

Report of:	Meeting	Date
Mark Billington, Corporate Director Environment	Licensing Sub-Committee	8 June 2020

<b>Objections to a Temporary Event Notice submitted by Max Fox in respect of Trapp Farm, 176 Fleetwood Road South, Thornton Cleveleys</b>
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**1. Purpose of report**

- 1.1 To provide Members with information to assist them to consider two objection notices from relevant persons and decide whether or not to serve a counter notice on the event organiser in accordance with Section 105 of the Licensing Act 2005 (the Act).

**2. Outcomes**

- 2.1 Members consider the objection notices submitted under section 104(2) of the Act.

**3. Recommendation**

- 3.1 That Members determine whether it is appropriate to issue a counter notice under section 105 of the Act.

**4. Background**

- 4.1 The Act introduced Temporary Event Notices (TENs) as a simple way to authorise the temporary provision of licensable activities on or from premises, including land, which are not authorised under an existing premises licence or club premises certificate.
- 4.2 Events authorised under TENs are subject to a maximum of 499 persons being permitted on the premises at the same time, this figure includes the audience, staff and performers.
- 4.3 They are subject to a number of statutory limits and where these limits would be breached, the Licensing Authority would automatically issue a counter notice under section 107 of the Act.
- 4.4 The Police and local Environmental Health Authority are relevant persons for the purposes of section 99A of the Act and may object to a TEN where

they are concerned that allowing the premises to be used in accordance with the notice, would undermine one or more of the licensing objectives.

- 4.5 Where an objection notice is submitted and not withdrawn, the Licensing Authority must hold a hearing to consider the notice within seven working days starting at the end of the three day period given to relevant persons to respond to the TEN, unless all parties agree a hearing is not necessary.
- 4.6 Where a TEN relates to an existing licensed premises, the licensing authority may impose one or more of the existing licence conditions on the TEN, if it considers that it is appropriate for the promotion of the licensing objectives to do so.

## 5. Key issues and proposals

- 5.1 The event organiser has been advertising on social media under the trading name Safe Events Blackpool and selling tickets for a number of film screenings and musical performances scheduled during the first week of July, at Trapp Farm, since 23 May 2020.
- 5.2 The performances advertised to date include:
  - 6pm Sat 4 July, film screening - Sing along Greatest Showman
  - 8.30pm Sat 4 July, tribute act - Queen will rock you
  - 6pm Sun 5 July, tribute act - Billie Eilish meets Ariana Grande
  - 8pm Sun 5 July, film screening - Sing along Grease
  - 8pm Mon 6 July, film screening - Joker
  - 8pm Tues 7 July, film screening - Titanic
- 5.3 Trapp Farm is not currently authorised under an existing premises licence for any type of licensable activity under the Act.
- 5.4 A TEN was uploaded to the Gov.uk site by Mr Max Fox at 22:09 hrs on Saturday 23 May 2020 (**Appendix 1**).
- 5.5 The notice is for authorisation to provide regulated entertainment, which includes the showing of films and live music, from Saturday 4 July to Friday 10 July, between 11am and 11pm each day, on land known as Trapp Farm, 176 Fleetwood Road South, Thornton Cleveleys, FY5 5NR.
- 5.6 Copies of the TEN were forwarded to the Police and Environmental Health on Tuesday 26 May 2020, being the first working day following the submission.
- 5.7 On 27 May 2020, Environmental Health submitted an Objection Notice under section 104(a) of the Licensing Act 2003. (**Appendix 2**).
- 5.8 Environmental Health are concerned about the potential for public nuisance in respect of noise, light, litter and odour arising from the vehicles, screen and audience activity.

- 5.9** On 27 May 2020, Lancashire Constabulary submitted an Objection Notice under section 104(a) of the Licensing Act 2003. **(Appendix 3)**.
- 5.10** The Police are concerned that the activities would be unlawful under the current coronavirus restrictions.
- 5.11** The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 currently state in regulation 4 that a person responsible for carrying on a business or providing a service which is listed in Part 2 of Schedule 2, must cease to carry on that business or to provide that service during the emergency period. Cinemas, theatres and concert halls are all included in Schedule 2.
- 5.12** Regulation 7 currently provides that no person may participate in a gathering in a public place of more than two people except where all the persons in the gathering are members of the same household, or for a limited number of other prescribed reasons which do not include attending a film screening or performance.
- 5.13** The health protection legislation is subject to review by Parliament and is expected to be revised in the coming weeks.
- 5.14** When considering this matter Members should take into account the Council's own Statement of Licensing Policy. The following sections are particularly relevant to this application.
- 12. Temporary Event Notices
  - 14.3 Prevention of public nuisance
- 5.15** Members are also directed to the Statutory Guidance issued under section 182 of the Act. The relevant sections about TEN's are reproduced at **Appendix 4**.
- 5.16** After having regard to the objection notices, the council's Statement of Policy and the Statutory Guidance, the Sub-Committee must consider whether permitting the event would undermine any of the licensing objectives.
- 5.17** If it is satisfied that the licensing objectives would not be undermined, it should endorse the TEN and permit the event.
- 5.18** However if it considers that granting the application would have the potential to undermine one or more of the licensing objectives and that it is appropriate for the promotion of a licensing objective to do so, it should issue a counter notice under section 105 of the Licensing Act 2003.
- 5.19** The applicant and objectors have been invited to attend the hearing and have been provided with a copy of this report and notice of the hearing procedure.

Finance	There are no financial implications directly associated with this application.
Legal	Where the relevant licensing authority gives a counter notice under s.105(3), the premises user may appeal. Where that authority decides not to give a counter notice a relevant person may appeal. Any appeal must be made to a magistrates' court within 21 days, but no appeal may be brought later than five working days before the day on which the event period specified in the temporary event notice begins. The hearing should be conducted following the principles of natural justice and in accordance with the Council's own hearing procedure.

### **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 an x.

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

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
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<b>List of background papers:</b>		
name of document	date	where available for inspection
Statement of Licensing Policy 2016-2021	January 2016	Licensing section

### **List of appendices**

- Appendix 1 - Copy of TEN
- Appendix 2 - Copy of Environmental Health objection notice
- Appendix 3 - Copy of Police objection notice
- Appendix 4 - Extract from Statutory Guidance issued under S.182 of the Licensing Act