
Consideration of a TEN received in respect of Frome Carnival

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Applicant: Miss Kimberly Jones

Premises Name: Boyles Cross

Premises Address: Market Place, Frome, Somerset, BA11 1AJ

Introduction

1 A Temporary Event Notice has been served on the Licensing Authority on 08th September 2023 for the sale of alcohol, at Boyles Cross, Market Place, during the Frome Carnival taking place on Saturday, 23rd September 2023. The maximum number of people at any one time that intend to be present at the premises during the times when the licensable activities are taking place, including any staff will be ten persons.

A copy of the Temporary Event Notice can be found at **Appendix 1**.

A map showing the location of the Temporary Event Notice can be at **Appendix 2**.

Licensable Activities

Licensable Activities	Days	Start Time	Finish Time	ON/OFF	Capacity
Supply of Alcohol	Saturday 23/09	15:00	23:00	ON/OFF	10

Reason for referral to Licensing Sub-Committee

- 2 An objection to the Temporary Event Notice was received from the Area Licensing Practitioner for Avon and Somerset Constabulary dated 13th September 2023, stating that the police have taken into account the nature of the event, the location, hours requested, amenities, limited plans and that during the most recent communication with the carnival committee organisers at a Safety Advisory Group meeting an Event Management Plan was provided which outlined that “this event does not require any Temporary Event Notices or Premises Licence”. The carnival does not start until 19:00 hours and is normally completed by 22:00 hours. Road closures are not put into place until 18:00 hours, meaning that the area proposed for the TEN will still have operational traffic whilst alcohol is being sold.

Frome town centre already benefits from multiple drinking establishments, who will be serving alcohol on carnival night in controlled environments.

The police do not consider that another alcohol outlet is required.

The Police, on this occasion have not been furnished with adequate information to ensure that the licensing objectives will be promoted and therefore believe that the issuing of the notice will undermine the licensing objectives.

A copy of the objection can be found at **Appendix 3**.

Relevant Observations

- 3 The applicant holds a personal licence with Wiltshire Council.

Legal Implications

- 4 The Licensing Authority has a duty to promote the Licensing Objectives in its decision-making process.

These objectives are as follows: -

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

Where a person wishes to conduct licensable activity on an occasional basis or on an extended basis (in the case of where a premises licence or club premises certificate has effect) they may give a TEN to the local council, where it acts as the Licensing Authority.

The format of the form for a TEN is prescribed and an applicant must give not less than 10 clear working days’ notice to the Licensing Authority (unless it is a ‘Late TEN’) and to certain other statutory bodies.

Those bodies then have 3 clear working days from the day following their receipt of the TEN to consider the potential impact(s) of the TEN, and then if they believe that the notification will undermine the promotion of any of the four licensing objectives, they may issue an objection notice to the applicant and the Licensing Authority. Section 105 of the 2003 Act is clear that a licensing authority must hold a hearing to consider any objections from the police or EHA unless all the parties agree that a hearing is not necessary.

If the parties agree that a hearing is not necessary and the licensing authority decides not to give a counter notice on the basis of the objection, it may impose existing conditions on the TEN.

The grounds under the 2003 Act for consideration of this matter by the Licensing Authority are the four licensing objectives.

Decision Making Process

- 5** The deliberations should be confined to the Police's objection and any representations made at the hearing.
- Give the premises user a counter notice under this section if it considers it appropriate for the promotion of the crime prevention or public safety objectives to do so; or
 - Not give a counter notice and allow the licensable activities to go ahead as stated in the notice. In this case the licensing authority must give the premises user and the relevant chief officer of police notice of this decision.

Reasons must be given for any decision the sub-committee makes and parties notified accordingly.

Right of Appeal

- 6** All relevant parties to the decision of the Licensing Authority have the right of appeal to Magistrates Court, in connection with this matter. This must be done within 21 days of being notified in writing of the relevant decision.

Appendices

- 7** Appendix 1 – Copy of the Temporary Event Notice

Appendix 2 – Map showing location of Temporary Event Notice

Appendix 3 – Copy of the objection received from Avon and Somerset Constabulary

END OF REPORT

