

Consideration of objection notices given in respect of standard Temporary Event Notices

Lead Officer: John Rendell, Licensing Manager

Author: Rachel Lloyd, Specialist - Licensing

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

Executive Lead Member: Lead Member for Communities, Housing and Culture Division / Local Member: Cllrs Graham Oakes and Tony Lock

1. Summary

- 1.1 Mr Michael Krzyzanowski has given five separate standard temporary event notices (TENs) in respect of The Great Lyde public house, Cavalier Way, Yeovil, Somerset, BA21 5UA, with the aim of creating a 'fanzone' at the premises during the Euro 2024 international football tournament.
- 1.2 The licensing authority is in receipt of objection notices given by Environmental Protection and on behalf of the Chief Officer of the Police

2. Issues for consideration/recommendations

- 2.1 The Licensing Sub-Committee must decide to do one of the following in relation to each individual TEN, as it considers appropriate for the promotion of the four statutory licensing objectives:
 - (a) Give a counter notice to the premises user.
 - (b) Permit the TEN.
 - (c) Permit the TEN , subject to one or more conditions that are imposed on the premises licence for The Great Lyde (further details provided in this report).
- 2.2 The Licensing Sub-Committee must make an individual determination in respect of each TEN.

2.3 The four licensing objectives are:

- (a) Prevention of crime and disorder.
- (b) Prevention of public nuisance.
- (c) Public safety.
- (d) Protection of children from harm.

3. Background

3.1 The Home Office's Revised Guidance issued under section 182 of the Licensing Act 2003 (December 2023) the licensing objectives are described as each being of "*...equal importance.*" and the "*...paramount consideration at all times.*"

3.2 "*However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:*

- *protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;*
- *giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;*
- *recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;*
- *providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and*
- *encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them."*

3.3 The guidance describes the system of using TENs to authorise temporary activities as being "*...intended as a light touch process...*". They are submitted to the Licensing Authority by a premises user (an individual 18 years or over), as a means to authorise licensable activities where:

- no premises licence or club premises certificate exists;
- in cases where a licence or certificate is not being used;
- where the activities authorised on a licence or certificate do not meet the need of the premises user.

- 3.4 The Great Lyde public house has been granted a premises licence, a copy of which is attached at **Appendix 1**. The premises licence authorises the supply of alcohol 24 hours a day and relates to both the internal and external parts of the public house. As a consequence, the premises benefits from exemptions that apply to the authorisation of live and/or recorded music providing:
- The premises is open for the supply of alcohol;
 - The music takes place between 08:00 and 23:00 hours; and
 - There are no more than 500 people in the audience.
- 3.5 Section 106A of the Licensing Act 2003 permits licensing authorities to, when considering an objection to a standard TEN, impose one or more conditions from a premises licence on that TEN, 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.
- 3.6 Should the Sub-Committee resolve to impose one or more conditions on the TEN, it must issue a statement of conditions.
- 3.7 The Government announced on the 8th of May that pubs in England (and Wales) will be permitted to open until 01:00 hours if the English or Scottish national teams reach the semi finals or final of the Euro 2024 tournament. The semi final fixtures are scheduled to take place on the 9th and 10th of July, with the final scheduled for the 14th of July.

4. Report

- 4.1 Five TENs were received by the licensing authority on 17 May 2024, and immediately served on Environmental Protection and Avon and Somerset Constabulary.
- 4.2 The 'nature of the event' identified in each of the notices is "*Fanzone for Euro 2024 – outside screen, bar and food trucks.*" The licensable activities proposed are the supply of alcohol and provision of regulated entertainment. The maximum number of persons identified for each event is 499 (the maximum permitted under a TEN).
- 4.3 The specifics of the five TENs are as follows:

| Notice 1 | | |
|-----------------|-------------------|--------------------|
| Date | Start Time | Finish Time |
| 14 June 2024 | 12:00 | 23:00 |
| 15 June 2024 | 12:00 | 23:00 |
| 16 June 2024 | 12:00 | 23:00 |

| Notice 2 | | |
|-----------------|-------------------|--------------------|
| Date | Start Time | Finish Time |
| 19 June 2024 | 12:00 | 23:00 |
| 20 June 2024 | 12:00 | 23:00 |
| 21 June 2024 | 12:00 | 23:00 |
| 22 June 2024 | 12:00 | 23:00 |
| 23 June 2024 | 12:00 | 23:00 |
| 24 June 2024 | 12:00 | 23:00 |
| 25 June 2024 | 12:00 | 23:00 |

| Notice 3 | | |
|-----------------|-------------------|--------------------|
| Date | Start Time | Finish Time |
| 29 June 2024 | 12:00 | 23:00 |
| 30 June 2024 | 12:00 | 23:00 |
| 01 July 2024 | 12:00 | 23:00 |
| 02 July 2024 | 12:00 | 23:00 |

| Notice 4 | | |
|-----------------|-------------------|--------------------|
| Date | Start Time | Finish Time |
| 05 July 2024 | 12:00 | 23:00 |
| 06 July 2024 | 12:00 | 23:00 |
| 07 July 2024 | 12:00 | 23:00 |

| Notice 5 | | |
|-----------------|-------------------|--------------------|
| Date | Start Time | Finish Time |
| 09 July 2024 | 12:00 | 23:00 |
| 10 July 2024 | 12:00 | 23:00 |

- 4.4 The licensing authority has established that the primary purpose of the TENs is to authorise the provision of an additional bar in the external area of the premises (which is not already authorised under the existing premises licence). It has also been established that other, non-licensable activities, are to take place within the 'fanzone', in the form of the screening of live football matches, provision of a children's area with bouncy castle, and food trucks.
- 4.5 Were the Sub-Committee to resolve to serve a counter notice, it would prevent the provision of the additional bar, but the other activities described above would not be affected.
- 4.6 The premises user has provided a plan showing the intended layout of the premises (**Appendix 2**) which would apply to the notices. A letter for neighbours with information about the proposed events has also been submitted. At the time of writing the report, the premises user has advised that they are updating this information and will provide an revised version.
- 4.7 As already indicated, objections have been given by Environmental Health and on behalf of the Chief Officer of the Police, within the prescribed window of time for doing so. These are shown at **Appendices 3 and 4** respectively.
- 4.8 At paragraph 4.4.6 of the Council's Statement of Licensing Policy, premises users are strongly recommended to consider the following:
- *“Applicants are strongly advised to consider and mitigate the potential impact in terms of public nuisance, i.e. noise, vehicle parking of attendees, traffic.*
 - *Seek relevant professional advice on public liability insurance • Seek relevant professional advice on noise, public safety, sanitation, food hygiene, health & safety and fire safety matters.*
 - *Liaise with local residents and businesses that may be affected by the event, to raise awareness of the nature and duration of the event.*
 - *Seek relevant professional advice on medical provision.*
 - *Ensure that the event site and environs are maintained free of litter to a reasonable extent during an event and completely cleared following an event. This includes the removal of all advertising material used to promote events, within a reasonable period.*
 - *Consider the conditions attached to a Premises Licence or Club Premises Certificate and manage the event in accordance with such conditions, where appropriate. (This is to mitigate the potential for adverse impacts on the promotion of the Licensing Objectives and/or complaints).”*
- 4.9 The Sub-Committee may wish to clarify what, if any, of the above the premises user intends to undertake, as appropriate.

4.10 Should the Sub-Committee issue a Counter Notice, the premises user may appeal. Should the Sub-Committee permit the notice, Environmental Protection and Avon and Somerset Constabulary may appeal. Any appeal must be made to the Magistrate's Court.

5. 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 Home Office Guidance issued under section 182 of the Licensing Act 2003.
- The Somerset Council Statement of Licensing Policy, published September 2023.

Note For sight of individual background papers please contact the report author