
Objection notice received in respect of a standard Temporary Event Notice for Yeovil Showground, Two Tower Lane, Yeovil, BA22 9TA (Bar 2)

Executive Member(s): Cllr Federica Smith-Roberts

Local Member(s) and Division: Cllrs Mike Hewitson and Oliver Patrick, Coker

Lead Officer: Rachel Lloyd – Specialist Licensing

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Summary / Background

1. To inform members that a standard temporary event notice has been received under the Licensing Act 2003 from Mr Yvan Williams for Bar 2, Yeovil Showground, Two Tower Lane, Yeovil, BA22 9TA. It relates to an event taking place from 05/05/23 to 07/05/23. An objection notice has been duly served by Gary Bowden on behalf of the Chief of Police for Avon and Somerset Constabulary this temporary event notice.

Recommendation

2. To consider the objection notice in accordance with the options detailed later in the report.

Background

3. A Temporary Event Notice (TEN) is intended as a light touch process¹ and is submitted to the Licensing Authority by the premises user (an individual 18 years or over) and is 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 is not being used

¹ Paragraph 7.2 of the Guidance issued under s182 of the Licensing Act 2003, 12 January 2023

where the operating schedule including days and timings do not meet the need of the premises user.

4. 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.

Licensing Objectives

5. The licensing objectives are:
 - Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm
6. The licensing objectives are to be considered paramount and the Council has a duty to promote them in its decision making process.

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
05/05/2023	16:00	22:30	499	The sale by retail of alcohol	Balloon Festival
06/05/2023	12:00	22:30	499		
07/05/2023	12:00	20:30	499		

Relevant Observations

8. The area notice is intended to apply to has been restricted to an area specified as 'Bar 2. A plan was provided with the notice and is shown in Appendix 1.
9. Should the temporary event proceed; the premises user will be responsible for ensuring that there are no more than 499 persons at the premises. Should there be 500 or more persons in that area, at any one time, it will mean that particular temporary event is unlicensed.

Further Information

10. The venue is subject to two premises licence (licence numbers 11769 and 59257). The licensing authority may impose one or more conditions on the standard temporary event notice as detailed under Options (paragraph 13).
11. The conditions from these licences are shown in Appendix 2.
12. An alcohol management plan was submitted with the notice and can be seen in Appendix 3.
13. The nature of the event is a Balloon Festival. An Event Safety Management Plan (ESMP) was submitted on behalf of the event organiser on and was sent to the consultees for the TEN on 11/04/23.

Consideration

14. In determining a temporary event notice with a view to promoting the licensing objectives in the overall interests of the community, the 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 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

Options

15. The options available to the committee in this case are as follows:
 - Give a counter notice to the premises user so that event cannot proceed
 - Permit the event to proceed in accordance with the temporary event notice.
 - Permit the temporary event notice to proceed but attach one or more conditions as below
16. Section 106A of the Licensing Act 2003 permits licensing authorities to impose one or more conditions 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.

Right of Appeal

17. Schedule 5 Part 3 of the Licensing Act 2003 sets out the rights and procedures for making appeals against the decision of the Licensing Authority:
18. Where the relevant Licensing Authority gives a counter-notice under section 105(3), the premises user may appeal against that decision.
19. Where that authority decides not to give such a counter-notice a “relevant person” as specified in section 99A of the Licensing Act 2003, may appeal against that decision.
20. An appeal must be made to the Magistrates’ Court

21. The appellant commences an appeal under Part 3 of Schedule 5 to the Licensing Act 2003 by giving a notice of appeal to the designated officer for the Magistrates' court within 21 days beginning with the day on which the appellant was notified by the Licensing Authority of the decision appealed against.
22. But no appeal may be brought later than five working days before the day on which the event period specified in the temporary event notice begins.
23. On determining the appeal, the court may,
 - Dismiss the appeal
 - Substitute for the decision appealed against any other decision which could have been made by the Licensing Authority; or
 - Remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court.

and may make such order as to costs as it thinks fit.

Background Papers

The Licensing Act 2003

The Police Reform and Social Responsibility Act 2011

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

Live Music Act 2012

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

(Descriptions of Entertainment) (Amendment) Order 2013

The Legislative Reform (Entertainment Licensing) Order 2014

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

The Statement of Licensing Policy published in July 2022,

The Deregulation Act 2015