

Agenda Item 3.

TITLE	Objection From Environmental Health And Thames Valley Police To A Temporary Event Notice For Heriots, Wokingham Road, Hurst RG10 0RX
FOR CONSIDERATION BY	Licensing and Appeals Sub-Committee on 21 April 2022
WARD	Hurst
LEAD OFFICER	Keiran Hinchliffe, Service Manager - Licensing

PURPOSE OF REPORT

Objection notices from Environmental Health and Thames Valley Police have been received by the Licensing Authority to a Temporary Event Notice for Heriots, Wokingham Road, Hurst RG10 0RX.

The Sub-committee must consider whether to accept the objections from Environmental Health and Thames Valley Police and to decide whether to issue a counter notice under section 105 of the Licensing Act 2003.

OUTCOMES

Having regard to the objection notices, consider whether it is necessary to accept the objections, and if the authority does accept the objections, to give the premises user a counter notice under section 105 of the Licensing Act 2003.

RECOMMENDATIONS

The sub-committee must have regard to the outcomes detailed above. The Licensing Officer does not provide a recommendation to the Sub-Committee for the purposes of this hearing. Options available to the sub-committee are detailed within the report.

SUPPORTING INFORMATION

1.0 BACKGROUND

1.1 Part 5 of the Licensing Act 2003 provides a system of permitted temporary activities, under which licensable activities can be carried out on a temporary basis for a period not exceeding 168 hours (ie 7 days) without the need for a premises licence or a club premises certificate.

1.2 These activities can take place on any premises by the authority of a Temporary Event Notice (TEN) given by an individual, a 'Premises User', to the relevant Licensing Authority.

1.3 No permission is required from the Licensing Authority and only the Police and Environmental Health may intervene with a view to preventing such an event going ahead or to modify the arrangements for it.

1.4 A Temporary Event Notice must be given to the authority at least 10 working days before the event and a copy of the notice must also be given to the Police and Environmental Health.

1.5 Where the Police or Environmental Health are of the view that allowing the event to proceed would undermine the licensing objectives, they must, within three working days of receiving the TEN, give an objection notice to the premises user and the licensing authority, giving reasons for their decision.

1.6 If the Police or Environmental Health object to a TEN, the licensing authority must hold a hearing to determine whether it accepts the objections. Where the authority accepts the objections, it must issue a counter notice to the premises user in which case the event cannot proceed.

2.0 TEMPORARY EVENT NOTICE

2.1 On the 18 February 2022, the Premise User, Mr Thomas James Sewell served a Temporary Event Notice on the Licensing Authority for premises known as Heriots, Wokingham Road, Hurst RG10 0RX.GVE, a copy of which is attached as **Appendix A**.

2.2 Details of Temporary Event Notice: Live music event, one stage, sale of alcohol and food.

Date: 30-31 July 2022

Times: 12:00 – 04:00

Max persons: 499

Location: The Premises User has provided the description 'Private land'.

Activities: Sale of Alcohol and Regulated Entertainment.

2.3 On 23 February 2022, an objection to the notice under the prevention of public nuisance and public safety licensing objectives was received from Environmental Health. A copy of which is attached at **Appendix B**.

2.4 Environmental Health objection falls under the following grounds:

1. 'In August 2014 a music event was held on the same site (under the guise of a family festival) and resulted in over 80 complaints about excess noise from residents near and far. Conditions applied to the TEN were ignored and Abatement Notices were subsequently served on the organiser and the landowners.'
2. 'On Monday 21st February 2022, I spoke to Tom Sewell who agreed to come back to me with details of the planned event, I have received nothing so far and had no response to subsequent emails. This lack of engagement leads me to formalise my objection.'

2.5 On 23 February 2022, an objection to the notice under the prevention of public nuisance and public safety licensing objectives was received from Thames Valley Police. A copy of which is attached at **Appendix C**

2.6 Thames Valley Police objection falls under the following grounds:

1. 'Initially TVP agreed to this TEN, in my absence. TVP were made aware of the Objection by EHO, and due to the lack of engagement from the applicant, I am now confirming TVP are objecting to this event, as per my submission.'
2. I am Gary Clarke Licensing Officer for Thames Valley Police, covering Bracknell, Wokingham and West Berkshire. I am submitting this document in support of Wokingham Borough Council's request for a Hearing to discuss the application for a TEN, at the above location, on the 30th July 2022, with licensable activities to run from 12:00 until 04:00. The only information on the application form is that this is a Live music event to include the sale of alcohol and food.

With the event due to run to 04:00 and into a Sunday morning, I fully support the request for the above organiser to submit further information to satisfy concerns around the potential for noise complaints from local residents. My understanding is that WBC have tried to contact the organiser for details, but he has failed to respond. This in itself gives me further concerns over what may transpire.

From Police records, the only thing of note in relation to the applicant, is an intelligence report from July 2020, which states that he and his girlfriend have posted items on Facebook, including a picture that suggests he is involved in the Rave scene. I don't think this is sufficient evidence for the Police to object out right to the application. However should there be any disorder at this event Police resources would be stretched given the time the event is due to finish and indeed the date involved.

At this point in time, due to the lack of details regarding the event and the applicant failing to engage with the Council, I currently request that this application be declined by the Committee.

3. As the previous event was some 8 years ago and with a different promoter, I don't believe TVP have sufficient grounds to object to the TEN on the grounds of crime and disorder. I do however support the objections raised by EHO, especially given that the applicant has not been forthcoming with any details for the event. I will in the interim get further research done on the applicant and EOM Music to see if this raises any further concerns.

All I have at present is intel in 2020 which does state the applicant is connected to the Rave scene and had posted images on Facebook.'

2.7 The Licensing Authority have made attempts to engage with the applicant by requesting submission of an Event Safety Management Plan and Safety Advisory Group (SAG) notification, but no response has been received.

3.0 OPTIONS

3.1 The TEN can be modified at any time before a hearing is held with the agreement of the Premise User and the relevant authority which has objected by changing the details of the parts of the premises that are to be used for the event, the description of the nature of the intended activities or their duration.

3.2 The 2003 Act provides that the Licensing Authority can impose conditions to a TEN from the existing conditions on the premise licence or club premise certificate at the venue. The licensing authority can only do so - if the police or the EHA have objected to the TEN - if that objection has not been withdrawn, if there is a licence or certificate in relation to at least a part of the premise and in respect of which the TEN is given and if the licensing authority considers it appropriate for the promotion of licensing objectives to impose one or more conditions.

3.3 There is not a premise licence for the premises. Which means licence conditions cannot be added to a Temporary Event Notice.

3.4 The Sub-Committee is requested to consider the objection notices, and consider whether it is necessary for the promotion of the licensing objectives to accept the objections; and if the Licensing Authority does accept the objections, to issue the premises user a counter notice under section 105 of the Licensing Act 2003

Appendices

- A. Temporary Event Notice
- B. Environmental Health Objection Notice
- C. Thames Valley Police Objection Notice

Reasons for Decision

In accordance with legislative requirements.
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Alternative Options considered, if any

None

List of Background Papers

None

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Service Enforcement and Safety

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