

Report of:	Meeting	Date
Mark Billington, Corporate Director Environment	Licensing Committee	28 th March 2023

Temporary Event Notice - Lancashire College Of Agriculture, St Michaels Road, Bilsborrow on 24 th and 25 th June 2023

1.	Purpose of report
1.1	To consider a Temporary Event Notice (TEN) proposed to cover licensable activities at Lancashire College Of Agriculture, St Michaels Road, Bilsborrow on 24 th and 25 th June 2023.
2.	Outcomes
2.1	To consider the objection and determine whether to allow the event to go ahead or issue a Counter Notice in respect of this TEN to prevent the event from going ahead.
3.	Recommendation/s
3.1	An objection has been received from the Environmental Health team at Wyre Council. As such there must be a hearing for the Licensing Committee to be able to consider whether to allow the event or issue a Counter Notice preventing the event from going ahead.
4.	Background
4.1	On 27 th February 2022 the Licensing Authority was served with a Temporary Event Notice by Miss Hazel Stansfield on behalf of Lancashire Federation of Young Farmers Clubs for Lancashire College Of Agriculture, St Michaels Road, Bilsborrow. A redacted copy of the notice is attached at Appendix 1 of this report.
4.2	Following receipt of the notice the Licensing Authority circulated it to the Environmental Health team at Wyre Council and Lancashire Constabulary.
4.3	Information submitted in support of the notice is attached at Appendix 2 of this report.

4.4	Nick Clayton of the Environmental Health team at Wyre Council has objected to the event taking place on the grounds that it will undermine the licensing objective of <i>Prevention of public nuisance</i> . A copy of this objection is attached at Appendix 3 of this report.	
4.5	National Policy Considerations: Section 7 of Revised Guidance issued under Section 182 of the Licensing Act 2003 refers to Temporary Event Notices. At paragraph 7.2 the guidance is clear that <i>the system of permitted temporary activities is intended as a light touch process, and as such, the carrying on of licensable activities does not have to be authorised by the licensing authority on an application. Instead, a person wishing to hold an event at which such activities are proposed to be carried on (the “premises user”) gives notice to the licensing authority of the event (a “temporary event notice” or “TEN”).</i>	
4.6	National Policy Considerations: Paragraph 7.6 of the same guidance goes on to state that <i>the police or EHA (“relevant persons” for the purposes of TENs) may intervene to prevent such an event taking place by sending an objection to the licensing authority, which the licensing authority must consider on the basis of the statutory licensing objectives and decide whether the event should go ahead. A relevant person may also intervene by agreeing a modification of the proposed arrangements directly with the TENs user (see paragraph 7.36). If a relevant person sends an objection, this may result in the licensing authority imposing conditions on a TEN but only where the venue at which the event is to be held has an existing premises licence or club premises certificate. When giving a TEN, the premises user should consider the promotion of the four licensing objectives. The licensing authority may only otherwise intervene if the statutory permitted limits on TENs would be exceeded (see paragraphs 7.15-7.22).</i>	
4.7	National Policy Considerations: Paragraph 7.10 states that the police and EHA have 3 working days from when they are given the notice to object to it on the basis of any of the licensing objectives.	
4.8	Local Policy Considerations: Key message 06 <i>Temporary event notice givers are encouraged to submit their TEN at least 4 weeks before an event, where an existing premises licence is in operation.</i> <i>TENs for larger events such as music festivals, or community events which include licensable activities, will be referred to the Wyre Safety</i>	

		<i>Advisory Group and notification of these events should be made at least 3 months in advance to allow for proper engagement with all the regulatory bodies.</i>
5.	Key issues and proposals	
5.1	As stated at paragraph 4.4 of this report, Nick Clayton of the Environmental Health team at Wyre Council has objected to the event taking place on the grounds that it will undermine the licensing objective of <i>Prevention of public nuisance</i> .	
5.2	As a consequence of the objection by a relevant person a hearing must be held to determine the matter. As a part of the decision making process today members should refer to the written submission provided by the Lancashire Federation of Young Farmers Clubs at Appendix 4 of this report.	
5.3	At this hearing members should consider the facts of this case against the quoted statutory guidance and relevant legislation. The Committee must then consider whether to allow the event to proceed or serve a Counter Notice to prevent it from going ahead.	
5.4	Members must also take note that the premises intended for use under the relevant notice does not hold a premises licence under the Licensing Act 2003. Therefore, addition of conditions to the notice is not possible in relation to this case.	
5.5	All relevant parties have been invited to attend the hearing. They have also been sent a copy of the report and a notice of the hearing procedure.	

Financial and legal implications	
Finance	There are no financial implications directly associated with this application.
Legal	<p>Any party to the hearing has the right of appeal to the Magistrates Court within 21 days if they are aggrieved by the decision.</p> <p>The hearing should be conducted following the principles of natural justice and in accordance with the Council's own hearing procedure.</p>

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There

are no significant implications arising directly from this report, for those issues marked with a x.

risks/implications	✓ / x
community safety	✓
equality and diversity	x
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	x
ICT	x
data protection	x

Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

report author	telephone no.	email	date
Patrick Cantley	01253 887281	patrick.cantley@wyre.gov.uk	17 th March 2023

List of background papers:		
name of document	date	where available for inspection
Licensing Act 2003	17 th March 2023	Licensing Act 2003 (legislation.gov.uk)
S.182 Guidance	17 th March 2023	Revised guidance issued under section 182 of the Licensing Act 2003 (December 2022) (accessible) - GOV.UK (www.gov.uk)
Wyre Council – Statement of licensing policy 2021 - 2026	17 th March 2023	https://www.wyre.gov.uk/downloads/file/1020/licensing-act-policy-2021-2026

List of appendices

Appendix 1 – TEN000157

Appendix 2 – Information submitted in support of notice

Appendix 3 – Environmental Protection objection

Appendix 4 – Written submission provided by Lancashire federation of Young Farmers Clubs