

# DETERMINATION OF OBJECTION NOTICE TO TEMPORARY EVENT NOTICE

REPORT OF: Lucy Corrie, Assistant Director - Communities  
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Wards Affected: Hurstpierpoint and Downs  
Key Decision: No  
Report To: Liquor Licensing Panel 11<sup>th</sup> April 2023

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## Purpose of Report

1. To provide information to the Licensing Panel to support their consideration of two objection notices to a Temporary Event Notification (TEN).

## Summary

2. A Temporary Event Notification (TEN) has been sent to the Licensing Authority Mid Sussex District Council in accordance with Section 100 Licensing Act 2003 by Ms Elodie Nelson. Sussex Police have submitted an objection notice citing the grounds of the Prevention of Crime and Disorder and Public Safety. Mid Sussex District Council Environmental Protection Team have submitted an objection notice citing the grounds of the Prevention of a Public Nuisance, the Protection of Children from Harm, and Public Safety.
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 the objections by the statutory bodies.

## 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
  - The promotion of 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 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. Mrs Nelson (referred to in the Licensing Act as the 'premises user') submitted a Temporary Event Notification to cover the supply of alcohol and the provision of regulated entertainment between 21<sup>st</sup> July 2023 to 24<sup>th</sup> July 2023 with specific timings provided as Music /entertainment - 10:00 to 03:00 on Friday and Saturday; Films - 19:00 to 24:00 Saturday; Alcohol sale - 12:00 to 24:00 Friday and Saturday. The notification was submitted electronically to the Licensing Authority on 29<sup>th</sup> March 2023. A copy of the Temporary Event Notice can be found as Appendix one. Sussex Police and Environmental Health were informed on the same day.

7. An objection from the Mid Sussex District Council Environmental Protection Team was received on 29<sup>th</sup> March 2023 and an objection from Sussex Police was received on the 31<sup>st</sup> of March 2023.
8. The address of the event is Poynings Grange Farm, Henfield Road, Poynings, BN45 7AW. This location is not licensed. The location in the Notice is described as, *'We will be using 3 empty adjoining fields on Poynings Farm, along with a small part of a woodland, with a road entrance point on the A281. These fields will be clearly marked and entry will be restricted to ticket holders only (easily identifiable from a wristband).'*

The applicant has subsequently supplied a plan of the area proposed to be covered by the Temporary Event Notice. A copy of this can be found at Appendix two.

9. The notification states the nature of the event as:

*We organise a small, family-friendly, invite-only music festival. We organise a bar and a food area with local vendors. A marquee will be set up with tables and chairs. Further on, we plan to have another marquee with a stage for some live and recorded music. We are hoping to have around 4 bands playing over Friday and Saturday evenings as well as around 3 DJs. There will be a Kids Disco on Saturday afternoon. Finally, there is a smaller tent for kids arts and crafts activities, which turns into a cinema tent showing children's films on Saturday night.*

The notice states that the maximum number of people at the event will be 499. The licensable activities applied for are the supply of alcohol for consumption on the premises only and the Provision of Regulated Entertainment – Films and amplified live and recorded music.

10. Sussex Police (referred to in the Licensing Act as 'a relevant person') submitted an objection notice to the notification, under section 104(2) of the Licensing Act 2003, on the grounds of the prevention of crime and disorder and promotion of public safety. They have stated:

*We have received a written event management plan for this event. Under security and marshal management there is discussion about hiring two stewards but this is with the proviso that it is to be confirmed. Under the specific question of whether Security Industry Authority security staff will be deployed, the response is again "to be confirmed".*

*Under the section in the event management plan headed incident management, it is stated that all attendees will be pre registered and the event is not open to the public. The section states "in our previous location, local police and local authority representatives have been invited to visit the event, in order to build relations with the local law enforcement".*

*Whilst we appreciate the sentiment expressed, Sussex police have serious concerns about this event. If there is no proper security on site, due to the remote location of the site it may not be possible for police to attend immediately regardless of what relations we have built with the organizer beforehand. From our experience with similar events in Sussex, we fear that the organizer is being somewhat naive in their approach with who may turn up at the event. Our experience is that often, especially with social media being used to rapidly spread news of events which some people may mistakenly believe is a "rave", people can turn up at events who are not invited but who are insistent on coming in.*

*There is a further Event Safety Generic Risk Assessment document provided by the applicant, under the heading “public order – staff and the public risk serious injury, if assaulted or if caught up in incidents of disorder”, it is stated that “a code of conduct is discussed at registration”. This is again a nice sentiment, but our fear is this approach is frighteningly naïve in the event that there is disorder at the event and there is no SIA registered door staff in adequate numbers, or uninvited persons or groups arrive at the event who have no interest in a code of conduct or any intention of adhering to such a code and either force their way in, or simply gain access via bypassing the entrance at this open site.*

The representation in full is attached to this report at Appendix 3.

11. Mid Sussex District Council Environmental Protection Team (referred to in the Licensing Act as ‘a relevant person’) submitted an objection notice to the notification under section 104(2) of the Licensing Act 2003, on the grounds of the prevention of a public nuisance, the protection of children from harm, and the promotion of public safety. They have stated:

*The Temporary Event Notice by the applicant is giving notice that the music festival event will take place on Friday 21 July 2023 from 1000 to 0300 the following morning; continuing on Saturday 22 July 2023 from 1000 to 0300 the following morning. It is not clear from the application what the activities will be on-site on Sunday and Monday, 23 and 24 July 2023.*

*To allow this would give permission for nearby residents to be exposed to 34 hours of music over one weekend not only during the day but also extending deep into the night period. Not only would the evening period be hugely impacted but a total of 8 hours of music in the night-time period is being requested. Sleep disturbance is likely and for prolonged periods over consecutive nights on one weekend.*

*Noise and disturbance from recorded and/or live amplified music; people talking, shouting and singing; vehicles and attendees arriving and leaving the site, particularly late at night; and clearing up, bottling out and preparing the area for the next day; are all likely to have an impact on nearby residents. The drinking time proposed amounts to 12 hours on the Friday and 12 hours on Saturday. Controlling noise emissions from music and people becomes increasingly difficult with increased alcohol consumption.*

*The event as proposed would extend late into the evening and night and there has been no details provided how the site and the activities will be operated to manage the safety risks. For example, there is no lighting plan to ensure attendees can safely traverse the site; there is no fire safety plan; there are no risk assessments etc.*

*The applicant is stating that this is a family-friendly event and there is therefore the expectation that children will be present throughout the event. Given that the proposal is to have regulated entertainment up to 0300, I am concerned for the welfare of children. Their sleep is likely to be severely affected and their safety could be compromised if the adults (parents/carers), while enjoying the entertainment, are not able to watch over them.*

The representation in full is attached to this report at Appendix 4.

12. The applicant has provided further information regarding the event to the Environmental Protection Team and Police outlining the location plan for the event together the Event Management Plan and Risk Assessment for the event. These are attached to the report at Appendix 2.
13. This hearing must therefore consider the points raised in the Objection Notices and make a determination on the Temporary Event Notice.

### **Policy Context**

14. The Panel 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.
15. The Panel's sole decision is whether or not to issue a counter notice. If a counter notice is issued this means the event cannot take place, and reasons for the decision must be given.
16. If the Panel 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.
17. If the Panel decide not to issue a counter notice and allow the event to go ahead it must be noted no conditions can be added to the Notice.
18. The TEN can be modified (times, layout of venue, licensable activities) but only with the agreement of the premises user and all relevant persons.
19. The Committee must determine the matter in accordance with Section 105 Licensing Act 2003.
20. 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 (Elodie Nelson), the relevant persons (Sussex Police and Mid Sussex District Council Environmental Protection Team) 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.
21. 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.

Section (4) further states:

A decision must be made under subsection (2)(b), and the requirements of subsection (3) must be met, at least 24 hours before the beginning of the event period specified in the temporary event notice.

### **Financial Implications**

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

### **Risk Management Implications**

23. None

### **Equality and customer service implications**

24. None.

### **Other Material Implications**

25. None.

### **Sustainability Implications**

26. None.

### **Background Papers**

Appendix 1 – Temporary Event Notification

Appendix 2 – Plan of the proposed location for the event, Event Management Plan and Risk Assessment

### **Notices of Objection**

Appendix 3 – Sussex Police

Appendix 4 – Environmental Protection Team