

## 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**

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