropriate). (Please	Off the premises only	
ead note 11)	Both	

4. Personal licence holders (Please read note 12)		100
Do you currently hold a valid personal licence? (Please tick)	Yes	No
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority		
Licence number		
Date of issue		
Date of expiry		
Any further relevant details		
 Previous temporary event notices you have given (Please read note 13 boxes that apply to you) 		ck the
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.
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) 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 b) begins 24 hours or less after the event period proposed in this notice?	Yes	No.
Associates and business colleagues (Please read note 14 and tick the tapply to you)	ooxes t	hat
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 D
f answering yes, please state the total number of temporary event notices including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
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 he event period proposed in this notice?	Yes	No.
las any person with whom you are in business carrying on licensable ctivities given a temporary event notice for an event in the same calendar ear as the event for which you are now giving a temporary event notice?	Yes	No.

If answering	g yes, please state the total number of temporary event notices	
(including the	he number of late temporary event notices, if any) your	
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the event pe	eriod proposed in this notice?	1
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7. Checklist	(Please read note 15)	-
	ase tick the appropriate boxes)	
Sent at least	t one copy of this notice to the licensing authority for the area in	TIT
which the pr	emises are situated	
Sent a copy	of this notice to the chief officer of police for the area in which the	1
premises are	e situated	
Sent a copy	of this notice to the local authority exercising environmental health	
tunctions for	the area in which the premises are situated	
If the premis-	es are situated in one or more licensing authority areas, sent at least	
one copy of	this notice to each additional licensing authority	
If the premise	es are situated in one or more police areas, sent a copy of this notice	
to each addit	tional chief officer of police	
If the premise	es are situated in one or more local authority areas, sent a copy of	
this notice to	each additional local authority exercising environmental health	
functions		
Made of end	losed payment of the fee for the application	
Signed the de	eclaration in Section 9 below	
9 Canditian	(0)	
8. Condition	(Please read note 16)	
described in	on of this temporary event notice that where the relevant licensable ac	tivities
made by or u	Section 3 above include the supply of alcohol that all such supplies an	е
made by or u	nder the authority of the premises user.	
9. Declaration	ns (Please read note 17)	
The information	on contained in this form is correct to the best of my knowledge and b	aliat
	and b	ellel.
I understand t	that it is an offence:	
	ly or recklessly make a false statement in or in connection with this	
temporary eve	ent notice and that a person is liable on summary conviction for such a	n .
offence to a fi	ne not exceeding level 5 on the standard scale; and	311
(ii) to permit a	in unauthorised licensable activity to be carried on at any place and th	
person is liabl	le on summary conviction for any such offence to a fine not exceeding	at a
£20,000, or to	imprisonment for a term not exceeding six months, or to both.	
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Signature	. / .	
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Date	02 1	
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Name of		
Person		
signing	Chicis Bungary	

For completion by the licensing authority

10. Acknowl	edgement (Please read note 18)
I acknowledg	ge receipt of this temporary event notice.
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

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

i. The personal	details of premises user	(Please read note 1)	-
1. Your name			-
Title	Mr Mrs Miss	Ms Other (please state)	-
Surname	BUNGON		
Forenames	CHRIS		
2. Previous name	es (Please enter details de continue on a separate	of any previous names or maiden names, if	-
Title	Mr Mrs Miss	Ms Other (please state)	
Surname	MISS MISS WISS Other (please state)		
Forenames			
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4. Your place of b		l lear_	_
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1,12,14,14,14	rs	Postcode	

Post town	Postcode
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ax number (optional) -Mail address	
if available)	
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The supply of alcohol by or on behalf of a club member of the club	to, or to the order of, a	
The provision of regulated entertainment		
The provision of late night refreshment		
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vill be for consumption on or off the premises, r both (please tick as appropriate). (Please	Off the premises only	
ead note 11)	Both	

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4. Personal licence holders (P	lease read note 12)		
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	ils of your personal licence below.		
Issuing licensing authority	and of your personal ficence below.		
Licence number			
Date of issue			
Date of expiry			
Any further relevant details			
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begins 24 hours or less after event period proposed in this r	notice?		
as any person with whom you are	e in business carrying on licensable notice for an event in the same calendar	Yes	No
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which the e a) ends 24	rson with whom you are in business carrying on licensable ready given a temporary event notice for the same premises in vent period: hours or less before; or	Yes	No
	4 hours or less after eriod proposed in this notice?		
7 Checklist	(Please read note 15)		
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Sent a copy premises are	of this notice to the chief officer of police for the area in which the situated	е	
Sent a copy	of this notice to the local authority exercising environmental heal the area in which the premises are situated	th	
If the premis	es are situated in one or more licensing authority areas, sent at I this notice to each additional licensing authority	east	
If the premis	es are situated in one or more police areas, sent a copy of this notional chief officer of police	otice	
If the premis	es are situated in one or more local authority areas, sent a copy each additional local authority exercising environmental health	of	
	losed payment of the fee for the application		
Signed the d	eclaration in Section 9 below		
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	(Please read note 16), on of this temporary event notice that where the relevant licensals		
described in	Section 3 above include the supply of alcohol that all such supplied and the authority of the premises user.	es are	ivities
9. Declaration	ns (Please read note 17)		
	on contained in this form is correct to the best of my knowledge a	and ha	li-£
I understand i (i) to knowing temporary eve offence to a fi (ii) to permit a person is liabl	that it is an offence: ly or recklessly make a false statement in or in connection with the ent notice and that a person is liable on summary conviction for some not exceeding level 5 on the standard scale; and in unauthorised licensable activity to be carried on at any place are on summary conviction for any such offence to a fine not exceed imprisonment for a term not exceeding six months, or to both.	nis such ar	n
Signature	effle		
Date	23 mt 12		
Name of Person signing	chris Bongoni		

For completion by the licensing authority

10. Acknow	ledgement (Please read note 18)
l acknowledg	ge receipt of this temporary event notice.
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

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

The personal Your name				
Title	Mrs. Mrs Daine	N- Doug	3 2 2 2 2	
(100)	Mr Mrs Miss		ease state)	
Surname	BUNGON) [
Forenames	CHRIS			
2. Previous name applicable. Pleas	es (Please enter details e continue on a separa	of any previous r	names or maio	len names, if
Title	Mr Mrs Miss	Ms Other (ple	ease state)	
Surname				
Forenames				
3. Your date of bi		Day	Month ,	Year
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8. Alternative address for correst this address to correspond with y	pondence (If you complete the details below, we will us
The second secon	<i>rouy</i>
Post town	
	Postcode
9. Alternative contact details (if ag	oplicable)
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional) E-Mail address	
(if available)	
2. The premises	
Does a premises licence or club pre	SR4 6.DD. emises certificate have effect in relation to the es)? If so, please enter the licence or certificate
remises licence number	
lub premises certificate number	
you intend to use only part of the position which this notice applies, please on the 3)	premises at this address or intend to restrict the area give a description and details below. (Please read
	emises below. (Please read note 4)
nold odot of	ene used units what music equiptment.

Please describe the nature of the event below	v. (Please read note 5)	
the event is hight hold by showcasmy your Talent.	a Dane local dus	nusic commo
3. The licensable activities	de la companya de la	
Please state the licensable activities that you intend to carry	ntend to carry on at the pre on). (Please read note 6)	mises (please
The sale by retail of alcohol		
The supply of alcohol by or on behalf of a club member of the club	to, or to the order of, a	10
The provision of regulated entertainment		
The provision of late night refreshment		
Are you giving a late temporary event notice? (Please read note 7)	
Please state the dates on which you intend to u licensable activities. (Please read note 8)	se these premises for	
30	Nov 203	
Please state the times during the event period t activities (please give times in 24 hour clock). (F	hat you propose to carry or Please read note 9)	licensable
22 : 00 - 05 : 00		
Please state the maximum number of people at ntend to allow to be present at the premises dur ntend to carry on licensable activities, including performers. (Please read note 10)	ring the times when you	400
the licensable activities will include the supply falcohol, please state whether the supplies	On the premises only	U
rill be for consumption on or off the premises, r both (please tick as appropriate). (Please	Off the premises only	
ead note 11)	Both	

4. Personal licence holders (Please read note 12)		
Do you currently hold a valid personal licence? (Please tick)	Ye	s N
If "Yes" please provide the details of your personal licence below.		V
Issuing licensing authority		
Licence number		
Date of issue		
Date of expiry		
Any further relevant details		
5. Previous temporary event notices you have given (Please read note 13 boxes that apply to you)	and ti	ck the
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.
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year		1_
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 b) begins 24 hours or less after he event period proposed in this notice?	Yes	No
Associates and business colleagues (Please read note 14 and tick the bipply to you)	oxes t	hat
las 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 emporary event notice?	Yes	No/
answering yes, please state the total number of temporary event notices including the number of late temporary event notices, if any) your essociate(s) have given for events in the same calendar year.		
as any associate of yours already given a temporary event notice for the ame premises in which the event period: ends 24 hours or less before; or begins 24 hours or less after se event period proposed in this notice?	Yes	Ng/
as any person with whom you are in business carrying on licensable tivities given a temporary event notice for an event in the same calendar ar as the event for which you are now giving a temporary event notice?	Yes	Ng Z

(including the	yes, please state the total number of temporary event notices e number of late temporary event notices, if any) your league(s) have given for events in the same calendar year.		
Has any pers	son with whom you are in business carrying on licensable eady given a temporary event notice for the same premises in	Yes	No
which the ev	ent period:		
	ours or less before; or hours or less after		
	riod proposed in this notice?		
7 Checklist	(Please read note 15)	_	
I have: (Pleas	se tick the appropriate boxes)	-	
Sent at least	one copy of this notice to the licensing authority for the area in emises are situated		
	of this notice to the chief officer of police for the area in which the	0	
premises are	situated		ш
Sent a copy of functions for t	of this notice to the local authority exercising environmental heal the area in which the premises are situated	th	
If the premise	s are situated in one or more licensing authority areas, sent at I	east	
one copy of the	his notice to each additional licensing authority		
to each additi	s are situated in one or more police areas, sent a copy of this ne onal chief officer of police		П
If the premise	s are situated in one or more local authority areas, sent a copy	of	
functions	each additional local authority exercising environmental health		
	osed payment of the fee for the application		
Signed the de	claration in Section 9 below		
orginou ino uo	GRITATION IN GESTION 5 DELOW		Ц
9 Condition	(Please read note 16)		
	n of this temporary event notice that where the relevant licensal	1	
described in S	ection 3 above include the supply of alcohol that all such supplied	ne act	ivities
made by or un	der the authority of the premises user.	oo uro	
TAX TO TA	s (Please read note 17)		
The informatio	n contained in this form is correct to the best of my knowledge a	and be	lief.
I understand th	nat it is an offence:		
(i) to knowingly	or recklessly make a false statement in or in connection with the	nis	
temporary ever	nt notice and that a person is liable on summary conviction for s	uch a	n
offence to a fin	e not exceeding level 5 on the standard scale, and		
(II) to permit an	unauthorised licensable activity to be carried on at any place a	nd tha	it a
£20,000, or to i	on summary conviction for any such offence to a fine not exceed imprisonment for a term not exceeding six months, or to both.	eding	
Signature	01/1/17		
	May on		
Date	70 cut 10		
Name of	65 001	>	
Person	01 < .0	5	
signing	Chris Bungani		

For completion by the licensing authority

10. Acknowl	edgement (Please read note 18)
I acknowledg	ge receipt of this temporary event notice.
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	