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17 April 2024

LICENSING AND REGULATORY SUB-COMMITTEE

A meeting of the **Licensing and Regulatory Sub-Committee** will be held on **Thursday, 25th April, 2024** in the **King Charles Room - OFH** at **10.30 am**

PHIL SHEARS
Managing Director

Membership:

Councillors Hayes (Chair), Sanders and Bradford

Please Note: Filming is permitted during Committee meeting with the exception where there are confidential or exempt items, which may need to be considered in the absence of the press and public. By entering the meeting room you are consenting to being filmed.

A G E N D A

Part I

1. **Apologies**
2. **Declarations of Interest (if any)**
3. **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

Should the Committee wish to exclude the press and public during consideration of the items on this agenda, the following resolution should be passed:-

RECOMMENDED that, under Section 100A(4) of the Local Government Act 1972,

the press and public be excluded from the meeting of the particular item(s) on the grounds that it involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12A of the Act

4. **Application for a Temporary Event Notice - Great Fulford House, Dunsford, EX6 7AJ** (Pages 3 - 8)

If you would like this information in another format, please telephone 01626 361101 or e-mail info@teignbridge.gov.uk

TEIGNBRIDGE DISTRICT COUNCIL

LICENSING AND REGULATORY SUB COMMITTEE

CHAIRMAN: Cllr Robert Hayes

DATE:

REPORT OF: Licensing Manager

SUBJECT: Temporary Event Notices –

PART I

RECOMMENDATION

The Licensing Act 2003 Sub Committee is requested to consider these notices.

1. THE NOTICE

Premises User: **Mr James Oliver**

Premises: **Great Fulford House, Dunsford, EX6 7AJ**

Temporary Event Notices were received from Mr James Oliver to provide state licensable activities at premises known as sale of alcohol, regulated entertainment and late-night refreshment for Great Fulford House, Dunsford, EX6 7AJ between the hours of 1400hrs and 0300hrs between 30 August 2024 to 2 September 2024.

2. BACKGROUND INFORMATION

A Temporary Event Notice (TEN) is given by an individual (a premises user) and authorises the premises user to conduct one or more licensable activities at premises for no more than 168 hours. TEN's can be used to authorise relatively small-scale adhoc events held in or on any premises involving less than 500 people at any one time, subject to certain restrictions.

3. PROMOTION OF LICENSING OBJECTIVE

Environmental Health have given an objection notice on the grounds of public nuisance - Appendix A. The objection is based on the venue being used for festivals in the past and caused an impact to the neighbours, The background sound level at the site is so low that a 45dba sound level will be intrusive during the day and this event wishes to continue until 3am.

TEIGNBRIDGE DISTRICT COUNCIL

LEGAL AND POLICY CONSIDERATIONS

The following provisions of the Licensing Act 2003 apply to this application:

Part 5, Section 104 and 105 regarding the objection to a standard temporary event notice by a 'relevant person'.

The sub-committee must :-

- (a) in a case where it decides not to give a *counter notice under this section, give the premises user and each relevant person notice of the decision, and (*The effect of this would be that the event can take place as notified).
- (b) in any other case –
 - (i) give the premises user the counter notice* and a notice stating the reasons for its decision, and
 - (ii) give each relevant persons a copy of both of those notices.(* The effect of this is to stop the event from taking place).

The following provisions of the Secretary of State's guidance apply to this application Sections 7.32 to 7.37.

The licensing authority's statement of licensing policy does not specifically deal with temporary event notices but the general provisions relating to promotion of the four licensing objectives apply.

At the hearing the sub-committee is confined to consideration of the four licensing objectives and cannot uphold an objection notice on other grounds.

The sub-committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property, which may include licences in existence, and the protection of private and family life.

The sub-committee is asked to determine these notices.

Note: Relevant extracts from D.C.M.S. Guidance are attached at the end of the report to assist members when considering these notices (Appendix B).

Andrea Furness
Senior Licensing Officer

Wards affected	<i>Teign Valley</i>
Contact for any more information	<i>Andrea Furness – 01626 215545</i>
Background Papers (For Part I reports only)	<i>Licensing Act 2003 Section 182 Guidance for Police and Licensing Authorities</i>
Key Decision	<i>No</i>
In Forward Plan	<i>No</i>
Community Impact Assessment attached:	<i>No</i>
Appendices attached:	A: EH Objection B: National Guidance

Andrea Furness

From: Teignbridge District Council <noreply@teignbridge.gov.uk>
Sent: 11 April 2024 17:37
To: Ext Mail: Licensing
Subject: EH Obj

Uniform reference : 24/00444/LTEN

Firmstep reference : FS-Case-602400517

Applicant name : Mr James Oliver

Premises : Great Fulford House Dunsford EX6 7AJ

Environmental Health have provided the following notes:

This venue has been used for festivals in the past and caused an impact to the neighbours, The background sound level at the site is so low that a 45dba sound level will be intrusive during the day and this event wishes to continue until 4am. Further discussion is required to prevent nuisance prior to agreeing to this TEN

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National Guidance

National guidance regarding police and Environmental Health intervention for Temporary Event Notices are as follows:-

'Police and Environmental Health Intervention

- 7.32 *The system of permitted temporary activities gives police and EHAs the opportunity to consider whether they should object to a TEN on the basis of any of the licensing objectives.*
- 7.33 *If the police or EHA believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. The objection notice must be given within the period of three working days following the day on which they received the TEN.*
- 7.34 *Where a standard TEN was given, the licensing authority must consider the objection at a hearing before a counter notice can be issued. At the hearing, the police, EHA and the premises user may make representations to the licensing authority. Following the hearing, the licensing authority may decide to impose conditions which already apply to an existing premises licence or club premises certificate at the venue, or issue a counter notice to prevent the event going ahead. As noted above, there is no scope for hearings in respect of late TENs and if objections are raised by the police or EHA in relation to a late TEN, the notice will be invalid and the event will not go ahead.*
- 7.35 *Such cases might arise because of concerns about the scale, location, timing of the event or concerns about public nuisance - even where the statutory limits on numbers are being observed. The premises user who signs the form is legally responsible for ensuring that the numbers present do not exceed the permitted limit at any one time. In cases where there is reason to doubt that the numbers will remain within the permitted limit the premises user should make clear what the nature of the event(s) is and how they will ensure that the permitted persons limit will not be exceeded. For example, where notices are being given for TENs simultaneously on adjacent plots of land it may be appropriate for door staff to be employed with counters. In each case it is important that licensing authorities and relevant persons can consider whether they believe that the premises user intends to exceed the 499 person limit, or will be unable to control or know whether the limit will be exceeded. Where the planned activities are likely to breach the statutory limits or undermine the licensing objectives, it is likely to be appropriate for the police or EHA to raise objections.*
- 7.36 *However, in most cases, where for example, alcohol is supplied away from licensed premises at a temporary bar under the control of a personal licence holder, (such as at weddings with a cash bar or small social or sporting events) this should not usually give rise to the use of these powers.*

Modification

7.37 *As noted above, the police or EHA (as 'relevant persons') may contact the premises user to discuss their objections and try to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified (for example, by changing the details of the parts of the premises that are to be used for the event, the description of the nature of the intended activities or their duration). The other relevant person has to agree for the modification to be made. There is no scope under the 2003 Act for the modification of a late TEN.'*

APPENDIX