

**CONSIDERATION OF AN OBJECTION TO A TEMPORARY EVENT NOTICE (TEN)
- LICENSING ACT 2003**

Committee: Licensing (Statutory) Sub-Committee

Date: 14 October 2020

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1.0 PURPOSE OF REPORT

1.1 To consider an objection notice submitted by a “relevant person” following the submission of a Temporary Event Notice (TEN) for a German Beer and Food Festival due to take place on Saturday 17 October 2020.

2.0 RECOMMENDATION(S)

2.1 That Members consider the content of this report and all of the evidence provided during the hearing, and determine the case in accordance with the options contained in paragraph 5.3 of this report.

3.0 BACKGROUND

3.1 A TEN indicates that a premises will be used for licensable activities during the particular period identified in the TEN. A TEN can either be used to authorise licensable activities at a premises that does not benefit from a Premises Licence or Club Premises Certificate, or they can be used to extend the hours that licensable activities are permitted at a licensed premises; provide additional licensable activities at a licensed premises; or allow a person who is not the Premises Licence or Club Premises Certificate holder to provide licensable activities at a licensed premises. This is a “light touch” regime for occasional events where no more than 499 persons (including staff) may attend an event at any one time.

3.2 A TEN is not an application, it is a notification of an intended event, and as such unless either the Police or Environmental Health (or both) are satisfied that allowing the premises to be used in accordance with a TEN would undermine a licensing objective and issue an objection notice stating the reasons for being so satisfied, the event can occur as notified.

4.0 THE TEMPORARY EVENT NOTICE

4.1 A copy of the TEN is attached at **Appendix 1**, but a summary of the notice is below:

Notice giver	Mr Janes
Nature of event	OktoberFest themed German Food and Beer Festival.

Event location	A temporary marquee at The Polo Club, Lower Farm, Station Road, Dullingham, Suffolk
Event date	Saturday 17 October
Event times	1300hrs to 2200hrs
Activities requested	Retail sale of alcohol, and regulated entertainment
Attendance	Maximum of 499 at any given time (incl. staff)

4.2 The TEN was submitted via the Council's online form submission system at 17:01:07 on Thursday 1 October. Due to being received outside of the service hours of the Council, it was deemed to have been "given" Friday morning when it became accessible to officers. This means that the 3 working days consultation period expired at the close of Wednesday 7 October.

4.3 On Monday 5 October the Senior Environmental Health Officer in his capacity as a "relevant person" submitted an objection notice on the grounds that the event would have a detrimental impact on the Public Safety licensing objective. A copy of the objection notice is attached at **Appendix 2**.

4.4 Under the terms of the 2003 Act the Licensing Authority must hold a hearing to consider the objection notice. Such a hearing must commence within 7 working days of the closing date for objections.

5.0 CONSIDERATIONS

5.1 The sub-committee must consider the written content of this report and the verbal evidence provided by the parties to the hearing, and make a decision appropriate for the promotion of the licensing objectives.

- The prevention of crime and disorder
- The prevention of public nuisance
- Public safety
- The protection of children from harm

5.2 In making their decision Members are also obliged to have regard to the Statutory Guidance issued under Section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy. Should Members depart from either they must specify their reasons for doing so.

5.3 The sub-committee cannot modify the TEN in any way, for example reduce the hours of the TEN. The options available to the sub-committee are:

(i) Issue a counter-notice in accordance with section 105(2) if Members believe it appropriate for the promotion of the licensing objectives to do so.

(ii) take no action and allow the event to go ahead.

5.4 In arriving at their decision Members must provide the reasons for their decision, and consider their responsibilities under the Human Rights Act 1998, when balancing the rights of the notice giver and the rights on those who may be affected.

5.5 Any decision taken must be **appropriate and proportionate** to the objective being pursued. In particular the following should be taken into consideration:

- Article 6 – the right to a fair hearing
- Article 8 – respect for private and family life
- Article 14 – the right to freedom from discrimination.

6.0 APPEAL

6.1 Under normal circumstances the notice giver, and the Senior Environmental Health Officer may appeal the decision made by the sub-committee, regarding the TEN, to the Magistrates Court within 21 days. However, as the event day is less than 5 working days from the hearing date, the Licensing Act 2003 specifically excludes the right to submit an appeal against the decision.

7.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

7.1 The cost of convening a Licensing Sub-Committee to determine an application is covered by the fees paid by licence applicants.

7.2 Equality Impact Assessment (EIA) is not required, as this does not relate to a service provided by the Council or a decision on a change of policy.

8.0 APPENDICES

- 8.1 Appendix 1 TEN form
- 8.2 Appendix 2 Representation from Richard Garnett, Senior Environmental Health Officer

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
Licensing Act 2003	Room SF208	Stewart Broome
Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, April 2018	The Grange Ely	Senior Licensing Officer 01353 616477 stewart.broome@eastcambs.gov.uk
ECDC Statement of Licensing Policy 2016		