

LICENSING ACT 2003 SUB-COMMITTEE 7 JULY 2021

POLICE AND ENVIRONMENTAL HEALTH REPRESENTATIONS MADE TO A TEMPORARY EVENT NOTICE (TEN)

Purpose of the Report

1. The purpose of this report is to invite Members to consider representations made by Police and Environmental Health in relation to a TEN application.

Background

2. This application was properly made by Neil Winterbottom on the 23 June 2021 for an event to take place from Thursday 21 July until Sunday 25 July on land close to Darlington Farmers Market, Humbleton, Darlington (**Appendix 1**). The intended licensable activities are for the sale by retail of alcohol (on premises only) and the provision of regulated entertainment. The event described is to be a mix of DJ's and 'Bands' with children/family entertainment on Saturday and Sunday afternoon.
3. A TEN 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 for a premises licence. Instead, a person wishing to hold an event where such activities are proposed to be carried on (the "premises user") gives notice to the licensing authority of the event. The maximum number of people at an event authorised by a TEN is 499.
4. Events authorised under a TEN will not always be in a building with a formal address and can take place, for example, in public parks and plots within larger areas of land. In all cases, the premises user should provide a clear description of the area in which they propose to carry on licensable activities, including whether the premises are, for example, an open field or a beer tent. A TEN may be given in respect of premises which already have a premises licence or club premises certificate to cover licensable activities not permitted by the existing authorisation.
5. The location for this event is in a rural area close to Darlington Farmers Market with access from a roundabout on the A68 West Auckland Road (**Appendix 2**).

Representations

6. If a licensing authority receives an objection notice from the police or Environmental Health and the application for a TEN is not withdrawn, it must hold a hearing to consider the objection unless all parties agree that this is unnecessary.

7. The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice or alternatively, it can decide that the event would undermine the licensing objectives and should not take place.
8. Following an application for a TEN, the police and Environmental Health have three working days from when they are given the notice to object on the basis of the four licensing objectives which are:
 - the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance and
 - the protection of children from harm
9. Representations were properly received from the Police in relation to all four licensing objectives (**Appendix 3**). Representations were also made by Environmental Health under the prevention of public nuisance objective (**Appendix 4**). On the 29 June 2021, Neil Winterbottom was contacted in relation to these representations and he indicated he would not be withdrawing this application.

Decision

10. Members are requested to consider this application and decide if the event can take place. Officers from the police and Environmental Health along with the applicant have been invited to attend this hearing and provide further information as required. Members are reminded that where a TEN is refused there is a right of appeal to magistrates within 21 days of that decision.

Contact officer Colin Dobson x 5988

Dave Winstanley
Group Director of Services

Background Papers

Licensing Act 2003
Section 182 Guidance to the Licensing Act (2018)
Darlington Borough Council Licensing Policy

Appendix 1 -TEN application
Appendix 2 - Picture of proposed location
Appendix 3 - Representations from Police
Appendix 4 - Representations from Environmental Health