

27 March 2019

Report of	Assistant Director (Communities)	Author	Jon Ruder
Title	Temporary Event Notices		☎ 282840
Wards affected	Not applicable		

1. Executive Summary

- 1.1 In response to a request by the Committee, this report gives an overview of the operation of the Temporary Event Notice (TEN) process and some statistical information in relation to the TENs lodged with the Council in 2018.

2. Recommended Decision

- 2.1 That the information contained within the report be noted

3. Temporary Event Notices

- 3.1 A Temporary Event Notice (TEN) is not an application for permission to do something but rather a notification to the Council that an event will take place. A TEN is required if any of the following is to be carried out at an unlicensed venue –

- Selling of alcohol
- Serving of alcohol to members of a Club
- Provision of entertainment such as film or music etc.
- Serving of hot food or drink between 11pm and 5am, or
- The carrying, at a licensed premise, of a licensable activity which is not included on the premises licence.

- 3.2 There are restrictions that apply to TENs. The event must -

- Have fewer than 500 people at all times (this includes staff)
- Last no more than 168 hours (7 days)

In addition –

- The applicant must be 18 years or over.
- A personal licence holder can give up to 50 TENs a year
- Any other individual can give up to 5 TENs a year
- A single premise can have up to 15 TENs a year as long as the total length of days is not more than 21 days.
- Separate but consecutive events must have at least 24 hours between them.
- The year runs from 1 January to 31 December.

- 3.3 TENs must be submitted at least 10 clear working days in advance of the event. The only bodies able to object to a TEN are the Police and Environmental Protection and they have only three days in which to make a representation. Objections can be lodged on all the four licensing objectives and if an objection is received there must be a Committee hearing to determine the representation; the hearing must be held at least 24 hours before the event is due to take place.
- 3.4 The Committee can either approve, add conditions or reject a TEN. If a TEN is rejected a Counter Notice will be issued which stops the event going ahead. There is a right of appeal to the Magistrates' Court, this must be done within 21 days of the decision and no later than 5 days before the event takes place. In some cases, an appeal would not be possible because of the tight timescales involved.

4. Late Temporary Event Notices

- 4.1 A late TEN can be made up to 5 clear working days before the event and not earlier than 9 clear days before the event. If no personal licence is held only 2 Notices can be given, if a personal licence is held 10 late TENs can be made. Late TENs count towards the overall total. If an objection is made there is no facility to hold a hearing and a Counter Notice will be issued.

5. Scheme of Delegation in relation to TENs

- 5.1 The Act, reflected in the Council's Constitution, delegates the decision to give a Counter Notice following representations to the Committee in every case.

6. TENs received in 2018

- 6.1 425 TENs were given to the Council in 2018 and of these –
- 76 were late TENs
 - 10 were rejected as they were too late even to be considered as a late TEN
 - 1 was cancelled because of the weather
 - 2 were rejected as they were for locations outside the Borough
 - 5 were rejected as they were over the permitted limits
- 6.2 Approximately half the TENs submitted were to extend the hours for licensable activities at premises already holding a premises licence; the other half were for one off events such as music events, fun days and the like.
- 6.3 Hearings in relation to TENs are relatively rare. Issues are identified by the Police or Environmental Protection more frequently than the hearing rate indicates but problems are usually resolved at an early stage by discussion and negotiation which avoids the need for a hearing.

7. Standard references

- 7.1 There are no particular references to the Strategic Plan; publicity or consultation considerations; or financial; equality, diversity and human rights; community safety; health and safety or risk management implications.