

**OBJECTION TO TEMPORARY EVENT NOTICE EVENT :  
SOUTHERN VIBRATIONS-THE FIELD, UNDERSHORE ROAD,  
LYMINGTON.**

**1. INTRODUCTION**

- 1.1 The purpose of this report is to advise the Licensing Sub-Committee of a temporary event notice ('TEN') served under section 100 of the Licensing Act 2003 ('the Act') relating to a proposed event named "Southern Vibrations" at The Field, Undershore Road, Lymington.
- 1.2 Organisers describe the event as "a cultural and music event showcasing local artists and the local area". The dates proposed are 4 and 5 September 2021.
- 1.3 The event is restricted to over 18s and limited to 499 persons on site at any one time. There will be two musical stages, with music from 11:00 until 23:00 and the sale of alcohol and food. Overnight camping is available on Saturday 4 September 2021.
- 1.4 An Objection Notice made under section 104 of the Act was received from Hampshire Constabulary (a "relevant person" under the Act) on 17 March 2021.
- 1.5 As a result of the Objection Notice given by Hampshire Constabulary a hearing must be held within the statutory timescale in accordance with Schedule 1 of the Licensing Act 2003 (Hearings) Regulations 2005.

**2. TEMPORARY EVENT NOTICES**

- 2.1 The Act allows an individual, the premises user, to use any premises for one or more licensable activities (sale of alcohol, regulated entertainment and late night refreshment) for not longer than 168 hours by giving notice of the event to the Licensing Authority.
- 2.2 As a "relevant person" under the Act, only the Police or Environmental Health may object to such an event taking place if they consider that allowing the premises to be used in accordance with the TEN would undermine one or more of the licensing objectives being:-
  - (i) The prevention of crime and disorder;
  - (ii) Public safety;
  - (iii) The prevention of public nuisance; and
  - (iv) The protection of children from harm;
- 2.3 This objection is submitted by way of an Objection Notice.

- 2.4 The Sub-Committee are referred to the statutory guidance issued by the Home Office under section 182 of the Licensing Act 2003 dated April 2018 (“the Statutory Guidance”),. The section on TENs can be found at Section 7 (page 42) of the Statutory Guidance  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/705588/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_April\\_2018\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf)
- 2.5 Where an Objection Notice is received a hearing must be held within 7 working days, beginning with the day after the end of the period for objections, to consider the Objection Notice.
- 2.6 The Sub-Committee may either:
- (i) decide to take no action thereby allowing the event to take place, or
  - (ii) give the premises user a Counter Notice where it considers it appropriate for the promotion of a licensing objective to do so, to prevent the event from taking place.

### 3. THE PROPOSED EVENT

- 3.1 A TEN (TEN 9166) was received by the Licensing Authority on 15 March 2021 for an event on two fields at Undershore Road, Lymington. The TEN is attached as **Appendix 1**. The premises user is Jaq Rashleigh on behalf of Southern Vibrations Ltd, a company recently incorporated on 5 March 2021. Mr Rashleigh is named as a director of the company.
- 3.2 The proposed event is described in outline in paragraphs 1.2 and 1.3.
- 3.3 Initially there was some confusion over the exact location of the proposed event as the TEN had provided the location address as Bampton’s Farm, Lisle Road, Lymington. However, it was later confirmed by the premises user that the address covers two adjoining fields on Undershore Road, Lymington. See **Appendix 2** for a location plan of the site.
- 3.4 The premises user has also provided a letter stating that, at the current time, they do not propose to put in place any precautionary measures for the event with regard to COVID 19. This is on the basis that the event falls well beyond 21 June 2021 which is the Government’s earliest projected date upon which all legal limits on social contact will be removed. However, this is a suggested date, not written into legislation and will depend on many public health targets and circumstances being met. This letter is provided as **Appendix 3**.
- 3.5 Following receipt of the TEN Hampshire Constabulary issued an Objection Notice on 17 March 2021 as attached as **Appendix 4**. The Objection Notice raises concerns about the management of the proposed event and states that, should the event be held, it will undermine the four licensing objectives.
- 3.6 Hampshire Constabulary notified the premises user and the Licensing Authority by email on 17 March 2021. However, the premises user did not receive the email immediately due to an issue with the email address given on the TEN. The Council’s Licensing Manager provided a further copy to the premises user by email on 17 March 2021. See **Appendix 5**.

- 3.7 In response to the concerns raised in the Objection Notice, further details were provided by the premises user to Hampshire Constabulary and the Licensing Authority. These details are provided as **Appendix 6**.
- 3.8 Following receipt of this information Hampshire Constabulary confirmed on 19 March 2021 that they did not wish to withdraw the Objection Notice (**Appendix 7**).
- 3.9 The premises user then provided further information on 20 March 2021 in response to the Hampshire Constabulary's correspondence. This is provided as **Appendix 8**.
- 3.10 No objection has been received from Environmental Health.

#### **4. THE HEARING**

- 4.1 This hearing is governed by the Licensing Act 2003 (Hearings) Regulations 2005 ("the Regulations"). These Regulations provide that hearings should be held in public unless the Licensing Authority considers that the public interest in excluding the public outweighs the public interest in the hearing taking place in public.
- 4.2 The premises user and Hampshire Constabulary have been invited to this hearing and have been provided with this report and the procedures to be followed at the hearing.
- 4.3 The premises user and Hampshire Constabulary are entitled to address the Sub-Committee and to ask questions of the other party with the consent of the Sub-Committee.

#### **5. RIGHT OF APPEAL**

- 5.1 It should be noted that the premises user and Hampshire Constabulary may appeal the decision made by the Sub-Committee to the Magistrates' Court. The appeal must be lodged with the Magistrates' Court within 21 days of the notification of the decision.
- 5.2 In the event of an appeal being lodged, the decision made by the Sub-Committee remains valid until any appeal is heard and the decision made by the Magistrates' Court.

#### **6. RECOMMENDATION**

- 6.1 That the Sub-Committee, having regard to the TEN and any relevant representations, take such steps as it considers appropriate for the promotion of the licensing objectives. Those steps are either:
  - a) Issue a Counter Notice under section 105 of the Act to prevent the event from being held; or
  - b) Not issue a Counter Notice under that section and allow the event to take place as outlined on the TEN.
- 6.2 The Sub-Committee may note that there is no provision to restrict or attach conditions to the TEN.

## **Appendices**

- Appendix 1 Temporary Event Notice application
- Appendix 2 Location Map
- Appendix 3 Letter from premises user/Southern Vibrations Ltd re:COVID19
- Appendix 4 Objection Notice from Hampshire Constabulary
- Appendix 5 Premises user/Southern Vibrations Ltd email (corrected address)
- Appendix 6 Premises user/Southern Vibrations Ltd response to Hampshire Constabulary objection
- Appendix 7 Confirmation that hearing still required by Hampshire Constabulary
- Appendix 8 Second response from Southern Vibrations Ltd

## **Further Information:**

Christa Ferguson  
Licensing Manager  
Tel: 023 8028 5505  
Email:licensing@nfdc.gov.uk