
Objection notices received in respect of a standard Temporary Event Notice for Wincanton Sports Centre, West Hill, Wincanton, BA9 9SP

Executive Member(s): Cllr Federica Smith-Roberts

Local Member(s) and Division: Cllrs Lucy Trimnell and Tom Power, Wincanton and Bruton

Lead Officer: Rachel Lloyd – Specialist Licensing

Author: Rachel Lloyd

Contact Details: Rachel.lloyd@somerset.gov.uk

Summary / Background

1. To inform members that a standard temporary event notice has been received under the Licensing Act 2003 from Mr Le Monnier (The Premises User) for an event at Wincanton Sports Centre, West Hill, Wincanton, BA9 9SP. The notice relates to an event taking place from 12 August to 13 August 2023. An objection notice has been duly served on behalf of the Chief of Police for Avon and Somerset Constabulary. The objection notice can be seen in Appendix 1.
2. 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.

Recommendations

3. The Licensing Sub-Committee must decide to do one of the following:
 - Give a counter notice to the premises user so that event cannot proceed, or
 - Permit the event to proceed in accordance with the temporary event notice, or

- Permit the temporary event notice to proceed but attach one or more conditions (in accordance with paragraph 6, below).

Reasons for recommendations

4. There is statutory duty to consider the options above.
5. In determining a temporary event notice with a view to promoting the licensing objectives in the overall interests of the community, the Sub 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 South Somerset Statement of Licensing Policy published in July 2022
 - The steps necessary to promote the licensing objectives
 - Human Rights considerations in particular Article 6, Article 8 and Article 1 of Protocol 1
6. The licensing objectives are to be considered paramount and the Council has a duty to promote them in its decision-making process. The licensing objectives are:
 - Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm
7. Section 106A of the Licensing Act 2003 permits licensing authorities to impose one or more conditions from a premises licence on a standard temporary event notice if:
 - a) The authority considers it appropriate for the promotion of the licensing objectives to do so.
 - b) The conditions are also imposed on a premises licence or a club premises certificate that has effect in respect of the same premises, or any part of the premises, as the temporary event notice; and
 - c) The conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.

Other options considered

8. Not applicable.

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

9. The Council must carry out its functions in accordance with the Licensing Act 2003 with a view to promoting the licensing objectives and this remains the prime consideration of this report.

Financial and Risk Implications

10. There are no financial implications.
11. 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 Statement of Licensing Policy adopted by South Somerset District Council.

Legal Implications

12. The Licensing Specialist has determined that the representation submitted by Avon and Somerset Constabulary is 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 or not the Temporary Event Notices as submitted undermines the licensing objectives as claimed by the representations submitted by Avon and Somerset Constabulary. If so, the Sub-Committee must issue a Counter Notice.
13. The Premises User may appeal should a Counter Notice be issued and, similarly, Avon and Somerset Constabulary 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

14. None.

Other Implications:

15. None.

Equalities Implications

16. None.

Community Safety Implications

17. None.

Climate Change and Sustainability Implications

19. None.

Health and Safety Implications

20. None.

Health and Wellbeing Implications

21. None.

Social Value

22. The contents of the report do not relate to a procurement process, therefore there are no social value implications.

Scrutiny comments / recommendations:

23. 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

24. The statutory guidance, issued by the Home Office in respect of the Licensing Act 2003, describes Temporary Event Notices (TENs) as being "*intended as a light touch process*". They are submitted to the Licensing Authority by the premises user (an individual 18 years or over) and 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 (the licence or certificate) is not being used;
- where the operating schedule including days and timings do not meet the need of the premises user.

Proposed Activities and Timings

25. The proposed activities and timings are detailed below

Proposed Activities and Hours Day	Start Time	Finish Time	Maximum Number of persons at event at any one time	Licensable activity requested	Nature of Event
12 August 2023 *	11:00	00:00 (13 August 2023)	496	The sale by retail of alcohol Regulated Entertainment	Boxing Show

*the Event Safety Management Plan (ESMP) states and the Premises User confirmed that the sale of alcohol and boxing will start from 17:00 and be finished no later than 23:30.

Relevant Observations

26. The Premises User holds a personal licence.

27. Should the temporary event notices proceed; the Premises User will be responsible for ensuring that there are no more than 496 persons at each premises (as defined on the notices). If at any point there were 497 or more persons at the premises, the event would no longer be authorised and an offence under the Licensing Act 2003 would occur.

28. The Premises User has provided the following in support of their notice:

- ESMP for the August event (Appendix 2)
- The response submitted to the Police following the objection (Appendix 3)
- A letter from the company which has provided security at previous events and will be used to provide security at the event on 12 August, if the event is allowed to proceed, (Appendix 4) and

- Risk assessment for crowd trouble (Appendix 5).

Further Information

29. The Premises User has also provided the ESMP from an event they held in May 2023 (Appendix 6), copies of email correspondence with the Police for a previous event (Appendix 7) and copies of correspondence with Wincanton Sports Centre (Appendix 8)

Background Papers

The Licensing Act 2003

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

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

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

The South Somerset Statement of Licensing Policy published in July 2022.

Appendices

- Appendix 1 Objection notice submitted by the Police
- Appendix 2 Event Safety Management Plan (confidential)
- Appendix 3 Response to Police following the objection (confidential)
- Appendix 4 Letter from security company (confidential)
- Appendix 5 Risk assessment (confidential)
- Appendix 6 ESMP for May Event (confidential)
- Appendix 7 Correspondence with Police (confidential)
- Appendix 8 Correspondence with Wincanton Sports Centre (confidential)