

Determination of Objection Notice to Temporary Event Notice

REPORT OF: Tom Clark, Head of Regulatory Services

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Wards Affected: High Weald

Key Decision No

Purpose of Report

1. To provide information in order that the Licensing Committee can determine an objection to a Temporary Event Notification (TEN).

Summary

2. A Temporary Event Notification (TEN) has been sent to the Licensing Authority for Mid Sussex District Council in accordance with Section 100 Licensing Act 2003 by Mr Huw Williams. The Environmental Protection Team for Mid Sussex District Council have submitted an objection notices citing public nuisance.
3. The Committee is asked to determine the matter in accordance with the Licensing Act 2003, MSDC Licensing Policy and the Home Office Guidance issued under Section 182 Licensing Act 2003, having due regard to the applicant's submissions and objections by the statutory body.

Background

4. When carrying out its functions the licensing authority must have regard to the four licensing objectives. The objectives are:
 - The prevention of crime and disorder
 - Public Safety
 - The prevention of public nuisance
 - The protection of children from harm
5. The system of permitted temporary activities is intended as a light touch process designed to allow low risk events to take place without the requirement of a full premises licence. As such the process relies on the openness and clarity in the description of the event in the notice to enable the relevant Responsible Authorities to determine whether the event going ahead would pose any risk to the licensing objectives
6. Mr Williams (referred to in the Licensing Act as the 'premises user') has submitted a Temporary Event Notification to cover regulated entertainment between 1800hrs and 2330hrs from Friday 27th August 2021 until Sunday 29th August 2021 terminating at 2330 hours that night.
7. The address of the event is Chiddinglye Farm, Selsfield Road, West Hoathly, RH19 4QS. This is privately owned land. Mr Williams has supplied a plan showing the proposed location of the event. This plan is appended to the report. Mr Williams has stated that the Temporary Event Notice *applies to a stretch tent (21 x 15) Marquee which will host folk music. The licence is only required for*

amplified music between 6 - 11.30 pm. The marquee has a capacity of 400 people.

8. The notification states the nature of the event as *'The event will be live folk music from 6.30 - 11pm yet we have put until 11.30 just in case of it running slightly late or an encore, just to cover us. The music will be folk music from the British Isles as an extra to a family camping weekend which also has other activities such as yoga, meditation, storytelling, bushcraft, foraging, crafts and kids activities. Alcohol will not be for sale at the weekend.* The states that the maximum number of people at the event will be 499.
9. Previously this event was held on the August Bank Holiday weekend in 2018 and 2019 as the 'Into the Wild Festival' under the authority of a Premises Licence that had been applied for in the normal manner. In 2019 the determination for the Premises Licence was made by the Licensing Panel and several conditions were added to the licence.
10. This year's event is advertised on the internet as the Into the Wild Summer Camp.
11. Mr Williams has stated that this year's event will be smaller with an anticipated 700-800 attendees. The number of attendees (including staff and performers) is limited to no more than 499 under a Temporary Event Notice. Mr Williams was requested to outline how he intended to ensure that the numbers were not exceeded in the Temporary Event Notice location. As a result, Mr Williams confirmed that the initial location of the event was being moved to the current location. This is described as a totally separate field which only has one access gate. SIA staff at the site would count the numbers entering that field and there will never be over 499 in attendance.
12. The Environmental Protection Team (referred to in the Licensing Act as 'a relevant person') has sent an objection notice to the notification on the grounds of public nuisance. They are concerned that despite similar assurances from the organiser regarding noise mitigation, there were issues with noise experienced by local residents during events staged by this organisation on the Chiddinglye Farm site in 2019 and 2018. They state that conditions to control noise were attached to a Premises Licence issued for the event in 2019, and that two of these conditions were breached. Therefore in the absence of more detailed information, it is not possible to predict with any certainty the impact that this event could have on residents in the vicinity. Although the organiser has offered to move the marquee further away from residents to the north of the site, the new proposed location is closer to residential properties located to the south of the site. Details of the breaches from 2019 are appended to this report as part of their objection.
13. The notification was submitted electronically to the Licensing Authority on 29th July 2021. Sussex Police and Environmental Health were informed on the same day. The objections were on 2nd August 2021.
14. Mr Williams has submitted further information in respect of the application explaining the event and the measures that will be taken in respect of limiting numbers to 499 and in respect of reducing potential public nuisance.
15. This hearing must therefore consider the points raised in the Objection Notices and make a determination on the Temporary Event Notice.

Policy Context

16. The Committee should be aware that a Temporary Event Notice is not an application for the purposes of the Licensing Act 2003. It is a notification that licensable activities are going to take place at a certain venue and at notified times. The limit on numbers at such an event, including audience, staff and performers is 499. The Police and Environmental Health have the right to object if, they are of the opinion that allowing the event to take place would undermine any of the licensing objectives.
17. The Committee's decision is whether or not to issue a counter notice. If a counter notice is issued this means the event cannot take place. A notice with reasons for the decision must also be given.
18. If the Committee decide not to issue a counter notice and allow the event to go ahead the premises user and the relevant persons must be given a notice of that decision.
19. If the Committee decide not to issue a counter notice and allow the event to go ahead it must be noted that no conditions can be attached to the TEN.
20. The TEN can be modified (times, layout of venue, licensable activities) but only with the agreement of the premises user and all relevant persons.
21. The Committee must determine the matter in accordance with Section 105 Licensing Act 2003.
22. Section 105 Licensing Act 2003 Section (2) states:

The Licensing Authority must –
 - a) Hold a hearing to consider the objection notice, unless the premises user (Mr Williams), the relevant person (Environmental Health) who gave the objection notice and the authority agree that a hearing is unnecessary.
 - b) Having regard to the objection notice, give the premises user a counter notice under this section if it considers it appropriate for the promotion of the licensing objectives to do so.
23. Section 105 Licensing Act 2003 Section (3) states:

The Licensing Authority must –
 - a) In a case where it decides not to issue a counter notice under this section, give the premises user and each relevant person a notice of the decision.
 - 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 person a copy of both of those notices.
24. The Committee's decision is whether or not to issue a counter notice. If a counter notice is issued this means the event cannot take place. A notice with reasons for the decision must also be given.

Financial Implications

25. A decision made by the Committee is subject to appeal at the Magistrates Court by the premises user or a relevant person.

Risk Management Implications

26. None

Equality and customer service implications

27. None.

Other Material Implications

28. None

Sustainability Implications

29. None

Background Papers

Appendix 1 – Temporary Event Notification

Appendix 2 – Ariel Site Map

Appendix 3 – Site Map from Mr Williams

Appendix 4 – Emails from Mr Williams regarding the application

Notices of Objection

Appendix 5 – Environmental Protection Team