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## Submission of a Temporary Event Notice

Executive Member(s): Cllr Federica Smith-Roberts

Local Member(s) and Division: Cllrs Mike Murphy and Peter Clayton

Lead Officer: Alan Weldon, Licensing & Fraud Manager

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### Summary / Background

1. The Sub-Committee is required to determine the submission of a Temporary Event Notice in accordance with the Licensing Act 2003 following receipt of a relevant representation by way of objection received from Mr. Mark Shipley on behalf of Somerset Council's Environmental Protection Team.
2. The premises subject to the objection is: Burnham Association of sports Clubs (BASC), Stoddens Road, Burnham On Sea, Somerset, TA8 2DX.

### Recommendations

3. The Licensing Sub-Committee must resolve to do one of the following:
  - a. To allow the Temporary Event Notice to stand as submitted and the event to continue with licensable activities included.
  - b. To issue a Counter Notice that would prevent the event from lawfully taking place with licensable activities included.

### Reasons for recommendations

4. There is a statutory duty to consider the options above in the absence of an existing premises licence which means that no conditions from such a licence being in place can be added to the TEN. (Currently there is a Premises licence for the BASC main club house room and bar area and is restricted to this area only. The Premises licence is for on sales only and there are no off sales.)
5. The Sub-Committee must consider the promotion of the licensing objectives specified in the Act when deciding: -

- The prevention of crime and disorder;
- public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

6. The objection in this case refers to the prevention of public nuisance.

### **Other options considered**

7. Not applicable.

### **Links to Council Vision, Business Plan and Medium-Term Financial Strategy**

8. The Council must carry out its functions in accordance with the Act with a view to promoting the licensing objectives and this remains the prime consideration of this report.

### **Financial and Risk Implications**

9. There are no financial implications.

10. There are no significant risks identified providing the serving of a Temporary Event Notice is determined correctly, in accordance with the legislation and having due regard to the Sedgemoor Licensing Policy.

### **Legal Implications**

11. The Licensing Officer has determined that the representations submitted by the Environmental Protection Team are relevant. It is, therefore, the duty of the Sub-Committee to determine the Temporary Event Notice submission with regards to the licensing objectives. The issue for the Sub-Committee is whether the TEN as submitted undermines the licensing objectives as claimed by the representations submitted by the Environmental Protection Team. If so, the Sub-Committee must issue a Counter Notice.

12. The applicant may appeal should a Counter Notice be issued and, similarly, the Environmental Health Service may appeal should a decision be made not to issue a Counter Notice. Any appeal must be made to the Magistrate's Court.

### **HR Implications**

13. None

**Other Implications: -**

**Equalities Implications**

14. None.

**Community Safety Implications**

15. None.

**Climate Change and Sustainability Implications**

16. None.

**Health and Safety Implications**

17. None.

**Health and Wellbeing Implications**

18. The Sub-Committee may consider any factors that would promote or, conversely, undermine the licensing objectives.

**Social Value**

19. As the contents of this report do not relate to a procurement process, there are no social value implications.

**Scrutiny comments / recommendations:**

20. This report relates to a statutory function of the Council, which is the responsibility of the Licensing & Regulatory Committee (delegated to a Sub-Committee), so there are no scrutiny comments or recommendations to make.

**Background**

21. On 12<sup>th</sup> June 2023, a Temporary Event Notice was served on Somerset Council by way of the Council's online submission process by Mr. Robert Holden T/A

'Showtime Attractions Bars and Catering Limited', as is a requirement of the Act. A Licensing Officer subsequently provided copies of the Notice to the Police and the Council's Environmental Protection Team. A copy of the redacted TEN submission is shown as **Appendix A**.

22. The TEN requests the use of an external rugby field at the BASC ground, for a Music festival called "Under A Summers Moon." This event which will include the sale/supply of alcohol from 12.00hrs to 23.00hrs and the provision of regulated entertainment from 13.00hrs to 23.00hrs on Saturday 22<sup>nd</sup> July 2023.
23. An objection to the submission of the TEN has been received within the permitted timeframe from Mr. Mark Shipley, an Environmental Health Officer for Somerset Council, and is attached as **Appendix B**.
24. Maps of the surrounding area of the premises are shown as **Appendix C**.
25. Emergency Management Plan submitted on 24<sup>th</sup> May 2023 shown as **Appendix D**.

### **Background Papers**

26. None.

### **Appendices**

- A. Temporary Event Notice served on 12<sup>th</sup> June 2023.
- B. Representation by Mr. Mark Shipley, Somerset Council Environmental Protection Team.
- C. Maps of the Premises and surrounding area.
- D. EMP served on 24<sup>th</sup> May 2023