

NOTIFICATION OF A TEMPORARY EVENT – GREENFIELD SCHOOL, 182 OLD WOKING ROAD, WOKING, GU22 8HY

Executive Summary

This report considers a Temporary Event Notice for the above premises.

Recommendations

The Committee is requested to:

RESOLVE That the application be determined in one of the following ways, having regard to the promotion of the Licensing Objectives:-

- a) Uphold the Environmental Health Officer's objections and to refuse the event going ahead; or
- b) Permit the event to go ahead as specified in the notices in appendix "1".

The Committee has the authority to determine the recommendation(s) set out above.

Background Papers:

None.

Reporting Person:

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1.0 Summary of Proposal

Type: Temporary Event Notice

Site Address: Greenfield School
182 Old Woking Road
Woking
GU22 8HY

Applicant Ms Alexandra Houghton

Notification Ref: 23/00230/TEN

2.0 Description of Premises

- 2.1 Greenfield School is a prep school located in the Mount Hermon ward of Woking Borough.
- 2.2 The event is due to be held on the entire site, however it is presumed that the fireworks will be taking place on the school playing field.
- 2.3 The playing field is roughly 17,600 square meters.
- 2.4 The whole Greenfield School site constitutes roughly 39,300 square meters.
- 2.5 The Parent Teacher Association (PTA) hold a number of events on site, with examples in the past being a cinema and alcohol event, a wine tasting evening, family fun days, a summer ball and more.

3.0 Overview

- 3.1 On the 2 October 2023 a Notice was served by Mrs Alexandra Houghton for a Temporary Event (TEN) to take place at Greenfield School on 3 November 2023.
- 3.2 The Notice is for a fireworks event taking place on the 3 November 2023 between 17:00 and 20:00 and is for the sale of alcohol and the provision of regulated entertainment.
- 3.3 The Notification is attached as Appendix 1
- 3.4 On the 2 October 2023 the Licensing Authority received an objection from the Deputy Environmental Health Manager (Janine Knighton) on the grounds of public safety.
- 3.5 The objection is attached as Appendix 2.

4.0 Details of Temporary Event Notice

4.1 To licence the premises for

- An event due to take place on 3 November 2023, whereupon the licensable activities being sought are:
 - Provision of regulated entertainment from 17:00 to 20:00

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- Sale of Alcohol from 17:00 to 20:00

- 4.2 The Notification states that they will be making use of “the land and buildings at Greenfield School, Old Woking Road.”
- 4.3 The Notification describes the nature of the event as being a “*Fireworks night with food and alcohol for sale. To be held on Friday 3 November 2023 between 17:00 and 20:00. Short firework display at 6pm with a longer one at 6.45pm. External company will be doing the fireworks. All H&S protocols followed. Recorded music will be played and outdoor temporary lighting provided.*”

5.0 Representations

- 5.1 Environmental Health have submitted an objection following concerns over Public Nuisance.
- 5.2 This is primarily due to the proximity of the location to a place where horses are stabled.
- 5.3 Complaints were received after the previous firework event held at Greenfield School in 2022. The fireworks caused substantial distress to the animals and financial costs for the owners.

6.0 Reference Information to be considered.

- 6.1 The Horse stables in question are located roughly 250 meters away (as the crow flies) from Greenfield School.
- 6.2 The Government guidance document “Fireworks and Animals,” produced by The Blue Cross in conjunction with DEFRA, states “Fireworks must not be set off near livestock or horses in fields, or close to buildings housing livestock.”
- 6.3 The Animal Welfare Act (AWA) 2006 states it is an offence to cause any unnecessary suffering to any captive or domestic animal.
- 6.4 Section 4 of the AWA 2006 states that a person commits an offence if— (a) an act of his, or a failure of his to act, causes an animal to suffer, (b) he knew, or ought reasonably to have known, that the act, or failure to act, would have that effect or be likely to do so, (c) the animal is a protected animal, and (d) the suffering is unnecessary.
- 6.5 The Welfare of Farm Animals Regulations (WOFAR) states, in Schedule 5 (laying hens) and Schedule 8 Part 2 (pigs) that those animals must not be exposed to a sudden noise. Pigs should not be exposed to noise levels of above 85 dB.
- 7.0 The effects of noise on animal behaviour depends not only on its intensity (dB), its frequency (Hz), and its duration and pattern (including vibration potential), but also on the hearing ability of the animal species and breeds, the age and physiological state of the animal at the time of exposure. It also depends on the noise exposure history of the animal and to the predictability of the acoustic stimulus (United States Environmental Protection Agency, 1980).
- 7.1 Between 2010 and 2019 the BHS received incident reports describing 272 fireworks related incidents, 98 horses injured and 20 horse fatalities (British Horse Society, 2019).

8.0 Revised Guidance Issued Under Section 182 of the Licensing Act 2003

- 8.1 The Police or Environmental Health Authority (“relevant persons” for the purposes of TENs) may intervene to prevent such an event taking place by sending an objection to the Licensing Authority, which the Licensing Authority must consider on the basis of the statutory licensing objectives and decide whether the event should go ahead.

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- 8.2 A relevant person may also intervene by agreeing a modification of the proposed arrangements directly with the TEN user.
- 8.3 If a relevant person sends an objection, this may result in the Licensing Authority imposing conditions on a TEN but only where the venue at which the event is to be held has an existing Premises Licence or Club Premises Certificate.
- 8.4 Greenfield School does not hold a Premises Licence or Club Premises Certificate and so no conditions can be imposed.
- 8.5 When serving a TEN, the premises user should consider the promotion of the four licensing objectives. The Licensing Authority may only otherwise intervene if the statutory permitted limits on TENs would be exceeded.
- 8.6 The Police and Environmental Health Authority have a period of three working days from when they are given the notice to object to it on the basis of any of the four licensing objectives.
- 8.7 If the Licensing Authority receives an objection notice from the police or Environmental Health Authority that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection (unless all parties agree that this is unnecessary).
- 8.8 The Licensing Sub-Committee may decide to allow the licensable activities to go ahead as stated in the notice.
- 8.9 Alternatively, it can decide that the event would undermine the licensing objectives and should not take place.
- 8.10 In this case, the Licensing Authority must give a counter notice.
- 8.11 Such cases might arise because of concerns about the scale, location, timing of the event or concerns about public nuisance even where the statutory limits on numbers are being observed.
- 8.12 As noted above, the Police or Environmental Health Authority (as “relevant persons”) may contact the premises user to discuss their objections and try to come to an agreement which will allow the proposed licensable activities to proceed.
- 8.13 The TEN can be modified (for example, by changing the details of the parts of the premises that are to be used for the event, the description of the nature of the intended activities or their duration). The other relevant person has to agree for the modification to be made.

9.0 Explanation

- 9.1 The Sub-Committee is obliged to determine this application in light of an objection from Environmental Health with a view to promoting the Prevention of Public Nuisance Licensing Objective.

The Sub-Committee may not uphold the Environmental Health objection to the TENs on the grounds of any other Licensing Objective. In making its decision, the Sub-Committee is also obliged to have regard to the National Guidance and the Council’s own Licensing Policy in that it can only: -

- a) Prevent the TEN from going ahead by upholding the Environmental Health objection,
- b) Permit the event to go ahead as specified in the notice in Appendix 1.

10.0 Summary

10.1 The Sub-Committee is asked to determine the application in one of the following ways, having regard to the promotion of the Licensing Objectives.

- a) Uphold the Environmental Health objection and to refuse the event going ahead, or
- b) Permit the event to go ahead as specified in the notice in Appendix 1.

11.0 Implications

Finance and Risk

11.1 There are no significant financial implications.

11.2 The risks to the Council associated with determining an application are:

- Failure to undertake its statutory responsibilities within required timescales;
- Making a decision that may be challenged by the applicant via an appeal to the Magistrates Court with the possible consequence of costs being awarded against the Council. A Magistrates' Court has the power to make any order it considers appropriate in terms of legal costs. If the Committee provides a fully reasoned decision of the application, the onus is on the Appellant to prove that the Sub-Committee's decision was wrong, and
- Making a decision that compromises Community Safety.

Equalities and Human Resources

11.3 None.

Legal

11.4 The Licensing Authority must act to promote the four Licensing Objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

11.5 The Licensing Authority must have regard to its statement of Licensing Policy and the guidance issued by the Secretary of State in carrying out its functions.

REPORT ENDS