

## **HAMBLETON DISTRICT COUNCIL**

**Report To:** Licensing and Appeals Hearings Panel  
22 January 2019

**From:** Director of Law and Governance (Monitoring Officer)

**Subject: TEMPORARY EVENT NOTICE  
LENTHOR FARM, STOKESLEY ROAD, BROMPTON**

Northallerton North and Brompton Ward

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### **1.0 SUMMARY**

1.1 This report asks the Panel to consider a temporary event notice (TEN) in respect of a proposed event at Lenthor Farm, Stokesley Road, Brompton from 13<sup>th</sup> September 2019 to 16<sup>th</sup> September 2019.

### **2.0 PROCEDURE**

2.1 The procedure for licensing hearings is attached as an Annex to the Agenda.

### **3.0 BACKGROUND**

3.1 Temporary Event Notices allow licensable activities to take place at events involving no more than 499 people at any one time.

3.2 The proposed premises user may notify the licensing authority of an event and, provided certain requirements have been complied with, the activities will be authorised.

3.3 On 8<sup>th</sup> January 2019, Mr Rob Henderson submitted a temporary event notice to Hambleton District Council by electronic means using the central government online service at [www.gov.uk](http://www.gov.uk).

3.4 The notice seeks to authorise the sale of alcohol, the provision of regulated entertainment and the provision of late night refreshment:

- between the hours of 11am and 2am on Friday 13<sup>th</sup> September 2019;
- between the hours of 11am and 2am on Saturday 14<sup>th</sup> September 2019; and
- between the hours of 11am and 12am midnight on Sunday 15<sup>th</sup> September 2019.

3.5 A copy of the temporary event notice is attached at **Annex A**.

### **4.0 PROMOTION OF LICENSING OBJECTIVES**

4.1 The four licensing objectives set out in the Licensing Act 2003 are:-

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

4.2 The Panel must carry out its functions with a view to promoting the licensing objectives.

## **5.0 OBJECTIONS**

- 5.1 Only North Yorkshire Police and Hambleton District Council's Environmental Health Service ("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.
- 5.2 A copy of the temporary event notice was sent to North Yorkshire Police and Hambleton District Council's Environmental Health Service on 8th January 2019 in accordance with section 11A of the Licensing Act 2003.
- 5.3 The Council's Environmental Health Service submitted an objection notice on 11<sup>th</sup> January 2019. The objection notice makes reference to likely adverse effects on the prevention of public nuisance objective caused by noise levels. A copy of the notice is attached at **Annex B**.
- 5.4 In accordance with the Act, Environmental Health may contact the premises user to discuss the objection and try to come to an agreement which will allow the proposed licensable activities to proceed. Where such an agreement is reached, 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). According to the objection notice attached at Annex B, an agreement to modify the TEN has not been reached between the premises user and Environmental Health.

## **6.0 POLICY CONSIDERATIONS**

- 6.1 In carrying out its licensing functions the Panel is required to have regard to:-
- its Licensing Statement;
  - any guidance issued by the Secretary of State.
- 6.2 Part 7 of the Council's Licensing Act 2003 Policy relates to temporary event notices and is attached at **Annex C**.
- 6.3 Chapter 7 of the Home Office Guidance issued in April 2018 under section 182 of the Licensing Act 2003 is attached at **Annex D**.

## **7.0 DETERMINATION BY THE PANEL**

- 7.1 The Panel must, having had regard to the objection notice, take one of the following steps as it considers appropriate for the promotion of the licensing objectives:
- The Panel may decide to allow the licensable activities to go ahead as stated in the notice; or
  - The Panel may 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.
- 7.2 The Panel is not permitted to modify the TEN.

7.3 The premises user may appeal against the decision if the licensing authority issues a counter-notice. The Environmental Health Service may appeal against the decision if the licensing authority decides not to issue a counter-notice. In both cases, appeals must be made to a Magistrates Court within 21 days of receiving notification of the decision

GARY NELSON  
DIRECTOR OF LAW AND GOVERNANCE (MONITORING OFFICER)

**Background papers:** Hambleton District Council's Licensing Act 2003 Policy  
Guidance issued under section 182 of the Licensing Act 2003

**Author ref:** SF

**Contact:** Simon Fisher  
Principal Licensing Officer  
Direct Line No: (01609) 767209

13th - 16th Sept 2019.



**Hambleton**  
**Application for a Temporary Event Notice**  
**Licensing Act 2003**

SZZGV00001034

For help contact  
[info@hambleton.gov.uk](mailto:info@hambleton.gov.uk)  
Telephone: 01609 779977

£21. 8/1/19

\* required information

**Section 1 of 9**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference	<input type="text" value="Not Currently In Use"/>	This is the unique reference for this application generated by the system.
Your reference	<input type="text" value="OSM2019"/>	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

- Yes
- No

**Applicant Details**

* First name	<input type="text" value="Rob"/>
* Family name	<input type="text" value="Henderson"/>
* E-mail	<input type="text" value="robhenderson40@hotmail.com"/>
Main telephone number	<input type="text" value="07535092568"/>
Other telephone number	<input type="text"/>

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader
- Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.



Continued from previous page...

**Your Address**

Address official correspondence should be sent to.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Section 2 of 9**

**APPLICATION DETAILS (See also guidance on completing the form, general notes and note 1)**

Have you had any previous or maiden names?

- Yes  No

\* Your date of birth  /  /   
dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

**Correspondence Address**

Is the address the same as (or similar to) the address given in section one?

- Yes  No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

**Additional Contact Details**

Are the contact details the same as (or similar to) those given in section one?

- Yes  No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

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**THE PREMISES**

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). (See also guidance on completing the form, note 2)

Does the premises have an address?

- Yes  No

**Address**

Is the address the same as (or similar to) the address given in section one?

- Yes  No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

- Neither  Premises licence  Club premises certificate

**Location Details**

Provide further details about the location of the event

Open field location.

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below (see also guidance on completing the form, note 3)

*Continued from previous page...*

Describe the nature of the premises below (see also guidance on completing the form, note 4)

Describe the nature of the event below (see also guidance on completing the form, note 5)

The event will be a garden party/small festival, with live and recorded music, art and performance.

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### LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises (see also guidance on completing the form, note 6):

- The sale by retail of alcohol
  
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
  
- The provision of regulated entertainment
- The provision of late night refreshment
  
- The giving of a late temporary event notice

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.  
(See also guidance on completing the form, note 7).

### Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

(see also guidance on completing the form, note 8)

Event start date      

13	/	09	/	2019
dd		mm		yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date      

16	/	09	/	2019
dd		mm		yyyy

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State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

11:00-02:00 Fri-Sat 11:00-00:00 Sun

(see also guidance on completing the form, note 9)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers (see also guidance on completing the form, note 10)

499

Note that the maximum number of people cannot exceed 499.

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both (see also guidance on completing the form, note 11):

- On the premises only
- Off the premises only
- Both

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**RELEVANT ENTERTAINMENT (See also guidance on completing the form, note 12)**

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

N/A

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**PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 13)**

Do you currently hold a valid personal licence?  Yes  No

**Section 7 of 9**

**PREVIOUS TEMPORARY EVENT NOTICES (See also guidance on completing the form, note 14)**

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?  Yes  No

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**Continued from previous page...**

Have you already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or  Yes  No
- b) Begins 24 hours or less after the event period proposed in this notice?

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**ASSOCIATES AND BUSINESS COLLEAGUES (See also guidance on completing the form, note 15)**

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Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

- Yes  No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or  Yes  No
- b) Begins 24 hours or less after the event period proposed in this notice?

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

- Yes  No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or  Yes  No
- b) Begins 24 hours or less after the event period proposed in this notice?
-

Continued from previous page...

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**CONDITION (See also guidance on completing the form, note 17)**

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £21

**ATTACHMENTS**

**AUTHORITY POSTAL ADDRESS**

**Address**

Building number or name	20 CONWAY ROAD
Street	
District	
City or town	REDLAR
County or administrative area	CLEVELAND
Postcode	TS10 2EN
Country	United Kingdom

**DECLARATION (See also guidance on completing the form, note 18)**

The information contained in this form is correct to the best of my knowledge and belief. I understand that it is an offence:

- (i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine not exceeding level 5 on the standard scale; and
- (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for such an offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

Full name	ROBERT HENDERSON
Capacity	ORGANISER
Date (dd/mm/yyyy)	08/01/19

Add another signatory

**Application ref:** hambleton-736625  
**Licence:** Temporary Event Notice  
**Applicant email:** robhenderson40@hotmail.com  
**Submitted on:** 08/01/2019 12:04  
**Total fee:** £21.00  
**Payment status:** Paid  
**Civica ref:** SZZGV00001034  
**Amount paid:** £21.00  
**Fee outstanding:** £0.00

**Tacit consent applies**

**Process by:** 09/01/2019  
**Status:** Collected on 08/01/2019  
**Expires:** Expires in 7 days on 15-01-2019

**Recent History**

**Notification to**  
robhenderson40@hotmail.com:  
Sent on 08/01/2019 12:06

**Notification to**  
licensingteam@hambleton.gov.uk:  
Sent on 08/01/2019 12:06

**Notification to :**  
Failed on 08/01/2019 12:06

**Notification to :**  
Failed on 08/01/2019 12:06

**Payment Successful :**  
at 08/01/2019 12:06

**Marked as started processing:**  
on 08/01/2019 12:33 by  
linda.doughty@hambleton.gov.uk

**Marked as collected:**  
on 08/01/2019 12:33 by  
linda.doughty@hambleton.gov.uk

**Downloaded Completed form:**  
on 08/01/2019 12:33 by  
linda.doughty@hambleton.gov.uk

**Application**

application form

**Supporting documents (0)**

**Authority Reference**

**Reference:**



**Temporary Event Notification.  
Licensing Act 2003  
Environmental Health Service – Objection Notice**

Premises Address	Lenthor Farm, Stokesley Road Brompton
Date application received	8 <sup>th</sup> January 2019
Date Returned to Local Authority	11 <sup>th</sup> January 2019

**Environmental Health Service - Response.**

The Environmental Health Service would object to the application in its current form for the following reasons:-

Prevention of Crime & Disorder

Prevention of Public Nuisances

This application is for an outdoor musical festival over a three day period. On two of the three days the applicant wishes to operate until 02:00. During the day there will be four stages operating concurrently with a variety of musical genres on offer. From 12 midnight until 02:00am the applicant plans to hold two to three discos on the existing stages; one in the open air and the others within a tent.

This site has a history of noise complaints associated with outdoor music entertainment. There have been 28 noise complaints from the surrounding areas of Brompton and Northallerton since 2015. In 2017, a similar event was held by the same applicant that resulted in approx.15 complaints received to the Environmental Health Service, despite the applicant submitting a noise management plan detailing how noise from the event would be controlled to prevent public nuisance. This included several complaints from local residents whom reported to being kept awake until 02:00.

The surrounding area is rural in nature and has very low noise backgrounds levels, especially late at night early morning. Whilst infrequent outdoor music entertainment until 11pm / 12 midnight may be seen as reasonable due to its occasional nature, noise from 12 midnight until 02:00 heard within residential properties and will have an impact on sleep. This is considered unreasonable and does not meet the licensing objectives of preventing public nuisance.

A very conservative noise calculation has been carried out based on a single disco operating at a volume 85 dB (A) (decibels). Most discos operating in night clubs are significantly louder than this. A calculation of this noise over distance to nearby noise sensitive premises - where the previous complaints were received, has shown that the sound levels from the disco music on the event site will be heard and remain at levels that will disturb sleep. This goes against the Codes of practice on Environmental Noise Control at Concerts (produced by The Noise Council) which states that for events continuing or held between the hours of 23:00 and 09:00 the music noise should not be audible within noise sensitive premises with windows open.

RL.F.2

Protection of Children

Public Safety

These objections ~~\*cannot be overcome/\*can be overcome~~ by amendments to the Operating Schedule as follows:-

Prevention of Crime & Disorder

Prevention of Nuisances

Discussions have been held with the applicant regarding the measures that can be carried out to manage noise nuisance from this event. Due to the number of complaints received in the past, this Service has offered to help the applicant set up noise limiters at the stage settings, be present onsite to assess an evening's event, and advise on further measures that can be taken to reduce impact – if necessary.

The following options to prevent unreasonable nuisance from 12 midnight until 02:00 have been discussed with the applicant:

1. Non amplified music entertainment i.e. acoustic.
2. Holding a silent disco.
3. To finish the musical entertainment at 12 midnight.

The applicant has refused all these options.

Given the history of complaints, the noise calculations concluding that levels will be heard at residential properties, advice provided in the Codes of Practice and the unwillingness of the applicant to consider alternative options from 12 midnight until 02:00, the Environmental Health Service has no alternative but to object to this application on the grounds of preventing public nuisance.

Protection of Children

Public Safety

RL.F.2

If these amendments are agreed / approved by the Applicants, the Environmental Health consider there will not be a need for a hearing of the Council's Licensing Committee.

These amendments have been discussed with the applicant and agreed to

Yes  No

Inspecting Officer: ...Paul Robertson..... Date: .....11<sup>th</sup> January 2019.....

# **PART 7: TEMPORARY EVENT NOTICES**

## **7.1 INTRODUCTION**

- 7.1.1 Temporary Event Notices (TENs) allow licensable activities to take place at events involving no more than 499 people at any one time.
- 7.1.2 The proposed premises user may notify the licensing authority of an event and, provided certain requirements have been complied with, the activities will be authorised.
- 7.1.3 A TEN does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required.

## **7.2 CRITERIA**

- 7.2.1 Any individual aged 18 or over may give a limited number of TENs per calendar year to authorise the carrying on of licensable activities from any premises.
- 7.2.2 A temporary event notice must be accompanied by the requisite fee.
- 7.2.3 A standard TEN must be given to the Licensing Authority no later than 10 working days before the day on which the event is to start (see paragraph 7.3).
- 7.2.4 A late TEN must be given to the licensing authority no later than five working days before the day on which the event is to start (see paragraph 7.3).
- 7.2.5 Unless it is sent electronically, a copy of the TEN must also be sent to North Yorkshire Police and Hambleton District Council's Environmental Health Service at least ten working days before the event (or five working days in the case of a late TEN).
- 7.2.6 The following limitations are also imposed on the use of TENs:
  - the maximum number of times a premises user may give a TEN is 50 times in a calendar year for a personal licence holder and five times in a calendar year for other people;
  - the number of times a premises user may give a late TEN is limited to 10 times in a calendar year for a personal licence holder and twice for other people (note: late TENs count towards the total number of permitted TENs);
  - the maximum number of times a TEN may be given for any particular premises is 15 times in a calendar year;
  - the maximum duration of an event authorised by a TEN is 168 hours (seven days);
  - the maximum total duration of the events authorised by TENs in relation to individual premises is 21 days in a calendar year;
  - the maximum number of people attending at any one time is 499; and
  - the minimum period between events authorised under separate TENs in relation to the same premises (not including withdrawn TENs) by the same premises user is 24 hours.

### **7.3 WORKING DAYS**

- 7.3.1 A “working day” under the 2003 Act means any day other than a Saturday, Sunday, Christmas Day, Good Friday or Bank Holiday<sup>1</sup>.
- 7.3.2 The expression “five (or ten) working days before the day on which the event begins” should be interpreted in accordance with the legal principle that fractions of a day are to be disregarded. This is necessary to ensure that time periods specified in legislation do not end up being shorter than the period specified by Parliament. The day of receipt and the first day of the event cannot therefore be used as one of the requisite days’ notice.

### **7.4 OBJECTIONS**

- 7.4.1 Provided that the criteria set out above are met, only North Yorkshire Police and the council’s Environmental Health Service may object to an event being authorised by a TEN.
- 7.4.2 Should the licensing authority receive an objection notice to a late TEN it is required to serve a counter notice no later than 24 hours before the event and the event will not then be permitted<sup>2</sup>.

### **7.5 HEARINGS**

- 7.5.1 Where an objection notice is received in respect of a standard TEN, the licensing authority must hold a hearing to consider any potential adverse effects on the licensing objectives<sup>3</sup>.
- 7.5.2 The licensing authority must decide whether it is appropriate for the promotion of the licensing objectives to issue a counter-notice, which has the effect of cancelling the authorisation to carry on licensable activities.
- 7.5.3 Where the authority has decided not to issue a counter-notice, the licensing authority may resolve to give effect to conditions from a premises licence or club premises certificate if it considers this appropriate for the promotion of the licensing objectives<sup>4</sup>.
- 7.5.4 Any conditions brought forward will be replicated in the same form as used on the licence or certificate, and will be imposed only if they address issues raised within objection notices given to the authority. The authority will not utilise this power to condition or restrict aspects of the event which are not referenced within an objection notice or supplementary representations.
- 7.5.5 If the licensing authority is of the opinion that an event should not proceed, it will issue a counter-notice. The power to impose conditions will not be utilised to impose conditions which are inconsistent with the proposed event, or which are impossible for the premises user to comply with.

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<sup>1</sup> [Section 193 of the Licensing Act 2003](#)

<sup>2</sup> Section 104A of the Licensing Act 2003 as inserted by [section 114 of the Police Reform and Social Responsibility Act 2011](#)

<sup>3</sup> [Section 105 of the Licensing Act 2003](#)

<sup>4</sup> Section 106A of the Licensing Act 2003 as inserted by [section 113 of the Police Reform and Social Responsibility Act 2011](#)

7.5.6 The licensing authority has no other power to impose conditions on temporary event notices. Undertakings agreed between a premises user and a responsible authority to resolve objections to a TEN are unenforceable, and are therefore discouraged.

## 7. Temporary Event Notices (TENs)

- 7.1 This Chapter covers the arrangements in Part 5 of the 2003 Act for the temporary carrying on of licensable activities which are not authorised by a premises licence or club premises certificate.

### General

- 7.2 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. Instead, a person wishing to hold an event at which such activities are proposed to be carried on (the “premises user”) gives notice to the licensing authority of the event (a “temporary event notice” or “TEN”).
- 7.3 The TEN must be given to the licensing authority in the form prescribed in regulations made under the 2003 Act. The form requires the user to describe key aspects of the proposed event, including the general nature of the premises and the event, the licensable activities intended to be carried on at the proposed event, including whether they will include any relevant entertainment as defined in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (i.e. displays of nudity designed to sexually stimulate any member of the audience including, but not limited to, lap dancing and pole dancing). Under the 2003 Act ‘premises’ can mean any place. Events authorised under a TEN will therefore not always be in a building with a formal address and can take place, for example, in public parks and plots within larger areas of land. In all cases, the premises user should provide a clear description of the area in which they propose to carry on licensable activities, including whether the premises are, for example, an open field or a beer tent. Local authorities and “relevant persons” (see below) may wish to make enquiries where appropriate to satisfy themselves of the exact location for where a TEN is being given.
- 7.4 Unless it is sent electronically, it must be sent to the relevant licensing authority, to the police and “local authority exercising environmental health functions” (“EHA”) at least ten working days before the event. A premises user may also give a limited number of “late TENs” to the licensing authority less than 10 working days before the event to which they relate, although certain restrictions apply (see paragraphs 7.12-7.14). “Working day” under the 2003 Act means any day other than a Saturday, Sunday, Christmas Day, Good Friday or Bank Holiday. For limited purposes in relation to a TEN, the 2003 Act defines a “day” as a period of 24 hours beginning at midnight.
- 7.5 If a TEN is sent electronically via GOV.UK or the licensing authority’s own facility, the licensing authority must notify the police and EHA as soon as possible and no later than the first working day after the TEN is given.
- 7.6 The police or EHA (“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. A relevant person may also intervene by agreeing a modification of the proposed arrangements directly with the TENs user (see paragraph 7.36). 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. When giving 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 (see paragraphs 7.15-7.22).

- 7.7 A TEN does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required.

## **Standard and late temporary event notices**

- 7.8 There are two types of TEN: a standard TEN and a late TEN. These are subject to different processes: a standard notice is given no later than ten working days before the event to which it relates; and a late notice is given not before nine and not later than five working days before the event.

### **Standard temporary event notices**

- 7.9 “Ten working days” (and other periods of days which apply to other requirements in relation to TENs) exclude the day the notice is received and the first day of the event.
- 7.10 The police and EHA 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.
- 7.11 Although ten clear working days is the minimum possible notice that may be given, licensing authorities should publicise their preferences in terms of advance notice and encourage premises users to provide the earliest possible notice of events planned by them. Licensing authorities should also consider publicising a preferred maximum time in advance of an event by when TENs should ideally be given to them.

### **Late temporary event notices**

- 7.12 Late TENs are intended to assist premises users who are required for reasons outside their control to, for example, change the venue for an event at short notice. However, late TENs may, of course, be given in any circumstances providing the limits specified at paragraph 7.15 are not exceeded.
- 7.13 Late TENs can be given up to five working days but no earlier than nine working days before the event is due to take place and, unless given electronically to the licensing authority, must also be sent by the premises user to the police and EHA. A late TEN given less than five days before the event to which it relates will be returned as void and the activities to which it relates will not be authorised.
- 7.14 A key difference between standard and late TENs is the process following an objection notice from the police or EHA. Where an objection notice is received in relation to a standard TEN the licensing authority must hold a hearing to consider the objection, unless all parties agree that a hearing is unnecessary. If the police, EHA or both give an objection to a late TEN, the notice will not be valid and the event will not go ahead as there is no scope for a hearing or the application of any existing licence conditions.

## **Limitations**

- 7.15 A number of limitations are imposed on the use of TENs by the 2003 Act:
- the number of times a premises user may give a TEN is 50 times in a calendar year

for a personal licence holder and five times in a calendar year for other people;

- the number of times a premises user may give a late TEN is limited to 10 times in a calendar year for a personal licence holder and twice for other people. Late TENs count towards the total number of permitted TENs (i.e. the limit of five TENs a year for non-personal licence holders and 50 TENs for personal licence holders). A notice that is given less than ten working days before the event to which it relates, when the premises user has already given the permitted number of late TENs in that calendar year, will be returned as void and the activities described in it will not be authorised.
- the number of times a TEN may be given for any particular premises is 15 times in a calendar year;
- the maximum duration of an event authorised by a TEN is 168 hours (seven days);
- the maximum total duration of the events authorised by TENs in relation to individual premises is 21 days in a calendar year;
- the maximum number of people attending at any one time is 499; and
- the minimum period between events authorised under separate TENs in relation to the same premises (not including withdrawn TENs) by the same premises user is 24 hours.

7.16 Any associate, relative or business partner of the premises user is considered to be the same premises user in relation to these restrictions. The 2003 Act defines an associate, in relation to the premises user, as being:

- the spouse or civil partner of that person;
- a child, parent, grandchild, grandparent, brother or sister of that person;
- an agent or employee of that person; or
- the spouse or civil partner of a person listed in either of the two preceding bullet points.

7.17 A person living with another person as their husband or wife, is treated for these purposes as their spouse. 'Civil partner' has its meaning in the Civil Partnership Act 2004.

7.18 A TEN that is given may be subsequently withdrawn by the TEN user by giving the licensing authority a notice to that effect no later than 24 hours before the beginning of the event period specified in the TEN. Otherwise, the TEN will be included within the limits of TENs allowed in a given calendar year, even if the event does not go ahead.

7.19 Once these limits have been reached, the licensing authority should issue a counter notice (permitted limits) if any more are given. Proposed activities that exceed these limits will require a premises licence or club premises certificate.

7.20 TENs may be given in respect of premises which already have a premises licence or club premises certificate to cover licensable activities not permitted by the existing authorisation.

7.21 In determining whether the maximum total duration of the periods covered by TENs at any individual premises has exceeded 21 days, an event beginning before midnight and continuing into the next day would count as two days towards the 21-day limitation.

7.22 There is nothing in the 2003 Act to prevent notification of multiple events at the same time, provided the first event is at least ten working days away (or five working days

away in the case of a late TEN). For example, an individual personal licence holder wishing to exhibit and sell beer at a series of farmers' markets may wish to give several notices simultaneously. However, this would only be possible where the limits are not exceeded in the case of each notice. Where the events are due to take place in different licensing authority (and police) areas, the respective licensing authorities and relevant persons would each need to be notified accordingly.

## **Who can give a temporary event notice?**

### **Personal licence holders**

7.23 A personal licence holder can give a TEN at any premises on up to 50 occasions in a calendar year. This limit is inclusive of any late TENs given in the same year. The use of each TEN must of course observe the limits described above, including the limit of 15 TENs in respect of each premises in a calendar year.

### **Non-personal licence holders**

7.24 The 2003 Act provides that any individual aged 18 or over may give a TEN to authorise the carrying on of all licensable activities under the Licensing Act 2003, whether or not that individual holds a personal licence. Such an individual will not, therefore, have met the requirements that apply to a personal licence holder under Part 6 of the 2003 Act. Where alcohol is not intended to be sold, this should not matter. However, many events will involve a combination of licensable activities and the 2003 Act limits the number of notices that may be given by any non-personal licence holder to five occasions in a calendar year (inclusive of any late TENs in the same year). In every other respect, the Guidance and information set out in the paragraphs above applies.

## **Role of the licensing authority**

7.25 The licensing authority must check that the limitations set down in Part 5 of the 2003 Act are being observed and intervene if they are not (see paragraph 7.15). For example, a TEN would be void unless there is a minimum of 24 hours between events notified by the same premises user, or an associate or someone who is in business with the relevant premises user in respect of the same premises. This is to prevent evasion of the seven day (or 168 hour) limit on such events and the need to obtain a full premises licence or club premises certificate for more major or permanent events. In addition, for these purposes, a TEN is treated as being from the same premises user if it is given by an associate.

7.26 Where the application is not within the statutory parameters described earlier, the licensing authority will issue a counter notice to the premises user.

7.27 Where the TEN is in order, the relevant fee paid and the event falls within the prescribed limits, the licensing authority will record the notice in its register and send an acknowledgement to the premises user (which may be given electronically). The licensing authority must do so, no later than the end of the first working day following the day on which it was received (or by the end of the second working day if it was received on a non-working day), unless an objection notice is received beforehand from the police or EHA on the basis of any of the four licensing objectives (see paragraphs below).

7.28 If the licensing authority receives an objection notice from the police or EHA 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. The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. 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 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.

- 7.29 Premises users are not required to be on the premises during the event authorised by the TEN, but they will remain liable to prosecution for certain offences that may be committed at the premises during the period covered by it. These include, for example, the offences of the sale of alcohol to a person who is drunk; persistently selling alcohol to children and allowing disorderly conduct on licensed premises.
- 7.30 In the case of an event authorised by a TEN, failure to adhere to the requirements of the 2003 Act, such as the limitation of no more than 499 being present at any one time, would mean that the event was unauthorised. In such circumstances, the premises user would be liable to prosecution.
- 7.31 Section 8 of the 2003 Act requires licensing authorities to keep a register containing certain matters, including a record of TENs received. Under Schedule 3 of the 2003 Act, the licensing authority must also keep a record of such matters including any notice of withdrawal of a TEN, any counter notice to a TEN given following an objection by a relevant person and any TEN received following modification. If requested to do so, a licensing authority must supply a person with a copy of the information contained in any entry in its register. Each licensing authority must also provide facilities for making the information contained in the entries in its register available for inspection by any person during office hours and without payment. Licensing authorities may wish to consider bringing TENs to the attention of local councillors and residents by making their register available online or including relevant details of a TEN when it is received, along with notice of licence applications on the authority's website. There is no requirement to record all the personal information given on a TEN.

## **Police and environmental health intervention**

- 7.32 The system of permitted temporary activities gives police and EHAs the opportunity to consider whether they should object to a TEN on the basis of any of the licensing objectives.
- 7.33 If the police or EHA believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. The objection notice must be given within the period of three working days following the day on which they received the TEN.
- 7.34 Where a standard TEN was given, the licensing authority must consider the objection at a hearing before a counter notice can be issued. At the hearing, the police, EHA and the

premises user may make representations to the licensing authority. Following the hearing, the licensing authority may decide to impose conditions which already apply to an existing premises licence or club premises certificate at the venue, or issue a counter notice to prevent the event going ahead. As noted above, there is no scope for hearings in respect of late TENs and if objections are raised by the police or EHA in relation to a late TEN, the notice will be invalid and the event will not go ahead.

- 7.35 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. The premises user who signs the form is legally responsible for ensuring that the numbers present do not exceed the permitted limit at any one time. In cases where there is reason to doubt that the numbers will remain within the permitted limit the premises user should make clear what the nature of the event(s) is and how they will ensure that the permitted persons limit will not be exceeded. For example, where notices are being given for TENs simultaneously on adjacent plots of land it may be appropriate for door staff to be employed with counters. In each case it is important that licensing authorities and relevant persons can consider whether they believe that the premises user intends to exceed the 499 person limit, or will be unable to control or know whether the limit will be exceeded. Where the planned activities are likely to breach the statutory limits or undermine the licensing objectives, it is likely to be appropriate for the police or EHA to raise objections.
- 7.36 However, in most cases, where for example, alcohol is supplied away from licensed premises at a temporary bar under the control of a personal licence holder, (such as at weddings with a cash bar or small social or sporting events) this should not usually give rise to the use of these powers.

## **Modification**

- 7.37 As noted above, the police or EHA (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. 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. There is no scope under the 2003 Act for the modification of a late TEN.

## **Applying conditions to a TEN**

- 7.38 The 2003 Act provides that only the licensing authority can impose conditions to a TEN from the existing conditions on the premises licence or club premises certificate at the venue. The licensing authority can only do so:
- if the police or the EHA have objected to the TEN;
  - if that objection has not been withdrawn;
  - if there is a licence or certificate in relation to at least a part of the premises in respect of which the TEN is given;
  - and if the licensing authority considers it appropriate for the promotion of the licensing objectives to impose one or more conditions.
- 7.39 This decision is one for the licensing authority alone, regardless of the premises user’s

views or willingness to accept conditions. The conditions must be notified to the premises user on the form prescribed by regulations.

## **Duty of premises users to keep and produce TENs**

7.40 Where a TEN is not prominently displayed at the premises, the police and licensing officers have the right under sections 109(5) and (6) of the 2003 Act to request the premises user (or relevant nominated person who has the TEN in their custody) to produce the TEN for examination. If the police do not intervene when a TEN is given, they will still be able to rely on their powers of closure under the Anti-social Behaviour, Crime and Policing Act 2014<sup>3</sup>.

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<sup>3</sup> For further guidance on the closure power under the 2014 Act, please refer to:  
[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/352562/ASB\\_Guidance\\_v8\\_July2014\\_final\\_\\_2\\_.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final__2_.pdf)