

Objection notice received in respect of a standard Temporary Event Notice for 50°58'31.4"N 2°48'39.6"W, Southay South Petherton

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Purpose of the Report

To inform members that a standard temporary event notice has been received under the Licensing Act 2003 from Mr Peter Manders for 50°58'31.4"N 2°48'39.6"W, Southay South Petherton. It relates to an event on 02 September to 04 September 2022. Objection notices have been duly served by Ms Nicola King on behalf of the Chief of Police for Avon and Somerset Constabulary and Mr Michael McNaughton on behalf of Environmental Protection for this temporary event notice.

Recommendation

To consider the objection notice in accordance with the options detailed later in the report.

Background

A Temporary Event Notice is intended as a light touch process¹ and is submitted to the Licensing Authority by the premises user (an individual 18 years or over) and is copied to the Police and the Environmental Health Service as a means to authorise licensable activities where either:

- no premises licence/club premises certificate exists
- in cases where it is not being used
- where the operating schedule including days and timings do not meet the need of the premises user.

Where an objection notice has been received from either the Police or the Environmental Protection department or both, the Council is the authority responsible for determining the notice under sections 105 and 106A of the Licensing Act 2003. Representatives from both bodies have objected to this notice.

Licensing Objectives

The licensing objectives are:

- Prevention of crime and disorder

¹ Paragraph 7.2 of the Guidance issued under s182 of the Licensing Act 2003, April 2018



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- Public safety
- Prevention of public nuisance
- Protection of children from harm

The licensing objectives are to be considered paramount and the Council has a duty to promote them in its decision making process.

Proposed Activities and Hours

Day	Licensable activity	Start Time	Finish Time	Maximum Number of persons at event at any one time	Nature of Event
02/09/22	Supply of alcohol	19:00	23:00	499	A large party of family and friends over 2 nights. Celebrating locals musicians, DJ's and artists. We expect to have a simple, small bar, run by a couple of friends who have drinks licenses. Please see the document I will send in an email for further contact info. Music will go on to late both nights, but the bar will only be open for 3-4 hours each night and will shut around 11/12.

Relevant Observations

Should the temporary event proceed; the premises user will be responsible for ensuring that there are no more than 499 persons at the premises. Should there be 500 or more persons in that area, at any one time, it will mean that particular temporary event is unlicensed. The maximum number of 499 persons includes staff, security, performers etc.

Further Information

The venue does not have a premises licence, therefore it is not possible to attach conditions to the notice.

The premises user has submitted an event management plan in support of their application.

Consideration

In determining a temporary event notice with a view to promoting the licensing objectives in the overall interests of the community, the Committee must have regard to and give appropriate weight to the following considerations:

- Any Notice of Objection (including supporting documentation received)
- Guidance issued under s182 of the Act
- The Council's published Statement of Licensing Policy
- The steps necessary to promote the licensing objectives
- Human Rights considerations in particular Article 6, Article 8 and Article 1 of Protocol 1

Options

The options available to the committee in this case are as follows:

- Give a counter notice to the premises user so that event cannot proceed
- Permit the event to proceed in accordance with the temporary event notice

Right of Appeal

Schedule 5 Part 3 of the Licensing Act 2003 sets out the rights and procedures for making appeals against the decision of the Licensing Authority:

Where the relevant Licensing Authority gives a counter-notice under section 105(3), the premises user may appeal against that decision.

Where that authority decides not to give such a counter-notice a "relevant person" as specified in section 99A of the Licensing Act 2003, may appeal against that decision.

An appeal must be made to the Magistrates' Court

The appellant commences an appeal under Part 3 of Schedule 5 to the Licensing Act 2003 by giving a notice of appeal to the designated officer for the Magistrates' court within 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 brought later than five working days before the day on which the event period specified in the temporary event notice begins.

On determining the appeal, the court may,



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- Dismiss the appeal
- Substitute for the decision appealed against any other decision which could have been made by the Licensing Authority; or
- Remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court.

and may make such order as to costs as it thinks fit.

Background Papers

The Licensing Act 2003

The Police Reform and Social Responsibility Act 2011

The Licensing Act 2003 (Hearings) (Regulations) 2005 No. 44

Live Music Act 2012

The Licensing Act 2003 (Permitted Temporary Activities) (Notices)(Amendment) Regulations 2012 No. 960

(Descriptions of Entertainment) (Amendment) Order 2013

The Legislative Reform (Entertainment Licensing) Order 2014

The Latest Guidance issued under section 182 of the Licensing Act 2003.

South Somerset District Council's published Statement of Licensing Policy

The Deregulation Act 2015
