



**Licensing and Gambling Acts Sub-Committee**  
**13 November 2023**

**LICENSING ACT 2003**

**NOTIFICATION OF A TEMPORARY EVENT NOTICE**

**The Beauchamp Arms, Ferry Road, Carleton St Peter, Norfolk, NR14 6DH**

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**Portfolio:** Cleaner, Safer Environment

**Ward(s) Affected:** Rockland

**Purpose of the Report:**

This report details the receipt of a Temporary Event Notice and a subsequent objection to the Notice received from the Council's Environmental Protection Team.

**Recommendations:**

The Committee must take such steps as it considers necessary for the promotion of the licensing objectives:

- Impose conditions on the TEN from the existing conditions on a premises licence or club premises certificate at the venue.
- Issue a counter notice to prevent the event going ahead.

## **1. Summary**

- 1.1 A Temporary Event Notice (TEN) was received on 30 October 2023 from Mr Jamie Lloyd for an event at the Beauchamp Arms to take place from 19:00 on 9 December 2023 to 03:00 on 10 December 2023. A copy of the Notification is attached at Appendix One.
- 1.2 The TEN gives notification that it is proposed to use the premises for the licensable activities of the sale by retail of alcohol and the provision of regulated entertainment for a maximum of 200 attendees.
- 1.3 The TEN is subject to a three working day consultation period with the Police and Environmental Protection (Environmental Health). The consultation period commences the day after the TEN was received by the Licensing Team.
- 1.4 On 2 November 2023, the Licensing Team received an email from the Council's Environmental Protection Team to inform them that they objected to the TEN. A copy of the objection is attached at Appendix Two.
- 1.5 The applicant has responded to the objection from Environmental Protection in writing and has requested further information from the Council's Environmental Protection Team with regards to noise complaints received for the Beauchamp Arms. The email trail is attached at Appendix Three.
- 1.6 The Licensing Team has received two previous objections to TEN notifications for the Beauchamp Arms from the Environmental Protection Team. The first objection was for a LATE TEN. There is not a requirement to hold a hearing for a LATE TEN therefore Licensing Officers issued the applicant with a Counter Notice. The second objection was for a standard TEN for an event in 2024. The notification was determined by the Licensing and Gambling Acts Sub-Committee on 31 October 2023. The Committee resolved to issue a Counter Notice.

## **2. Background**

- 2.1 Part 5 of the Licensing Act 2003 (The Act) provides a system of permitted temporary activities. It 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 application.
- 2.2 The premises user is required to serve a TEN on the licensing authority 10 working days in advance of an event (this is known as a standard TEN), or between 9 and 5 working days in advance of an event (this is known as a LATE TEN).
- 2.3 If a TEN is sent electronically via GOV.UK or the licensing authority's own online application facility, the licensing authority must notify the Police and Environmental Protection as soon as possible and no later than the first working day after the TEN is given.
- 2.4 If the licensing authority received an objection notice from the Police or Environmental Protection Team that is not withdrawn, it must (in the case of a standard TEN) hold a hearing within seven working days after the close of the

consultation period to consider the objection unless all parties agree that this is unnecessary.

- 2.5 The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice (TEN). If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence or certificate 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. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions (a “notice (statement of conditions)”) and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and should not take place. In this case, the licensing authority must give a counter notice.
- 2.6 The applicant has a right of appeal to the Magistrates’ Court within 21 days, commencing the day on which either party was notified of the decision either to issue, or not issue a counter notice. However, no appeal may be brought later than 5 working days before the first day of the relevant event period.

### **3. Current Position and Findings**

- 3.1 The Temporary Event Notice is for an “Electronic Music Concert”.
- 3.2 Similar events have been held at the Beauchamp Arms for a number of years and have resulted in complaints from residents of both Broadland and South Norfolk. It is understood that most of the events held at the Beauchamp Arms are what would be classed as electronic dance music which has a very considerable low frequency (bass) component. We are advised that this low frequency component can carry some distance depending upon atmospheric conditions such as wind-direction. The Yare valley around the river is typically low and flat marshland with relatively high humidity which can aid the propagation of sound.
- 3.3 In 2023 the Community Protection Team has so far received complaints regarding events held at the Beauchamp Arms on the:
- 18 February 2023.
  - 10 June 2023.
  - 8 July 2023.
  - 23 July 2023.

These complaints have been received from residents of Buckenham, Cantley, Hassingham, Rockland St Mary, Strumpshaw, Surlingham and a Norwich resident whose boat was moored at Coldham Hall.

- 3.4 The Council’s Environmental Protection Team has reported that as a result of an event being problematic on 10 June 2023, it was decided that a member of the Team would visit a complainant’s property to carry out an assessment of the music levels relating to the event. The noise levels from the event varied greatly from

acceptable to very loud and intrusive and was at times audible inside the complainant's bedroom. The level of music was so loud at times that it would affect the complainant's use of their garden at what would be a time when the use of the garden would be considered reasonable (early evening). The complainant stated the level of music had been up and down all day and this had unnecessarily disturbed their family's enjoyment of the property. A visit was also made by the officer to the Beauchamp Arms where the officer raised the noise levels from the event with Mr Hollocks who is in day-to-day control of the premises and made him aware that he had been monitoring the music from the event and that the levels were highly variable being at times highly intrusive and unreasonable. No action appeared to be taken to address the issue.

- 3.5 The Council's Environmental Protection Team issued a formal written warning in July 2023 to Mr Raymond Hollocks who is in day to day control of the Beauchamp Arms, Mr William Hollocks who is the sole director of Carlton St Peter Properties Ltd who is the licence holder for the Beauchamp Arms and Carlton St Peter Properties Ltd., the owner/management of the premises. Unfortunately, despite this warning being issued, complaints continue to be received regarding events at the Beauchamp Arms.

#### **4. Proposed Action**

- 4.1 The Committee must determine this notification with a view to promoting the Licensing Objectives.
- 4.2 In making its decision, the Committee must have regard to guidance issued under Section 182 of the Licensing Act 2003 (as amended December 2022) and the Council's Licensing Policy - [South Norfolk Council Licensing Policy – Broadland and South Norfolk \(southnorfolkandbroadland.gov.uk\)](https://www.southnorfolkandbroadland.gov.uk). The Committee must also have regard to the representations made and the evidence placed before it.

#### **5 Issues and Risks**

- 5.1 **Resource Implications** – The Council could incur costs in officer and legal representative time if a person is aggrieved by the decision of the Committee and pursues an appeal to the Magistrates' Court.
- 5.2 **Legal Implications** – There are no legal implications other than the issues detailed at 5.1 and 5.3.
- 5.3 **Equality Implications** – There are human rights implications associated with this matter. The interests of the applicant/notice giver must be balanced against the interests and protection of the wider community. Any actions proposed in respect of the notification, must be proportionate to the matter under consideration, the decision-making process must be transparent and all parties must be given full opportunity to make representations. The Committee is therefore required to balance the interests of the applicant/notice giver against the interests of the community and decide where the balance should lie.

- 5.4 **Environmental Impact** – In making their determination Committee is requested to ensure that the principles of the prevention of public nuisance licensing objective are upheld.
- 5.5 **Crime and Disorder** – In making their determination Committee is requested to ensure that the principles of the prevention of crime and disorder licensing objective are upheld.
- 5.6 **Risks** – In making its determination, failure to take into consideration the relevant legislation, guidance and the Council's Licensing Policy may leave the Committee's decision open to challenge.

## **6 Recommendations**

- 6.1 The Committee must take such steps as it considers necessary for the promotion of the licensing objectives:
- Impose conditions on the TEN from the existing conditions on a premises licence or club premises certificate at the venue.
  - Issue a counter notice to prevent the event going ahead.

## **Appendices**

- 1 Copy of Temporary Event Notice
- 2 Objection from Environmental Protection
- 3 Correspondence between applicant and Environmental Protection