

## South Somerset District Council

**Minutes** of a meeting of the **Licensing Sub Committee** held at the **Virtual Meeting using Zoom meeting software on Thursday 17 June 2021.**

(10.00 - 11.00 am)

**Present:**

**Members:** Crispin Raikes (Chairman)

Kevin Messenger

William Wallace

**Officers**

Jo Morris

Case Officer (Strategy & Commissioning)

Becky Sanders

Case Officer (Strategy & Commissioning)

Ann Chislett

Specialist - Legal

Rachel Lloyd

Specialist - Licensing

**Note:** All decisions were approved without dissent unless shown otherwise.

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### 5. **Declarations of Interests (Agenda Item 1)**

There were no declarations of interest.

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### 6. **Procedure to be followed under the Licensing Act 2003 when an objection to a Temporary Events Notice (TEN) has been received (Agenda Item 2)**

The Committee noted the procedure to be followed under the Licensing Act 2003 when an objection to a Temporary Events Notice (TEN) has been received.

The Chairman introduced the members of the Sub-Committee and the Officers present at the hearing.

It was confirmed that no notices of objection had been withdrawn and that all parties had received the relevant documentation.

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### 7. **Objection notice received in respect of a standard Temporary Event Notice for Westfield Playing Fields, Holdens Way, Curry Rivel, Langport, TA10 0HS (Agenda Item 3)**

The Specialist (Licensing) advised that a Temporary Event Notice (TEN) had been submitted for an event to be held on 24<sup>th</sup> July 2021 at Westfield Playing Fields, Curry Rivel. An objection notice had been duly served by the Police Licensing Officer on behalf of the Chief of Police for Avon and Somerset Constabulary for this temporary event notice.

The Specialist (Licensing) explained that the proposed start time for the event was 12 midday with an end time of midnight. The maximum number of people that could be

present at the event was 499 and was the maximum permitted by a temporary event notice. The activities applied for were the sale by retail of alcohol, regulated entertainment and late night refreshment. The nature of the event was a one day family festival, live music stage, licensed bar, food vendors, stalls and kids zone. The applicant had also provided some additional information about security and toilet provision at the event. There was not a premises licence in place at the premises however there was one in progress but it was yet to be determined, as the application was required to be advertised. It was therefore not possible to attach any conditions.

The Committee was addressed by the Police Licensing Officer on behalf of Avon and Somerset Constabulary. She advised that she had received new information since the objection was submitted in respect of emails from SSDC Environmental Protection and Somerset County Council Highways, which had been circulated to members. It was confirmed that the information submitted by Environmental Protection had not been received by the Notice Giver and would therefore need to be fully referred to in the police representation. The Police Licensing Officer explained that having received further details provided by the Notice Giver, the Police were still not satisfied that issuing the notice would promote the four licensing objectives. The Police had several concerns in relation to the paperwork received to support the temporary event notice and the management structure in respect of the event. She referred to the Event Management Plan containing various inaccuracies and errors and highlighted some specific areas of concern including: confusion over whether the event was a family event or an over 18's event and lack of information regarding ticket refunds and timings of the event. There was no clear guidance around conditions of entry, lack of information concerning the sale of alcohol and how Challenge 25 would work. There was also concerns regarding the number of people at the event as 475 tickets were currently for sale and the total capacity for the event was 499 people which included all staff and security; there were thirteen named people on the management structure alongside five security officers. The Event Management Plan also referred to a security and stewarding schedule but this had not been provided to the police. The safeguarding policy was not considered to be fit for purpose and undermined the licensing objectives of the protection of children from harm as the policy did not address what would happen if a parent reported a lost child on the site. The Licensing Police Officer said that it looked as though the Event Management Plan had been put together taking information from other plans, policies and legislation and was therefore not considered to be fit for purpose for supporting the event. There was also concern about the ability of the applicant complying with the requirements of the Licensing Act, as she had dealt with the same organiser regarding a different event and it had been identified at an early stage that the plans submitted required significant work and even on the day of the event the plans did not match what was being delivered at the event.

The Police had consulted various agencies in respect of the TEN application as this event impacted upon many areas in respect of public safety. She referred to a statement submitted by Environmental Protection that supported the Police in its objection. The Police Licensing Officer said that whilst TENs were considered a very light touch to the Licensing Act, this Temporary Event Notice was making use of every available licensable activity and the type of event had significant potential to considerably undermine the licensing objectives due to its size and complexity. Reference was also made to the fire risk assessment that had been submitted and it not matching the Event Management Plan as well as concerns over the size of exit gates.

The Notice Giver and representatives were then given the opportunity to address the Licensing Sub-Committee. The Notice Giver advised that the event had previously taken

place over a number of years in the same location and had always been run on Temporary Event Notices and this was the first objection received; there had never been any issues in the past and it had always been a safe event. He said that the Event Management Plan had been submitted after the Police objection so he was unaware of the details of the objection prior to the submission of the Event Management Plan. Reference was made to a two day event previously ran by the Notice Giver which was attended by the Fire Service, Police and Environmental Health who had no issues while in attendance at the event. It was acknowledged that the Event Management Plan did contain some errors and some further work was required in order to address the concerns raised by the Police.

The Specialist (Licensing) advised that a Temporary Event Notice for an event at the same premises had been submitted in 2018 by a different person. In response, the Notice Giver said that he had taken on organisation of the event.

In response to questions to the Notice Giver, members were informed of the following:

- The event would not go ahead if Covid restrictions were still in place;
- There would be no more than 499 people on site at any one time and the ticket numbers could be adjusted to enable this;
- The Notice Giver was willing to work with the Police and the Fire Authority on the Event Management Plan to address their issues.
- The same event held in previous years had the same layout as this event.
- An Event Management Plan had not been submitted for previous Temporary Event Notices and the Notice Giver was not aware one was required for the event and was the reason it had been rushed.

In response to a member question, the Police Licensing Officer confirmed that the event had previously been run with a different event organiser. The Police had advised the previous event organiser that it was no longer appropriate for the event to take place under a Temporary Event Notice due to its size and complex issues and would need a premises licence to give it more restrictions and support and compliance. She had spoken to the Notice Giver as she was aware that there was not enough time for a premises licence to be granted because a police objection had been lodged against the application. The Notice Giver was aware of this prior to the event he had just held and it was because of that event and the lack of ability over the management of the event as to why the Police had now objected to this Temporary Event Notice.

**Members of the Licensing Sub-Committee, Specialist (Legal) and Case Officer, attending in an advisory capacity only, withdrew from the meeting to allow the members of the Sub-Committee to consider their decision in private.**

When the meeting reconvened, the Chairman informed those present at the hearing of the decision of the Licensing Sub-Committee.

**The Licensing Sub-Committee determined to REJECT the temporary licensable activities due to take place on 24<sup>th</sup> July 2021 at Westfield Playing Fields, Curry Rivel.**

Notice of Decision

**In respect of the Temporary Event Notice received for Westfield Playing Fields, Holdens Way, Curry Rivel, Langport, TA10 0HS, under the Licensing Act 2003, the**

Licensing Sub-Committee has determined, to REJECT the temporary licensable activities due to take place in accordance with the date submitted on the application.

The Sub-Committee carefully considered the notice givers submissions and took into account the submissions of the Police. The Sub-Committee was concerned that the event management plan had not been agreed with the Police. The Committee took the view that it did not have sufficient evidence to be satisfied that the notice giver had demonstrated that they could promote the licensing objectives.

All parties are reminded that there is a right of appeal against the decision of the Licensing Authority. Such an appeal is to be made within 21 days of the date of receipt of the formal Notice of Determination, and should be made to the South Somerset Magistrates Court.

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Chairman

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Date