

Report to Licensing Sub Committee

Agenda Item:

A.1

Meeting Date: 1st April 2014
 Portfolio: Finance, Governance and Resources
 Key Decision: Not Applicable:
 Within Policy and Budget Framework NO
 Public / Private Public

Responsible Authority Representations	Representations	Included	Attending
Cumbria Constabulary	Yes	Yes	Yes
Environmental Health	Yes	Yes	Yes

Title: Licensing Act 2003 – Consideration of Temporary Event Notices - Merienda, 12 Treasury Court, Carlisle
 Report of: Director of Governance
 Report Number: GD 16/14

Summary: Mr John Stewart Graham is the premises licence holder of Merienda, 12 Treasury Court, Carlisle. He has sent two notices under the Licensing Act 2003 for Temporary Events to take place at these premises on 9th and 25th August 2014. Objections have been made by officers from Environmental Health and Cumbria Constabulary.

Recommendations:

Members to reach a decision from the options outlined after hearing the evidence

Tracking

Executive:	N/A
Overview and Scrutiny:	N/A
Council:	N/A

1.1 APPLICATION

Two Temporary Event Notices submitted under Part 5 of the Licensing Act 2003
(Appendix 1a & 1b)

1.2 Applicant:

The applicant is John Stewart Graham, Merienda, 12 Treasury Court, Fisher Street, Carlisle CA3 8RF.

1.3 Premises:

Merienda 12 Treasury Court, Fisher Street, Carlisle CA3 8RF. The premises are a cafe/restaurant/bar located in a walled courtyard within Carlisle City Centre.

1.4 Application:

The applications are for two Temporary Events to take place at the above premises on the 9th and 25th August 2014. There is currently a valid premises licence number PL402 for these premises, permitting the sale of alcohol and regulated entertainment within the building only, however the TEN includes the external courtyard area in Treasury Court.

Paragraph 4 of the application asks if the premises user is a personal licence holder. This has been answered in the affirmative stating that Helen Louise Brown holds a personal licence. Ms Brown is not the 'premises user' who submitted the TEN therefore this question should have been answered 'No' as Mr Graham does not, to our knowledge, hold a personal licence.

The nature of the events to take place:

Live music event within the courtyard until midnight on both days. On 25 August only the event would continue within Merienda premises until 0300hrs.

The licensable activities:

The sale by retail of alcohol on and off the premises

The provision of regulated entertainment

The provision of late night refreshment

Dates and times of events:

Saturday 9th August 2014 1600hrs until Midnight

Monday 25th August 2014 1200 until 0300hrs

(Live Music outside until Midnight)

Maximum number of persons present at the event at any one time:

400 persons

2.0 LEGISLATION

2.1 Part 5 of the Licensing Act deals with Permitted Temporary Activities.

- 2.2 Where it is proposed to use premises for one or more licensable activities, an individual may give to the relevant licensing authority notice of that proposal by way of a Temporary Event Notice (TEN).
- 2.3 A copy of the TEN must be sent to Environmental Health and the Chief Officer of Police who may object to the event under any of the licensing objectives by way of an objection notice.
- 2.4 The licensing objectives are:
- The prevention of crime and disorder
 - Public Safety
 - The prevention of public nuisance
 - The protection of children from harm
- 2.5 The licensing authority must hold a hearing unless all parties agree a hearing is not necessary. The licensing authority may allow the event to go ahead, with or without conditions, or determine that the event would undermine the licensing objectives and should not take place, in which they would serve a counter notice on the premises user. (See para. 7.27 of National Guidance below)

3.0 Notice of objection to the TEN received from Responsible Authorities:

- 3.1 **Environmental Health** - Michael Cunningham makes representations against the application on behalf of the Environmental Health Section on the basis that it would undermine the licensing objective 'the prevention of public nuisance'. Following an event at these premises in May 2013 complaints were received from residents in the area. He cannot see how an outdoor event of this type with loud dance music can avoid causing a statutory nuisance. **(Appendix 2a & 2b)**
- 3.2 **Cumbria Constabulary** – Make representations against the application on the basis that it would undermine the licensing objectives 'the prevention of crime and public nuisance' as the previous event held at Merienda resulted in excessive noise and patrons urinating in the street. **(Appendix 3)**
- 3.3 Copies of the objection notices from the responsible authorities have been forwarded to Mr Graham at Merienda. No modifications to the Temporary Event notice have been agreed between the parties and therefore a hearing must take place.

4.0 NATIONAL GUIDANCE

The following extracts from the Secretary of State's guidance issued under Section 182 of the Act are considered to be relevant. **(Paragraph numbers refer to the Guidance)**

- 7.26 Where the TEN is in order, the relevant fee paid, the event falls within the prescribed limits and there has been no objection from the police or EHA on the basis of any of the four licensing objectives, the licensing authority will record the notice in its register and send an acknowledgement to the premises user (which may be given electronically).

- 7.27 If the licensing authority receives an objection notice from the police or EHA that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection (unless all parties agree that this is unnecessary). The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN **(Appendix 4)**(insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions (a “notice (statement of conditions)”) and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and should not take place. In this case, the licensing authority must give a counter notice.
- 7.28 Premises users are not required to be on the premises for the entire duration of the event authorised by the TEN, but they will remain liable to prosecution for certain offences that may be committed at the premises during the period covered by it. These include, for example, the offences of the sale of alcohol to a person who is drunk; persistently selling alcohol to children; and allowing disorderly conduct on licensed premises.
- 7.29 In the case of an event authorised by a TEN, failure to adhere to the requirements of the 2003 Act, such as the limitation of no more than 499 being present at any one time, would mean that the event was unauthorised. In such circumstances, the premises user would be liable to prosecution.
- 7.30 Section 8 of the 2003 Act requires licensing authorities to keep a register containing certain matters, including a record of TEN’s received. There is no requirement to record all the personal information given on a TEN.
- 7.31 The system of permitted temporary activities gives police and the EHA’s the opportunity to consider whether they should object to a TEN on the basis of any of the licensing objectives.
- 7.32 Such cases might arise because of concerns about the scale, location, timing of the event or concerns about public nuisance. However, in most cases, where (for example) alcohol is supplied away from licensed premises at a temporary bar under the control of a personal licence holder, (for example, at weddings with a cash bar or small social or sporting events) this should not usually give rise to the use of these powers.
- 7.33 The police and EHA have the right under sections 109(5) and (6) of the 2003 Act to request the premises user to produce the TEN for examination. If the police do not intervene when a TEN is given they will still be able to rely on their powers of closure under Part 8 of the 2003 Act should disorder or noise nuisance be expected or arise.
- 7.34 If the police or EHA believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. The objection notice must be given within three working days of their receipt of the TEN.
- 7.35 Where a standard TEN was given, the licensing authority must consider the objection at a hearing before a counter notice can be issued. At the hearing, the police, EHA and the premises user may make representations to the licensing authority. Following the hearing, the licensing authority may decide to impose conditions where there is an existing premises licence or club

premises certificate at the venue or issue a counter notice to prevent the event going ahead.

5.0 LOCAL LICENSING POLICY CONSIDERATIONS

The Licensing Act 2003 requires the Council to publish a Statement of Licensing Policy that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act.

Members should have regard to all relevant information and it is considered that the following sections of the policy, (though not exclusively) have a bearing upon the application. (*Paragraph numbers refer to the policy*)

Fundamental Principles

The policy will promote the four licensing objectives contained in the Act, namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. These are the only matters that will be taken into account in determining applications and any conditions imposed must be necessary to achieve these.

Nothing in the Statement of Licensing Policy will undermine the rights of any person to apply under the Act for a variety of permissions and have their application considered on its individual merits as well as against the relevant policy and statutory framework. It does not override the right of any person to make representations on any application or to seek a review of a licence or certificate where they are permitted to do so under the Act.

2.1 All licensing applications will be determined on their individual merits following consideration of the proposals in the application and any relevant representations. In general, licences will be granted on the terms applied for, but licences will not normally be granted in terms which conflict with any of the policies in this document, unless an applicant is able to demonstrate that the exceptional circumstances of their application justify a departure from the policy. The Authority will not depart from the policy if any of the licensing objectives will be undermined by a proposal in the application.

2.2 Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Act. The licensing function cannot be used for the general control of anti social behaviour once consumers are beyond the direct control of the individual, club or business holding the licence, certificate or other authorisation concerned. However the Authority expects holders of a licence, certificate or permission, to make every effort to minimise the impact of their activities and anti social behaviour by their patrons within the immediate vicinity of their premises.

4.3. Prevention of Crime and Disorder

4.3.1 General Policy

The Authority's starting point is to seek a reduction in crime and disorder throughout the District, consistent with its statutory duty under section 17 of the Crime and Disorder Act 1998.

Licences may be granted if applicants can demonstrate that a positive reduction in crime and disorder will result, or that it will not increase, as a result of the application being granted.

4.3.4. Carlisle and Eden Crime and Disorder Reduction Partnership (*now Community Safety Partnership*)

Where appropriate, applicants will be expected to have regard to the information published by the Carlisle and Eden Crime and Disorder Reduction Partnership and consider the impact of their proposals on the issues identified as being of particular concern in the area for example:

- violent crime;
- fear of crime;
- road safety;
- anti-social behaviour.

Applicants will be expected to propose steps to reduce the risks of such crimes increasing as a result of the licensable activities proposed.

Reason

The prevention of crime and disorder is one of the licensing objectives, which the Authority is under a duty to promote. The Authority recognises that some licensed premises can attract or encourage criminal behaviour, especially disorder problems where customers have consumed alcohol.

4.5 Prevention of Public Nuisance

4.5.1 General policy on Licensing Hours

4.5.5. In general, the Authority will deal with the issue of licensing hours on the individual merits of each application. However, in the event of relevant representations, when issuing a licence stricter conditions are likely to be imposed with regard to noise control in the case of premises that are situated in predominantly residential and other noise sensitive locations.

4.5.6. Policy - Location of premises

4.5.7. The Authority will assess the potential impact of the premises against the characteristics of the area in which they are situated. For example, in the

event of representation being made there would be close scrutiny of applications for a closing time of later than 11pm in respect of premises situated in quiet residential or other noise sensitive locations with low background noise. Greater flexibility on closing times would be considered where for example, applicants could demonstrate that:

- there is a high level of accessibility to public transport services;
- there is an appropriate amount of car parking, readily accessible to the premises, and in places where vehicle movement will not cause demonstrable adverse impact to local residents;
- the operating schedule indicates that the applicant is taking appropriate steps to comply with the licensing objective of preventing public nuisance;
- the licensable activities would not be likely to cause adverse impact especially on local residents, or that, if there is a potential to cause adverse impact, appropriate measures are to be put in place to prevent or minimise that impact.

Reason

This part of the policy dealing with opening hours is based on a broad distinction between the approach to be taken in certain predominantly commercial areas like parts of the town centres and the rest of the District.

Any activity involving public entertainment or eating or drinking on the premises has the potential to impact adversely on the surrounding area due to noise, smells, or congestion on the footway. Public nuisance may also be caused by customers being noisy when leaving, leaving litter or taking up on-street car parking space needed by residents. The impact of noise generated by these activities, especially customers departing either on foot or in cars, is particularly intrusive at night when ambient noise levels are much lower.

Parts of the District are sensitive to the impact of licensable activities because they are either residential or close to residential areas. Many shopping areas are abutted by residential areas, including housing above commercial premises. The impact of traffic and parking related to licensed premises can be considerable. Even where a majority of customers arrive on foot or by public transport, the additional parking demand may be significant, especially where there are already a number of licensed premises. The impact may be felt by local residents in preventing them from parking close to their homes and by increasing the danger from traffic in residential streets.

However, some commercial areas in the District, such as parts of town centres, may be more suitable locations for licensed activities, especially for those that have late opening hours or attract significant numbers of people. In town centres, more customers are likely to travel by public transport and the activities may help bring vitality to the area after normal shopping hours. The ambient noise levels are also likely to be higher in the evening,

particularly when compared with predominantly residential areas so that additional noise may be less objectionable.

An entertainment use attracting large numbers of people should be very close to bus routes or taxi ranks, for instance. For the same reasons, the level of public transport accessibility will be an important factor in considering any exception to the normal closing times in any location.

4.5.8. Noise Policy

4.5.10. In the event of representations, the Authority will not normally grant a premises licence in terms which are, in its opinion, likely to result in increased noise disturbance to people living or working in the vicinity.

4.5.11. In particular, the Authority will give careful consideration to an application for a licence, for premises situated in a predominantly residential or other noise sensitive locations where the proposed hours of operation would be likely to result in unreasonable noise disturbance between the hours of 11pm and 7am.

4.5.12. The Authority expects the applicant to assess the likely sources of noise disturbance that could arise due to the proposed use consider the existing noise context of the area and propose practical steps to prevent noise disturbance or minimise its effects.

4.5.13. Potential sources of noise include:

- sound leakage from the licensed premises (from entertainment provided, customers on the premises, mechanical equipment etc);
- customers and staff arriving and leaving the premises (including car doors slamming);
- excessive noise from outside entertainment.

4.5.14. Practical steps could include:

- keeping doors and windows closed whilst entertainment is provided;
- installing soundproofing measures to the premises (specialist double glazing, acoustic hoods over extractor fan outlets etc);
- reducing sound levels inside the premises (inclusion of a sound limitation device in the sound system);
- ensuring that queues are directed to form leading away from residential premises;
- ensuring that sufficient door security staff manage queuing and leaving customers to minimise noise;
- erecting prominent notices at exits requesting customers to leave quietly;
- reducing the volume of music entertainment towards the end of the evening;
- giving free lollipops to customers leaving the premises;
- ensuring that sufficient transport is nearby to enable customers leaving the premises to disperse quickly;

- banning from the premises customers known to cause noise disturbance regularly on leaving the premises;
- ensuring that customers are encouraged to leave the premises (including any car park or forecourt) swiftly;
- ensuring the volume of outdoor entertainment does not cause noise disturbance;
- providing police supervision at closing times.

4.5.15. The Authority may impose conditions to ensure that appropriate steps are taken to minimise noise disturbance.

4.5.16. Live music, dancing and theatre

4.5.17. The Authority recognises the need to encourage and promote live music, dance and theatre for the wider cultural benefit of the economy and community, particularly for children and young people.

4.5.18. When considering applications for such events and the imposition of conditions on licences or certificates, the Authority will carefully balance the cultural needs with the necessity of promoting the licensing objectives.

4.5.19. Consideration will be given to the particular characteristics of any event, including the type, scale and duration of the proposed entertainment, especially where limited disturbance only may be caused.

Reason

The prevention of public nuisance is a licensing objective. Noise disturbance can be a public nuisance. The authority is required to promote the licensing objectives. Granting a licence in circumstances where nuisance is likely to be caused will undermine that objective. The Authority recognises that noise from licensed premises can cause great disturbance to people living and working near those premises. The authority recognises that noise can be a nuisance during the day and at night in both residential and commercial areas and other noise sensitive locations if not properly managed or controlled.

4.5.20. Tables and chairs outside premises including garden areas.

Policy

4.5.21. The Authority recognises that provision of tables and chairs outside premises, either on the highway or on private land, may enhance those premises. It can have the benefit of encouraging a continental-style café culture. However, late at night these same tables and chairs can contribute to noise and disorder problems. This is because they can encourage patrons and passers by to loiter rather than disperse. Licensees should note that in certain areas, byelaws prohibit the consumption of alcohol in public. Before planning to use tables and chairs outside premises (particularly where it is intended that alcohol will be sold) applicants should ensure that they will not contravene any byelaws or orders. Applicants should also ensure that other legislation, for example in relation to highways and planning will not be contravened.

4.5.22. In the event of representations being made, the Authority will carefully consider any application where outdoor tables and chairs are proposed to be provided. In particular, the Authority will assess the premises in the context of their location, the hours during which the premises are to be open, the proposed licensable activities and proposals for control of the tables and chairs outside the hours of operation.

Reason

This policy is designed to strike a fair balance between the needs of those wishing to enjoy refreshment in the open air and the need to prevent safety and nuisance problems.

6.0 OPTIONS

Members are requested to consider this report and the evidence presented before them. These are two apparently identical applications however Members must determine each on its own merits. The following options are available:

1. Determine not to give a counter notice and allow the event to take place
Members may wish to consider whether to add to the TEN any of the conditions from the premises licence
2. Determine to give a counter notice to prevent the event taking place.

Contact Officer: Jim Messenger **Ext:** 7523

Appendices attached to report:

- 1 (a & b) - Temporary Event Notices
- 2 (a & b) - Objection from EHA and previous letter
- 3 - Objection from Cumbria Constabulary
- 4 - Existing conditions attached to Premises Licence PL402
- 5 - Street plan of area

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: Licensing Act 2003, Section 182 Guidance, Carlisle City Council Licensing Policy

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's -	n/a
Deputy Chief Executive –	n/a
Economic Development –	n/a
Governance –	Included within the report
Local Environment –	n/a
Resources -	n/a

CA01

Carlisle City Council
Licensing Manager,
Civic Centre, Carlisle CA3 8QG
Tel: 01228 817523 Fax: 01228 817023
Email: licensing@carlisle.gov.uk



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 or typed in black ink. 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. The personal details of premises user (Please read note 1)			
1. Your name			
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	GRAHAM		
Forenames	JOHN STEWART		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname			
Forenames			
3. Your date of birth		Day 17	Month 10
		Year 1982	
4. Your place of birth		WHITEHAVEN	
5. National Insurance Number		JR 79 0615 D	
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
12 TREASURY COURT, FISHER ST			
Post town		Post code	
CARLISLE		CA3 8LF	
7. Other contact details			
Telephone numbers		01228 595259	
Daytime			
Evening (optional)		07808157982	
Mobile (optional)		07808157982	
Fax number (optional)			
E-Mail Address (if available)		Johnatmerienda@gmail.com	

8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	
S HALL COURT, TALENTREE,	
Post town COCKERMOUTH	Post code CA13 0PL
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	01900 824226
Evening (optional)	01900 824226
Mobile (optional)	079802 538045
Fax number (optional)	
E-Mail Address (if available)	

2. The premises	
Please 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) (Please read note 2)	
12 TREASURY COURT, FISHER ST, CADLISLE, CA3 8RF / SURROUNDING ENCLOSED COURTYARD (TREASURY COURT)	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	PL402
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Please describe the nature of the premises below. (Please read note 4)	
CAFE / RESTAURANT / BAR / SURROUNDING COURTYARD	
Please describe the nature of the event below. (Please read note 5)	
LIVE MUSIC EVENT	

3. The licensable activities		
Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on). (Please read note 6)		
The sale by retail of alcohol	<input checked="" type="checkbox"/>	
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>	
The provision of regulated entertainment	<input checked="" type="checkbox"/>	
The provision of late night refreshment	<input checked="" type="checkbox"/>	
Are you giving a late temporary event notice? (Please read note 7)	<input type="checkbox"/>	
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)		
09 / 08 / 2014		
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)		
16.00 - 00.00 (MIDNIGHT) LIVE MUSIC OUTSIDE UNTIL MIDNIGHT		
Please 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. (Please read note 10)		
250		
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 11)	On the premises only	<input checked="" type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input type="checkbox"/>

4. Personal licence holders (Please read note 12)		
Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you)	Yes	No
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	ALLEDALE	

Licence number	PA0112 (HELEN LOUISE BROWN)
Date of issue	-
Date of expiry	-
Any further relevant details	TARN BANK MOCKERKIN, CA13 4ST

5. Previous temporary event notices you have given (Please read note 13)		
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? (Please mark an "X" in the box that applies to you)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the number of temporary event notices 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 the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 14)		
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? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.		
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? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

7. Checklist (Please read note 15)	
I shall (Please mark the appropriate boxes with an "X")	
Send at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Send a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Send a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, send at least one copy of this notice to each additional licensing authority	<input checked="" type="checkbox"/>
If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police	<input checked="" type="checkbox"/>
If the premises are situated in one or more local authority areas, send a copy of this notice to each additional local authority exercising environmental health functions	<input checked="" type="checkbox"/>
Make or enclose payment of the fee for the application	<input checked="" type="checkbox"/>
Sign the declaration in Section 9 below	<input checked="" type="checkbox"/>

8. Condition. (Please read note 16)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

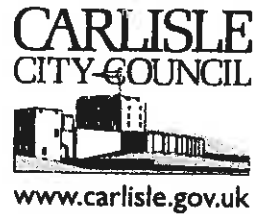
9. Declarations (Please read note 17)	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence:	
(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction 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.	
Signature	<i>John Graham</i>
Date	12/31/2014
Name of Person signing	JOHN GRAHAM

For completion by the licensing authority

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

CA01

Carlisle City Council
Licensing Manager,
Civic Centre, Carlisle CA3 8QG
Tel: 01228 817523 Fax: 01228 817023
Email: licensing@carlisle.gov.uk



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Surname	GRAHAM		
Forenames	JOHN, STEWART		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname			
Forenames			
3. Your date of birth	Day 17	Month 10	Year 1982
4. Your place of birth	WHITEHAVEN		
5. National Insurance Number	JR 79 06 15 D		
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
12 TREASURY COURT, FISHER ST			
Post town	CARLISLE	Post code	CA3 8RF
7. Other contact details			
Telephone numbers Daytime	01228 595259 - Gamma, 07850522171		
Evening (optional)	07808157482		
Mobile (optional)	07808157482		
Fax number (optional)			
E-Mail Address (if available)	Johnatmerienda@gmail.com		

8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)

S HALL COURT, TAUNTON

Post town COCKERMOUTH

Post code CA13 6PU

9. Alternative contact details (if applicable)

Telephone numbers:

Daytime

01900 824 226

Evening (optional)

01900 824 226

Mobile (optional)

07708 538045

Fax number (optional)

E-Mail Address
(if available)

2. The premises

Please 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)
(Please read note 2)

12 TREASURY COURT, FISHER ST, CARLISLE, CA3 8RF /
SURROUNDING ENCLOSED COURTYARD (TREASURY COURT)

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.

Premises licence number

PL402.

Club premises certificate number

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)

Please describe the nature of the premises below. (Please read note 4)

CAFE / RESTAURANT / BAR / SURROUNDING COURTYARD

Please describe the nature of the event below. (Please read note 5)

LIVE MUSIC EVENT

3. The licensable activities		
Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on). (Please read note 6)		
The sale by retail of alcohol	<input checked="" type="checkbox"/>	
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>	
The provision of regulated entertainment	<input checked="" type="checkbox"/>	
The provision of late night refreshment	<input checked="" type="checkbox"/>	
Are you giving a late temporary event notice? (Please read note 7)	<input type="checkbox"/>	
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)		
25/8/2014		
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)		
12.00 - 00.00 3AM. (NOON) ENLIGHTEN LIVE MUSIC OUTSIDE UNTIL MIDNIGHT		
Please 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. (Please read note 10)		
400		
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 11)	On the premises only	<input checked="" type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input checked="" type="checkbox"/>

4. Personal licence holders (Please read note 12)		
Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you)	Yes	No
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	ALLERDALE	

Licence number	PA012 (HELEN LOUISE BROWN)
Date of issue	-
Date of expiry	-
Any further relevant details	TARN BANK, MUCKERKIN, CA13 4ST

5. Previous temporary event notices you have given (Please read note 13)		
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? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please 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 b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 14)		
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? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices 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 the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.		
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? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

7. Checklist (Please read note 15)	
I shall (Please mark the appropriate boxes with an "X")	
Send at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Send a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Send a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, send at least one copy of this notice to each additional licensing authority	<input checked="" type="checkbox"/>
If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police	<input checked="" type="checkbox"/>
If the premises are situated in one or more local authority areas, send a copy of this notice to each additional local authority exercising environmental health functions	<input checked="" type="checkbox"/>
Make or enclose payment of the fee for the application	<input checked="" type="checkbox"/>
Sign the declaration in Section 9 below	<input checked="" type="checkbox"/>

8. Condition (Please read note 16)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 17)	
The information contained in this form is correct to the best of my knowledge and belief.	
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.	
Signature	<i>John Graham</i>
Date	10/3/2014
Name of Person signing	JOHN GRAHAM

For completion by the licensing authority

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

Jim Messenger

From: Michael Cunningham
Sent: 20 March 2014 15:07
To: johnatmerienda@gmail.com
Cc: Jim Messenger; Susan Stashkiw; Fred Watson; Higgin, Richard
Subject: Temporary Event Notice applications for PL402 Merienda
Attachments: MM101128.pdf

Dear Mr Graham

RE: Temporary Event Notices for 9 and 25 August 2014 for Merienda at Treasury Court

As we discussed earlier today, I have serious concerns about allowing outdoor amplified music events in Treasury Court.

Following the event organised by you on 5 May 2013, when Uber Disco performed, this department received 3 independent complaints. The complaints were of loud music levels throughout the afternoon and late into the night. Two of the complainants also complained about people urinating in the surrounding streets.

You were written to by Margaret Moir from Environmental Health Carlisle City Council on 20 May 2013 advising that you should give careful consideration to the type of events that take place in Treasury Court in future. I attach a copy of this letter.

I would question how the numbers attending can be verified and controlled, to ensure that the number **does** not exceed 500.

Even with adequate toilet facilities and controls on numbers attending I cannot see how an outdoor event of this type with loud dance music can avoid causing a statutory nuisance. This is because of the nature of the entertainment which needs to be loud, and the situation in Treasury Court which would act to amplify the music.

I still remain strongly opposed to allowing outdoor amplified music events in Treasury Court.

Please contact me if you wish to discuss these matters further.

Michael Cunningham
District Environmental Health Officer
Carlisle City Council
Civic Centre
Carlisle CA3 8QG

Tel: 01228 817335
Email: MichaelCu@Carlisle.gov.uk

**CARLISLE
CITY COUNCIL**



www.carlisle.gov.uk

CARLISLE
CITY-COUNCIL



www.carlisle.gov.uk

Local Environment Directorate
Environmental Health

Director: Angela Culleton

Civic Centre, Carlisle, CA3 8QG

•Telephone (01228) 817000 • Fax (01228) 817090 •Typetalk 18001 01228 817000

Mr J S Graham
Merienda at Treasury Court
12 Treasury Court
Fisher Street
Carlisle
CA3 8RF

Please ask for:

Direct Line:

E-mail:

Your ref:

Our ref:

Margaret Moir

01228 817337

Environmentalhealth@carlisle.gov.uk

R:029869 4003102

20 May 2013

Dear Mr Graham

RE: NOISE NUISANCE FROM UBER DANCE NIGHT, SUN 5TH MAY
MERIENDA, 12 TREASURY COURT, FISHER STREET, CARLISLE, CA3 8RF

I write in connection with the above event which was discussed with your Manager on 17 May 2013.

I would like to confirm that this authority was in receipt of three complaints concerning noise levels from music played at the event and also patrons who were allegedly urinating in nearby lanes.

Although the complaints were not verified on the day by this department, you should be aware that justified complaints of nuisance could adversely affect future applications to hold temporary events at the premises.

I would therefore strongly advise that in future, careful consideration is given to the type of events that take place in the outdoor space.

Yours sincerely

Margaret Moir

District Environmental Health Officer

CUMBRIA CONSTABULARY

Telephone: 101
Fax: 01228 597911

Please ask for: PS Richard Higgin

My Reference:
Your Reference:

North Cumbria Area
Superintendent
Sean Robinson
North Cumbria BCU
Brunel Way
Durranshill Ind. Estate
Carlisle
CA1 3NQ.



**CUMBRIA
CONSTABULARY**
SAFER STRONGER CUMBRIA

24 March, 2014

Carlisle City Council
Licensing Department

Dear Sir/Madam

Temporary Event Notices 12 Treasury Court Carlisle

Cumbria Constabulary wishes to expand on the formal objection it lodged yesterday with regards to the two temporary event notices submitted for the 9th and 25th August 2014 for 12 Treasury Court on the grounds that it would breach the Public nuisance and Crime and Disorder objectives.

A similar event was held at the same location in May 2013 during which Cumbria Constabulary received 3 separate complaints from members of the public pertaining to noise and drug use. On one occasion the Police attended and had to make an arrest for a public order offence.

I also personally received a number of complaints after the event had been held from local residents and business owners with regards to the noise and numerous people urinating in the street due to the lack of suitable toilet facilities.

Cumbria Constabulary feels that the area is totally unsuitable to hold this type of event.

PS Richard Higgin
Sergeant
Carlisle East Neighbourhood Policing Team



Give respect Get respect

PL402

Merienda, Treasury Court, Carlisle

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

General

- Food and non-alcoholic drinks will be available throughout the times when the premises are open.
- Waiter/waitress service will be available at busy times, including terraced area.

Prevention of Crime and Disorder

- The operator shall ensure that at all times when the premises are open for any licensable activity there are sufficiently competent staff on duty at the premises for the purposes of fulfilling the terms and conditions of the licence and for preventing crime and disorder.
- A CCTV system shall be designed and installed and maintained in proper working order to the satisfaction of the Licensing Authority and in consultation with Cumbria Constabulary.

Public Safety

- The maximum number of people permitted on the premises at any one time shall not exceed the figure prescribed in writing by the Fire Authority from time to time that is reasonable and reflects the maximum safety capacity, as prescribed by the Fire Authority Guidance from time to time.
- A Fire Risk assessment will be submitted separately to the Fire Authority.
- The Designated Premises Supervisor shall ensure there are effective management arrangements in place to enable him/her to know how many persons are on the premises at times described within the management risk assessment.

Prevention of Public Nuisance

- No noise nuisance will be caused to neighbours.
- All windows and doors will be kept closed during regulated entertainment.
- The operator will undertake regular risk assessments, and will maintain records, which can be made available to the Licensing Officer.

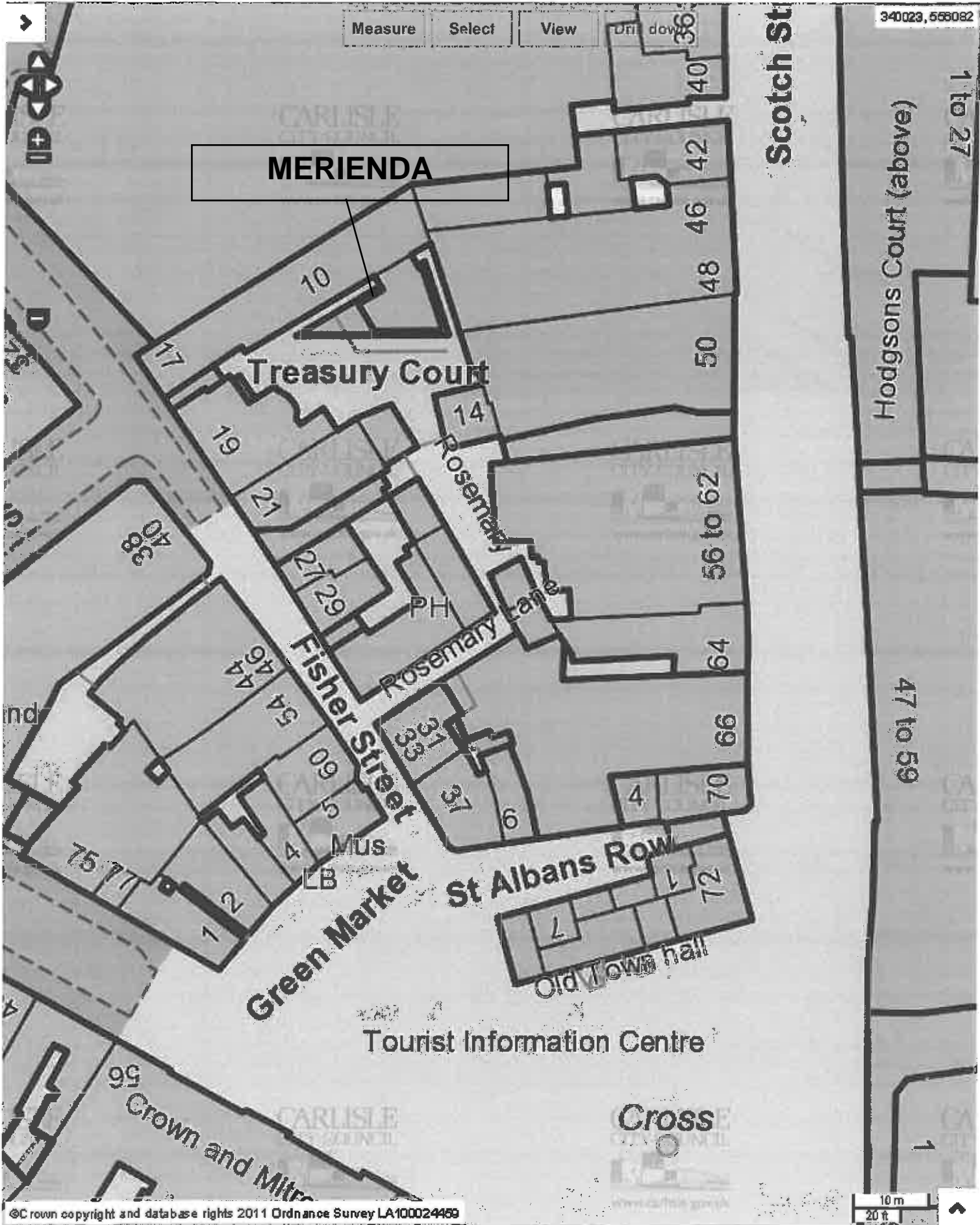
The Protection of Children from Harm

- Challenge 21 policy will be used.
- The provisions of E1 do not apply in respect of individuals aged 16 or 17 who may consume beer, wine or cider at a table meal when accompanied by an individual aged 18 or over or in accordance with the Licensing Act 2003 sec 150(4).

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MERIENDA

Treasury Court

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St Albans Row

Old Town hall

Tourist Information Centre

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Crown and Mitr