

Section 105(3)

**Notice of decision of hearing held to consider  
police objection to temporary event notice**

To The Chief Officer of the Police.

The Milton Keynes Council, being the licensing authority, on the 6 November 2006 received an Objection Notice from the Chief Officer of Police in relation to the Temporary Event Notice given by Dorothy Bennett,

the Premises User for a Temporary Event to take place on 25 November 2006 at the Red House, 1 Wolverton Road, Newport Pagnell,

for a period beginning at 1900 on 25 November 2006  
finishing at 0000 on 26 November 2006.

The Council now GIVES YOU NOTICE that a hearing was held on 8 November 2006 to consider the Objection Notice and hereby makes the decision not to uphold the objection notice and to issue a Counter Notice for the following reasons: See attached decision notice.

Dated 9 November 2006

Signed   
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Designation   
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the officer appointed for this purpose

Please address any communications to:  
Chris Londy  
Principle Licensing Officer  
Milton Keynes Council  
01908 25 2327

*Delete items in square brackets that do not apply*

An appeal against this decision must be made to the magistrates' court for the petty sessions area (or any such area) in which the premises concerned are situated within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

But no appeal may be bought later than five working days before the day on which the event period specified in the temporary event notice.

LICENSING SUB-COMMITTEE HEARING

Members' Record of Determination



RE: 92155 Red House, 1 Wolverton Road, Newport Pagnell.

8 November 2006

<b>Constitution of the Sub-Committee:</b>	Councillors Brock, Burke and Latham
<b>Chair</b>	Councillor Burke
<b>Legal Advisor:</b>	I All
<b>Committee Manager:</b>	J Sloan
<b>Licensing Officer:</b>	C Affleck
<b>Applicant/ Applicants:</b>	Dorothy Bennett
<b>Members of Public</b>	None
<b>Documentation:</b>	Report of Licensing Officer and annexed representations. Additional Document charting timeline of previous Temporary Events held by the applicant
<b>Apologies:</b>	None
<b>Disclosures of interest:</b>	None

Prior to the commencement of the hearing the Chair read an opening statement, which constituted the strict procedure to be followed at the hearing, the process for all parties giving evidence and the rights of persons attending the hearing.

At the close of the hearing the Chair informed all parties of their rights of appeal to the decision which had been made by the Sub-Committee.

Milton Keynes Council

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<b>Signature:</b>	
<b>Chairman:</b>	Councillor Burke
<b>Date of Hearing:</b>	8 November 2006

LICENSING SUB-COMMITTEE HEARING

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**1. Findings of Fact**

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The Sub-Committee accepted the following findings of fact from the evidence available;

- (a) The applicant already holds a premises licence and a personal licence.
- (b) The applicant has held eight other Temporary Event Notices at various venues of which there were 2 that caused the police concern in respect of crime and disorder.
- (c) That on 15 October 2006 there was an incident that required a Police response. This involved 13 Police Officers and the use of PAVA incapacitating spray. Two arrests were made.
- (d) That the applicant has taken steps to ensure that a particular friend who was involved in the riot will stay away from the premises.
- (e) That on the 27 October 2006 a Temporary Event Notice took place without incident.
- (f) The applicant has agreed with regards to the TEN application for the 25 November 2006 to place signs in the Lounge to indicate a private party.

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**2. Full text of unanimous decision on the application**

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RESOLVED

That the Objection Notice be not upheld.

Milton Keynes Council

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Signature:	
Chairman:	Councillor Burke
Date of Hearing:	8 November 2006

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### **3. Reasons for decision**

*(An explanation of why:*

- when applying the findings of fact to the statutory provisions, Secretary of State's Guidance, the authority's Statement of Licensing Policy and, above all, promotion of the licensing objectives, a particular conclusion is reached to grant, grant with conditions other than standard conditions, or refuse the application.*
  - if facts were in dispute and it is not clear from the "Findings of Fact" box above, which facts were disputed and, in coming to the finding of fact, the extent to which the parties and witnesses were believed or disbelieved and the information on which the Panel relied in reaching its decision.*
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Legal advice was not given in deliberation.

The Sub-Committee are very grateful to the Police for having rightly pointed out that the stewardship of this premises is of great concern, especially of the occasion of the temporary event held on the 15 October 2006.

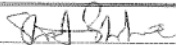
The Sub-Committee have granted the applications on this occasion but wish to inform you (the applicant) in no uncertain terms that should any such problems reoccur in the future, the Licensing Authority will take a very dim view, and this decision is not to be taken in any way to condone what happened in the 15 October 2006. Likewise the Licensing Authority will take a dim view on any future activities beyond the licensing hours.

The Sub-Committee has had regard to the evidence, argument and submissions placed before it, in addition to the report DCMS Guidance and its own licensing policy.

The Sub-Committee were mindful of the Council's statutory duty under section 17 of the Crime and Disorder Act 1998 and must have regard to the likely effect of their function on crime and disorder and must do all they reasonably can to prevent these matters from occurring. There was insufficient evidence for the sub-committee to make a decision in this regard on this occasion.

Milton Keynes Council

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Signature:	
Chairman:	Councillor Burke
Date of Hearing:	8 November 2006