
Objection notices received in respect of two standard Temporary Event Notices for Yeovil Showground, Two Tower Lane, Yeovil, BA22 9TA (Bar 1 and 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 two standard temporary event notices have been received under the Licensing Act 2003 from Mr Yvan Williams for Bar 1 and Bar 2, Yeovil Showground, Two Tower Lane, Yeovil, BA22 9TA. They relate to an event taking place from 5 May 2023 to 7 May 2023. Objection notices have been duly served by Gary Bowden on behalf of the Chief of Police for Avon and Somerset Constabulary. The objection notices 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 representations submitted by Avon and Somerset Constabulary 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 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.

25. There are two premises licences in place at Yeovil Showground, however, only one (licence 11769) covers the same area which is proposed to be used for the sale by retail of alcohol. The conditions from this licence are shown in Appendix 1.

Proposed Activities and Timings

26. 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
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

27. The areas the notices are intended to apply to have been restricted to specified areas. The plan submitted with the notices shows the bar 1 as being inside the area marked as M1 on the plan and bar 2 as being inside the area marked as M2 on the plan. The plan can be seen in Appendix 2.

28. Should the temporary event notices proceed; the premises user will be responsible for ensuring that there are no more than 499 persons at each premises (as defined on the notices). If at any point there were 500 or more persons one or both premises (as defined on the notices), the events would no longer be authorised and an offence under the Licensing Act 2003 would occur.

Further Information

29. The premises user submitted an alcohol management plan with the temporary event notices and this can be seen in Appendix 3.
30. The nature of the event is a balloon festival. An Event Safety Management Plan (ESMP) was submitted on behalf of the event organiser on 10 April 2023 and this was sent to the Police, Environmental Health and other relevant authorities on 11 April 2023. An amended ESMP was submitted on 16 April 2023.
31. Notices for this event were submitted on two separate occasions, but were withdrawn (before hearings took place) and re-submitted as changes were made to the location(s) for the sale by retail of alcohol. The Police objected to the previous notices.

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 notices submitted by the Police and Somerset Safety Advisory Group
- Appendix 2 Plan showing the location of the sale by retail of alcohol at the event.
- Appendix 3 Alcohol management plan