
Submission of a Temporary Event Notice

Executive Member(s): Cllr Federica Smith-Roberts

Local Member(s) and Division: Cllrs Mark Healey and Suria Aujla, Huntspill

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 notice given is Avalon Priory, Priory Road, Chilton Polden, Somerset TA7 9DH. It is not subject to an existing premises licence granted in accordance with the Act.

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.

5. The Sub-Committee must consider the promotion of the licensing objectives specified in the Act when making a decision: -
 - 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 or not 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 3rd April 2023, a Temporary Event Notice was served on Somerset Council by way of the Council's online submission process by Mr. Alexander Orion. 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 use of external areas at the premises, Avalon Priory, for a Family friendly, vegan, alcohol-free, folk music and ecological education event which will include the provision of regulated entertainment from 18.00 to 23.59 hrs on Friday 12th May 2023, 10.00 to 23.59 hrs on Saturday 13th May and from 10.00 to 22.00 hrs on Sunday 14th May.
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**.

Background Papers

25. As identified in the report and below under 'Appendices'.

Appendices

- A. Temporary Event Notice served on 3rd April 2023.
- B. Representation by Mr. Mark Shipley, Somerset Council Environmental Protection Team.
- C. Maps of the Premises and surrounding area.