

STATUTORY LICENSING COMMITTEE

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| Date Written | 1st April 2019 |
| Report Author | Aneurin Hughes |
| Exempt/Non Exempt | Non Exempt |
| Committee Date | 10th April 2019 |

To: Chair, Ladies and Gentlemen

DETERMINATION OF AN OBJECTION TO A TEMPORARY EVENT NOTICE – TREHARRIS RFC

1.0 SUMMARY OF THE REPORT

- 1.1 Mr Anthony Morgan has submitted a Temporary Events Notice for Treharris RFC, New Forest Road on the 10th, 11th and 12th May 2019 for the club's annual presentation to take place within a marquee on the grounds. An objection to the notice has been received from the Environmental Health Department due to noise issues at previous similar events. As a result of this representation the matter has been brought before the Licensing Sub Committee for determination as required by the Licensing Act 2003.

2.0 RECOMMENDATION(S)

- 2.1 In determining this matter, Councillors must have regard to the four licensing objectives on which the Licensing Act 2003 is based. These are:
- The prevention of crime and disorder
 - Ensuring public safety
 - Prevention of public nuisance, and
 - The protection of children from harm

Councillors must have consideration to the representation and take such steps it considers appropriate for the promotion of the licensing objectives.

The options available to the Committee are: -

- (i) To grant the Temporary Event Notice;
- (ii) To grant the Temporary Event Notice Subject to specified conditions from a current Premises Licence/Club Premises Certificate (if applicable);
- (iii) To modify the Temporary Event Notice by making changes to it (with the agreement of the Notice giver);
- (iv) To reject the Temporary Event Notice and issue a Counter Notice.

3.0 INTRODUCTION AND BACKGROUND

- 3.1 Part 5 of the Licensing Act 2003 provides a system of permitting licensable activities under the Act to be carried out on a temporary basis (for a period not exceeding 168 hours) without the need for a premises licence or club premises certificate. These activities can take place on any premises and any place and must be given by an individual.
- 3.2 A Temporary Event Notice was received from Mr Anthony Morgan on the 26th March 2019 for the Rugby Club's Annual Presentation Awards to take place in a marquee on Treharris Phoenix RFC grounds. The details of the proposal are as follows:

The Sale of Alcohol ON the premises only and the provision of Regulated Entertainment

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| Friday 10th May 2019 | – | 1800 to 2300hrs |
| Saturday 11th May 2019 | - | 1300 to 2300hrs |
| Sunday 12th May 2019 | - | 1700 to 2100hrs |

- 3.3 A copy of the temporary event notice form is attached at **Appendix A** to this Report.
- 3.4 In accordance with statute, South Wales Police and Merthyr Tydfil County Borough Council's Environmental Health Department were consulted in respect of the notice.
- 3.5 The Treharris Mini & Junior RFC clubhouse has a Premises Licence which it has held since 17th September 2010 which covers the use of the Club House building, and part of the area outside the Club House. There are strict conditions attached to the Premises Licence. A copy of this licence is attached at **Appendix D** to this Report.
- 3.6 Treharris RFC last submitted an application for a Temporary Event Notice at these premises in March 2016, with the event due to be held on the weekend of 20th – 22nd May 2016. This matter was heard by Members on the 23rd March 2016, whereby the application was refused. A copy of the minutes of that meeting is attached at **Appendix C** to this Report.

4.0 REPRESENTATIONS

- 4.1 An email objecting to this Temporary Event Notice was received from the Council's Environmental Health department. A copy of this representation is attached at **Appendix B** to this Report.

5.0 MEDIATION

- 5.1 Mediation has not taken place in respect of the application due to the short time scales involved.

6.0 POLICY

- 6.1 In considering the application, the Council must have regard to its Licensing Policy 2019 – 2024, with a view to promoting each of the Licensing objectives under the Licensing Act 2003.
- 6.2 The Council must also have regard to the Revised Guidance issued under Section 182 of the Licensing Act 2003 (April 2018). Chapter 7 provides the details in respect of Temporary Event Notices.
- 6.3 Members' attention is drawn to Paragraph 7.2 of the Guidance which commences –
- 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.***
- 6.4 Members' attention is also drawn to Paragraph 9.38 of the Guidance, which states: -
- In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:-***
- ***The steps that appropriate to promote the licensing objectives;***
 - ***The representations (including supporting information) presented by all the parties;***
 - ***This Guidance;***
 - ***Its own statement of licensing policy.***

7.0 LEGISLATION

7.1 The relevant legislation is: -

Section 100 (1) of The Licensing Act 2003 –

Where it is proposed to use premises for one or more licensable activities during a period not exceeding 168 hours, an individual may give to the relevant licensing authority notice of that proposal (a “temporary event notice”).

Section 104 (2) of The Licensing Act 2003 –

Where a relevant person who is given a temporary event notice is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective, the relevant person must give a notice stating the reasons for being so satisfied (an “objection notice”).

8.0 FINANCIAL IMPLICATION(S)

8.1 There are no financial implications

9.0 EQUALITY IMPACT ASSESSMENT

9.1 It has been identified that an Equality Impact Assessment (EqIA) is not required for the purpose of this report.

ELLIS COOPER
DEPUTY CHIEF EXECUTIVE

CLLR GERAINT THOMAS
PORTFOLIO MEMBER FOR
REGENERATION & PUBLIC
PROTECTION

| BACKGROUND PAPERS | | |
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| Title of Document(s) | Document(s) Date | Document Location |
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| Does the report contain any issue that may impact the Council's Constitution? | | |