

Meeting of:	Licensing Sub-Committee
Date of Meeting:	Friday, 12 July 2019
Relevant Scrutiny Committee:	Homes and Safe Communities
Report Title:	Temporary Event Notice: Vale Sports Arena - Section 104 Objection Notice
Purpose of Report:	To consider an objection in relation to a Temporary Event Notice served on the Licensing Authority.
Report Owner:	The Licensing Authority
Responsible Officer:	The Licensing Authority
Elected Member and Officer Consultation:	Statutory Consultation
Policy Framework:	This is a matter for decision by the Licensing Act 2003 Sub Committee
Executive Summary:	To consider objection notices submitted by Environmental Health in respect of a Temporary Event Notice served on the Licensing Authority by Ms Catherine Sharp.

Recommendations

1. The Sub-Committee is required to determine the objection having regard to the Council's Statement of Licensing Policy, and the Guidance issued by the Home Office.

Having regard to the objection notice, the licensing authority may give the premises user a counter notice under Section 105 of the Licensing Act 2003 if it considers it appropriate for the promotion of the licensing objectives to do so.

Reasons for Recommendations

1. To advise the Members of the relevant options available to them under the Licensing Act 2003 in determining the matter.

1. Background

- 1.1 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
 - Public Safety
 - The prevention of public nuisance
 - The protection of children from harm
- 1.2 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 the 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.

2. Key Issues for Consideration

- 2.1 On the 28th June 2019 the Licensing Authority received a Temporary Event Notice ("TEN") from Catherine Sharp ("the premises user") in respect of an outdoor music event at Vale Sports Arena, Penarth Road, Cardiff, CF11 8TW, to take place on 3rd August 2019.
- 2.2 The licensable activities set out in the Notice are the sale by retail of alcohol for consumption on and off the premises, and the provision of regulated entertainment. For clarity, the applicant was asked to confirm where the licensable activity would be taking place, which they did by email, stating that there will be a stage outside – DJ and seating. Alcohol will be sold from inside the arena and there will not be a bar outside.

- 2.3** The notice is to take effect between the hours of 11:00 and 23:00. The maximum number of persons is stated to be 499. A copy of the event detail taken from the Temporary Event Notice is attached at Appendix A to this Report.
- 2.4** On 3rd July 2019 an Objection Notice in relation to the Temporary Event Notice was served by the local authority exercising Environmental Health functions. A copy of the Objection Notice has been served on the premises user by email. Details of the objection are set out in the copy of the notice at Appendix B.
- 2.5** In relation to Temporary Event Notices, the Council's Statement of Licensing Policy states;
- Applicants are advised to take care to complete the forms properly. Notices will not be rejected on the basis of minor administrative errors.
 - Applicants are encouraged to serve Temporary Event Notices in good time and the licensing authority's recommendation is a minimum of 21 days but not more than 6 months before an event.
- 2.6** The Sub-Committee must have regard to the statutory guidance issued by the Home Office under Section 182 of the Licensing Act 2003. Section 7 relates to Temporary Event Notices.
- 2.7** This hearing must therefore consider the points raised in the Objection Notices and make a determination on the Temporary Event Notice. Having considered the Objection Notices, the Sub-Committee has the following options:
- Allow the licensable activities to go ahead as stated in the Temporary Event Notice (TEN);
 - If the TEN is in connection with a licensed premises, the licensing authority, may also impose one or more of the existing licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives;
 - or
 - If it considers that the event would undermine the licensing objectives and should not take place, give a counter notice.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1** This report supports the well-being outcome of An Inclusive and Safe Vale.

4. Resources and Legal Considerations

Financial

- 4.1** Fees associated with the issue of Licences are set in statute and support the administration and enforcement of the Licensing Act 2003 functions.

Employment

4.2 None

Legal (Including Equalities)

- 4.3** Upon receipt of a Temporary Event Notice the Relevant Persons may issue an Objection Notice. In these circumstances it is the duty of the licensing authority to hold a hearing to consider the Objection Notice, unless the premises user, the Relevant Persons which gave the Objection Notice and the authority agree that a hearing is unnecessary; and, having regard to the Objection Notice, give the premises user a counter notice under Section 105 of the Licensing Act 2003 if it considers it appropriate for the promotion of the licensing objectives to do so.

5. Background Papers

The Licensing Act 2003; The Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003; Regulations to the 2003 Act; Vale of Glamorgan Council's Statement of Licensing Policy.

* The venue is a multi Sports arena packed full of sport and events with a proven track record of hosting events and small and large events.

1, We wish to hold a music event with a drinking seating area around the back of the venue
Please note the Vale Sports Arena has a full licence and this event is a day and early evening event

2, This is a ticketed event where all customers are searched on arrival for weapons such as knives, drugs and alcohol, the same procedures as when we do large events

3, We have extra security for the event and also paid for extra CCTV cameras to be installed in the back of the building at a cost of £515

4, A travel plan has been implemented ensuring customers leave safe

This consists of

In house Taxi button being used where taxi are sent to the arena as a priority.

A one way system is implanted like what we do on larger events this will be done by the arena as usual and away from the surrounding roads

5, Qualified First Aiders will be at the venue

6, A Drugs safe will also be in use with regular searches conducted

7, A alcohol breath liser will also be in use with people not allowed into the arena if they have drank lots pf alcohol before the event

Please describe the nature of the event below. (Please read note 5)

Music Event with DJ and other popular music based on a stage plus serving food

* The venue is a multi Sports arena packed full of sport and events with a proven track record of hosting events and small and large events.

1, We wish to hold a music event with a drinking seating area around the back of the venue in the car park area and make the most of the good weather this area has CCTV cameras
Please note the Vale Sports Arena has a full licence and this event is a day and early evening event

2, This is a ticketed event where all customers are searched on arrival for weapons such as knives, drugs and alcohol, the same procedures as when we do large events

3, We have extra security for the event and also paid for extra CCTV cameras to be installed in the back of the building at a cost of £515

4, A travel plan has been implemented ensuring customers leave safe and arrive safely

This consists of

In house Taxi button being used where taxi are sent to the arena as a priority.

A one way system is implanted like what we do on larger events this will be done by the arena as usual and away from the surrounding roads

Stewarded event ensuring safe parking if needed

5, Qualified First Aiders will be at the venue

6, A Drugs safe will also be in use with regular searches conducted

7, A alcohol breath liser will also be in use with people not allowed into the arena if they have drank lots pf alcohol before the event

8, All cups are plastic no bottles are served

3. The licensable activities

Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)

From: James, Sian (SRS)
Sent: 03 July 2019 11:43
To: Licensing
Subject: Temporary Event Notice : Vale Sports Arena, Penarth Road, Penarth, Vale Of Glamorgan. CF11 8TW.
Importance: High

Dear Licensing Authority,

I refer to the above Temporary Event Notice dated 14th June 2019 under the Licensing Act and submitted by Ms Catherine Sharp. The event is planned for 3rd August 2019 from 11am – 11pm at the rear car park to the Vale Sports Arena.

The event is to include regulated entertainment outside the main building (both pre recorded and live music) and on and off site consumption of alcohol.

From a previous similar event (although the amplified music was inside the premises) on 8th June 2019 Shared Regulated Services received and substantiated noise nuisance complaints.

I therefore wish to object to this Temporary Event Notice as I do not believe the event promotes the statutory Licensing objective namely Prevention of Public Nuisance.

Yours faithfully,

Sian James,
Environmental Health/Iechyd Yr Amgylchedd.
Team Manager Neighbourhood Services / Rheolwr Tîm Gwasanaethau Cymdogaeth
Shared Regulatory Services / Gwasanaethau Rheoliadol a Rennir
Bridgend, Cardiff and the Vale of Glamorgan
Pen-y-bont ar Ogwr, Caerdydd a Bro Morgannwg