

If you would like any further information or have any special requirements in respect of this Meeting, please contact Joanne Paterson, Democratic Services Officer on (01507) 613422

Tel: (01507) 601111 Ext. 613422

**Email: joanne.paterson@e-lindsey.gov.uk
Website: www.e-lindsey.gov.uk**

Date: Wednesday 20th July 2022

Dear Councillor,

Licensing Act 2003 Sub Committee

You are invited to attend a Meeting of the **Licensing Act 2003 Sub Committee** to be held in the Council Chambers, Tedder Hall, Manby Park, Louth on **Wednesday, 27th July, 2022** at **2.00 pm**, for the transaction of the business set out in the attached Agenda.

Councillors observing the meeting and the public and the press may access the meeting via the following link <https://bit.ly/ELDCYT> where a livestream and subsequent recording of the meeting will be available.

Yours sincerely



Robert Barlow
Chief Executive

Conservative

Councillor David Andrews and Stan Avison

Labour

Councillor Graham Cullen

District Independent/Liberal Democrat

Councillor Sandra Campbell-Wardman

LICENSING ACT 2003 SUB COMMITTEE AGENDA
Wednesday, 27 July 2022

Item	Subject	Page No.
1.	ELECTION OF CHAIRMAN:	
2.	DISCLOSURE OF INTERESTS (IF ANY):	
3.	APOLOGIES FOR ABSENCE:	
4.	TEMPORARY EVENT NOTICE - LLAMA TREKKING FARM, JULIAN BOWER, LOUTH:	1 - 28
	Report of Service Manager, Safer Communities.	



REPORT TO:	LICENSING ACT 2003 SUB-COMMITTEE
DATE:	27 JULY 2022
SUBJECT:	TEMPORARY EVENT NOTICE (TEN) – LLAMA TREKKING FARM, JULIAN BOWER, LOUTH, LN11 9QN
PURPOSE:	To consider objection notices issued by Lincolnshire Police and the Council's Environmental Health Department regarding a TEN for a dance music event in a marquee on the Llama Trekking Farm, Julian Bower, Louth, LN11 9QN.
KEY DECISION:	Not Applicable.
REPORT OF:	Service Manager – Safer Communities
REPORT AUTHOR:	Mr Adrian Twiddy (Principal Licensing Officer)
WARD(S) AFFECTED:	Louth
EXEMPT REPORT?	The content of this Report is not exempt from publication.

SUMMARY

This Report considers objection notices made by Lincolnshire Police and the Council's Environmental Health Department in relation to a Temporary Event Notice (TEN) served by Mr Ian Herring (the premises user) for a dance music event (LN Festival) in a marquee on the Llama Trekking Farm, Julian Bower, Louth, LN11 9QN. The TEN seeks to authorise the sale of alcohol (for consumption on the premises) and the provision of regulated entertainment on Saturday 30 July 2022. The proposed event period will be from 1100 to 2300 Hours.

RECOMMENDATIONS

The Sub-Committee must consider the objection notices issued by Lincolnshire Police and the Environmental Health Department and having regard to the notices, give the premises user a counter notice (under Section 105 of the Licensing Act 2003) in relation to the Temporary Event Notice (TEN) if it considers it necessary for the promotion of a licensing objective to do so. Such counter notice would have the effect of cancelling the TEN.

If the Sub-Committee considers that it is not necessary to issue a counter notice, then the Licensing Authority should take no action.

REASONS FOR RECOMMENDATIONS

The Licensing Authority must hold a hearing to consider the objection notices unless all parties agree that a hearing is unnecessary.

All parties within the licensing process must seek to promote the licensing objectives as defined under the Licensing Act 2003.

OTHER OPTIONS CONSIDERED

Under the terms of the Licensing Act 2003 this Authority must consider the objection notices. There is no other option but to undertake the hearing – unless of course the objection notices or the TEN is withdrawn.

1. BACKGROUND

- 1.1. Temporary Event Notice (TEN): The premises user intends to carry on the following activity during the currency of the notice - sale of alcohol (for consumption on the premises) and the provision of regulated entertainment on Saturday 30 July 2022. The proposed event period will be from 1100 to 2300 Hours.
- 1.2. Premises User: Mr Ian Herring - Mr Herring has indicated on the TEN form that he currently holds a personal licence with Derbyshire Dales Council.

Premises: The TEN is for a proposed dance music event (LN Festival) in a marquee on the Llama Trekking Farm, Julian Bower, Louth, LN11 9QN. A plan showing the location of the event site is attached at **Appendix A** of this Report. Copies of the Temporary Event Notice (TEN), subject of this Report, will be available at the hearing for Members to inspect should they wish to do so.

2. REPORT

- 2.1. The TEN, subject of this Report, was received by the Licensing Authority on 14 July 2022. As required under the terms of the Licensing Act 2003 the TEN was copied to Lincolnshire Police and the Council's Environmental Health Team. Both Lincolnshire Police and Environmental Health have issued an objection to the TEN. Under the terms of the 2003 Act the Licensing Authority must now hold a hearing to consider the objection notices. Such a hearing must normally commence within 7 working days of the closing date for objections. Copies of the notices of objection, issued by Lincolnshire Police and Environmental Health, are attached at **Appendices B and C** of this Report.
- 2.2. Section 104 of the 2003 Act requires that the Police and the Environmental Health Team serve any objection notice on the Licensing Authority and the premises user within three working days of receipt of the TEN. The objection notices have been served within the requisite three working day period.

- 2.3. The Police's objection notice has been issued on the grounds of public safety, the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm licensing objectives. The Police objection notice includes as an appendix to the notice a statement from the Neighbourhood Policing Sergeant for the Louth Town and Rural Area. A copy of the statement will be forwarded to Members of the Sub-Committee under separate cover to this Report.
- 2.4. The Environmental Health objection notice has been issued on the grounds of public safety and the prevention of public nuisance licensing objectives.
- 2.5. The proposed event, subject of the TEN, is named LN Festival – a website for the event can be found here: <https://www.aboutln.co.uk/> . The event will include DJs playing recorded music tracks with some DJs performing a set which consists of mixing recorded music in a live performance to create new sounds. There will also be a pay bar. The event organisers have advised the Licensing Team that they have submitted documents to the East Lindsey Event Safety Advice Group (ELESAG) for consideration and advice. Copies of the documents (including Door Supervisor, Drugs & Search and Vulnerable Adult Management Plans) will be forwarded to the Members of the Sub-Committee for information under separate cover to this Report.
- 2.6. The premises user, Mr I Herring, previously undertook a dance music event, which was subject of a TEN, at the Louth Cattle Market site on Saturday 26 March and Sunday 27 March 2022 – the hours for the aforementioned event were 1200 to 0200 Hours.
- 2.7. The Licensing Sub-Committee must only issue a counter notice (effectively cancelling the TEN - pending any available appeal to the Magistrates Court) if it is persuaded by the Police and/or Environmental Health that it is appropriate to do so in order to promote one or more of the licensing objectives.
- 2.8. **Guidance Issued by the Home Office Under Section 182 of the Licensing Act 2003:** It is considered that the extracts from the national guidance, shown at **Appendix D** of this Report, have a bearing upon the TEN review.
- 2.9. The Home Office Section 182 Guidance indicates that the Police should usually be the Licensing Authority's main source of advice on matters relating to the prevention of crime and disorder licensing objective. However, the Police must ensure that their representations can stand up to scrutiny at a licensing hearing. The relevant section of the Home Office Guidance is detailed below:

THE ROLE OF RESPONSIBLE AUTHORITIES

Paragraph 9.12 - Each Responsible Authority will be an expert in their respective field, and in some cases, it is likely that a particular Responsible Authority will be the Licensing Authority's main source of advice in relation to a particular licensing objective. For example, the Police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The Police should usually therefore be the Licensing Authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any Responsible

Authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing Authorities must therefore consider all relevant representations from Responsible Authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all Responsible Authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

2.10. **Local Policy Considerations:** It is considered that the extracts from the Local Policy, shown at **Appendix E** of this Report, have a specific bearing upon the TEN hearing.

3. CONCLUSION

3.1. The Licensing Act 2003 sets out options which the Licensing Authority can utilise in order to promote the licensing objectives following the consideration of a TEN. The licensing objectives are:

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

3.2. Any step taken by the Licensing Authority must be appropriate for the promotion of the licensing objectives.

EXPECTED BENEFITS TO THE PARTNERSHIP

Not Applicable – This is a Licensing Act 2003 Sub-Committee Report.

IMPLICATIONS

SOUTH AND EAST LINCOLNSHIRE COUNCIL'S PARTNERSHIP

Not Applicable – This is a Licensing Act 2003 Sub-Committee Report.

CORPORATE PRIORITIES

The licensing and compliance role of the Council is important in improving the health, safety, security and welfare of the District's residents, visitors and business community.

STAFFING

Not Applicable – This is a Licensing Act 2003 Sub-Committee Report.

CONSTITUTIONAL AND LEGAL IMPLICATIONS

1. Part 5 of the Licensing Act 2003 restricts objections to TENs to the Police and the Council's Environmental Health Team. The Police and/or the Environmental Health Team may object on the ground that they are satisfied that allowing the premises to be used in accordance with the notice would undermine one or more of the licensing objectives. In such circumstances, the Police and/or

the Environmental Health Team must give an objection notice to the Licensing Authority and the premises user stating the reasons why they are so satisfied.

2. The Police, the Environmental Health Team and the premises user may agree modifications to the TEN.

3. Unless the premises user, the Police, the Environmental Health Team and the Licensing Authority agree that a hearing is unnecessary, or the TEN is modified as indicated above, the Licensing Authority is required to hold a hearing to consider the objection notice.

4. The Sub-Committee, in considering the objection to the TEN, must have regard to the Authority's Licensing Policy, the guidance issued by the Home Office and the evidence before it at the hearing.

5. The Sub-Committee cannot modify the TEN in any shape or form; only the Police, the Environmental Health Team and the premises user can agree to modify the TEN. If the Police, the Environmental Health Team and the premises user do not agree to modify the TEN then the Sub-Committee must consider the TEN in the format that it was made.

6. If the Sub-Committee decide to issue a counter notice (cancelling the TEN) then it must also give the premises user, the Environmental Health Team and the Police a notice stating a reason for its decision. In deciding to issue a counter notice the Sub Committee must have regard to the objection notice and only issue such a counter notice if it considers it appropriate for the promotion of a licensing objective to do so (Paragraph 105 (2)(b) of the Licensing Act 2003 refers). The licensing objectives are:

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

7. Both the premises user, the Environmental Health Team and the Police may appeal a decision made by the Sub-Committee, regarding a TEN, to the Magistrates Court. However, Part 3 (6) of Schedule 5 of the Licensing Act 2003 states:

No appeal may be brought later than five working days before the day on which the event period specified in the TEN begins.

Therefore, there is not enough time for an appeal to be submitted in respect of the TEN subject of this Report.

8. The Licensing Act 2003 does not permit the Licensing Authority to attach conditions to TENs of this type.

DATA PROTECTION

Not Applicable – This is a Licensing Act 2003 Sub-Committee Report.

FINANCIAL

This TEN review is being undertaken as part of the normal duties carried out by the Licensing Team with no additional costs involved. The premises user must pay a fee of £21.00 in relation to each TEN submitted to the Licensing Authority.

As with all licence applications it is possible that if a Licensing Committee decision is appealed to the Magistrates Court and the appeal is upheld, costs may be awarded against the Council. However, the judgement of the Courts is that costs should not normally be awarded against the Local Authority provided the Authority has acted properly and reasonably.

RISK MANAGEMENT

There is a theoretical risk of civil action against the Licensing Authority if it is found not to have exercised due diligence in licensing matters.

STAKEHOLDER / CONSULTATION / TIMESCALES

The objection notices have been served within the requisite three working day period.

REPUTATION

Not Applicable – This is a Licensing Act 2003 Sub-Committee Report.

CONTRACTS

Not Applicable – This is a Licensing Act 2003 Sub-Committee Report.

CRIME AND DISORDER

All Local Authorities must fulfil their obligations under Section 17 of the Crime and Disorder Act 1981 when carrying out their functions as Licensing Authorities. Section 17 places a duty on Local Authorities to do all they reasonably can to prevent crime and disorder in their area

EQUALITY AND DIVERSITY/ HUMAN RIGHTS/ SAFEGUARDING

Equality Implications: There are no equality implications arising from the recommendations of this Report.

Human Rights: The Licensing Authority must ensure that its decisions can withstand scrutiny by reference to the principle of proportionality, i.e. is the decision / action proportionate to what it wishes to achieve, or, colloquially does the end justify the means.

The premises user is entitled to a fair hearing; Article 6 of the European Convention on Human Rights applies.

Safeguarding Implications: There are no specific safeguarding implications arising from the recommendations of this Report.

HEALTH AND WELL BEING

Not Applicable – This is a Licensing Act 2003 Sub-Committee Report.

CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

Not Applicable – This is a Licensing Act 2003 Sub-Committee Report.

ACRONYMS

TEN – Temporary Event Notice.

ELESAG - East Lindsey Event Safety Advice Group.

APPENDICES	
Appendices are listed below and attached to the back of the report: -	
APPENDIX A	Location plan of the Llama Trekking Farm, Julian Bower, Louth, LN11 9QN.
APPENDIX B	Objection Notice submitted by Lincolnshire Police in respect of the TEN for the Llama Trekking Farm, Julian Bower, Louth, LN11 9QN.
APPENDIX C	Objection Notice submitted by the Council's Environmental Health Department in respect of the TEN for the Llama Trekking Farm, Julian Bower, Louth, LN11 9QN.
APPENDIX D	Extracts from the Guidance Issued by the Home Office Under Section 182 of the Licensing Act 2003.
APPENDIX E	Extracts from the Local Licensing Policy Statement.

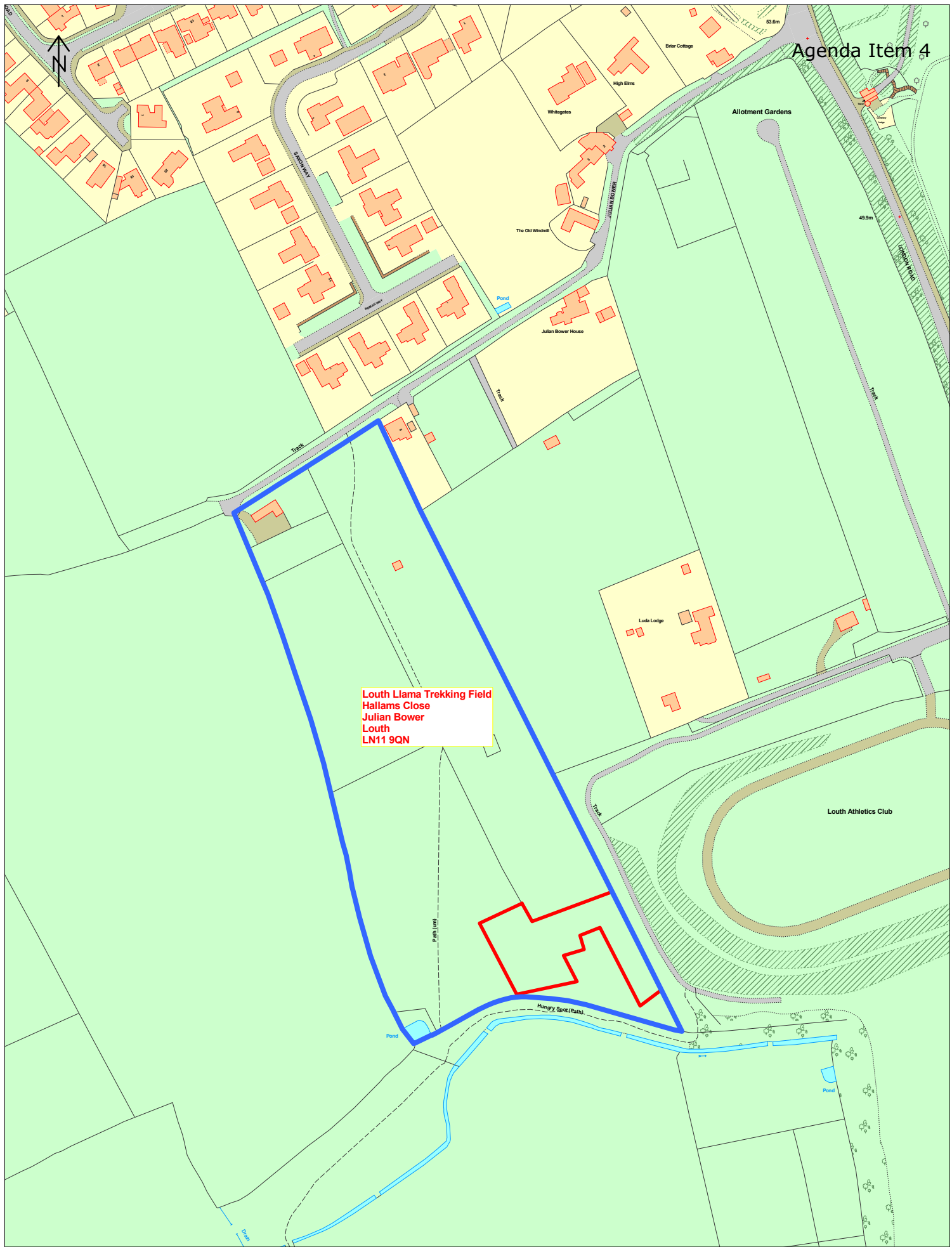
BACKGROUND PAPERS	
Background papers used in the production of this report are listed below: -	
Document title	Where the document can be viewed
Guidance issued by the Home Office to Licensing Authorities under Section 182 of the Licensing Act 2003	https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003
The Council's Statement of Licensing Policy adopted under the Licensing Act 2003.	https://www.e-lindsey.gov.uk/article/5539/Alcohol-and-Entertainment

CHRONOLOGICAL HISTORY OF THIS REPORT
A report on this item has not been previously considered by a Council body.

REPORT APPROVAL	
Report author:	Mr Adrian Twiddy (Principal Licensing Officer) Tel. No. 01507 601111 Email: adrian.twiddy@e-lindsey.gov.uk
Signed off by:	Mr Jon Challen (Service Manager – Safer Communities)

	Tel. No. 01507 601111 Email: jonathan.challen@e-lindsey.gov.uk
Approved for publication:	Not Applicable.

Lalpac Ref: Application 077263



Louth Llama Trekking Field
 Hallams Close
 Julian Bower
 Louth
 LN11 9QN

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Lincolnshire Police

Licensing Act 2003 – Temporary Event Objection Notice (Section 104 Licensing Act 2003)

Details of person or body making objection	
Your Name:	Chief Constable Lincolnshire Police
Your Address:	Police Headquarters PO Box 999 Lincolnshire LN5 7PH

Details of premises objection is about	<u>Music Festival with Pay bar</u>
Name of Premises:	Llama Trekking Farm
Address of Premises:	Julian Bower Louth, LN11 9QN
Application No:	

Prevention of Crime and Disorder	X
Public Safety	X
Prevention of Public Nuisance	X
Protecting Children from Harm	X

Please summarise your concerns about this application:
<p>This Temporary Event Notice is very brief and seeks to hold a music event featuring numerous DJ's and a pay bar serving alcoholic refreshments. Lincolnshire Police believe that this event will be similarly run to a previous event of the same name - About LN - which ran at the Louth Cattle Market in March 2022. Lincolnshire Police submitted an objection to that previous TEN but subsequently withdrew when the organiser agreed to a memorandum of understanding in order to better promote the four licensing objectives. Whilst the previous event did not result in any reported crimes, there were several complaints in relation to the noise nuisance.</p> <p>This TEN seeks to hold a music event between 11.00hrs and 23:00hrs on Saturday 30th</p>

July 2022. The event notification form describes the event as a music festival. Based on the previous event and from research on the internet, Lincolnshire Police believe that this is to be a dance and techno themed music event.

It is of great concern that, once again, Lincolnshire Police alcohol licensing department have not had any consultation with the organisers of this event prior to the submission of this TEN.

It is understood that the organisers did, however, contact the East Lindsey Safety Advisory Group by sending an Event Notification form to them on 9th May 2022. ELSAG have not received any supporting documentation since this date (event management plan, site plans etc). Admin at ELSAG have chased this additional paperwork twice all to no avail. The ELSAG have, therefore, not been appropriately consulted so haven't provided any feedback to the organiser in relation to this event.

Lincolnshire Police have a number of concerns arising from this application and the lack of information provided by the organiser. These concerns relate to each of the four licensing objectives and how they will be upheld.

- Access/Egress to the site including for emergency vehicles.
- No apparent provision for parking
- A TEN permits 499 attendees. It is not clear if this event is accessed by advanced ticket sales only or if there is potential for sales on the gate. The police are concerned and question how the applicant will limit the people that attend this event.
- Some of the key points agreed in the memorandum of understanding for the previous March event do not appear to have been acknowledged for this event.
- Supporting evidence provided in relation to door staff policy, drugs policy, search policy and vulnerable adult policy are either vague, contradictory or not specific to this event.
- In relation to the protection of children from harm it is not clear whether this is to be an adult only event or if under 18's are permitted (the vulnerable adult policy refers to "child").
- There is no medical policy detailing how individuals will be cared for should the need arise.
- There has not been a formal event management plan or risk assessment provided.
- Concerns have been raised by local residents and the neighbourhood policing team in relation to an ongoing neighbourhood dispute surrounding the Louth Llama trekking field. Crimes have been recorded as a result. This event has already sparked a reaction from the wider community and there is a potential for this to lead to public order / public safety issues.

The concerns around public safety, crime and disorder, public nuisance and the wider community tensions have been highlighted in a statement but the Community Beat Sergeant Kelly Palmer. **(See Annex A statement of Sgt Kelly Palmer.)**

Despite the memorandum of understanding which was reached for the previous event Lincolnshire Police still received a complaint in relation to noise nuisance emanating from the site (incident number 15 27/03/22 refers). The alcohol licensing team are

aware of further complaints received by environmental health. Recently a “pre-party” for the About LN event was held at the Panacea in Louth – this also attracted a noise complaint (incident number 312 09/07/22 relates).

Temporary Events cannot have conditions attached and the applicants are trusted to run the event safely. There is not enough information contained in this application to ensure that the concerns raised above have been considered.

Due to the time limitations of a Temporary Event notice, insufficient correspondence with the organiser and the limited information supplied with this application, we are therefore given no option but to submit this objection to the application and ask the committee to refuse the application.

Signed: XXX

for and on behalf of the Chief Constable of Lincolnshire Police

Dated: 18/07/22

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Section 104, Licensing Act 2003 – Temporary Event Notice (TEN)

Representation (Objection) by the Environment Team

Note: Please be aware that, in the event of a licensing hearing, all representations made will be open to public inspection and made available for inspection on the Council's website.

Representations may be made in relation to a TEN at any time during a period of 72 working hours starting from the time the copy TEN was given to the Environment Team.

Representations are only relevant to a TEN if they relate to at least one of the four Licensing Objectives listed below:

- 1. The Prevention of Crime and Disorder**
- 2. Public Safety**
- 3. Prevention of Public Nuisance**
- 4. The Protection of Children from Harm**

Please enter your details below:

Responsible Authority:	Environment Team, East Lindsey District Council
Contact Officer:	David Dodds
Address:	Tedder Hall Manby Park Louth LN11 8UP
Telephone Number:	XXX
E-mail:	environmental.protection@e-lindsey.gov.uk

Please provide details of the TEN to which your representation refers:

Premises User:	Mr Ian Herring
Address of Premises:	Llama Trekking Farm, Julian Bower Louth LN11 9QN
Application Details:	Music event featuring numerous DJ's from across the UK.
Date TEN Received:	14/7/2022

Please provide details of your representation (objection) in the box below. Indicate which of the Licensing Objectives your representation refers to by ticking the relevant box(es):

- **The Prevention of Crime and Disorder**
- **Public Safety**
- **Prevention of Public Nuisance**
- **The Protection of Children from Harm**

Representation:

Public Safety

Environmental Health are concerned that there is inefficient access/egress to this site for emergency vehicles as access is likely to be prevented and problematic through Julian Bower road. Alternative access through the allotment/Louth athletic club end of the site could also be an issue as this is an unmade road. Should significant rainfall occur (e.g. thunderstorm event following heatwave conditions) this will also hamper access.

Prevention of Public Nuisance

The proposed event is dance music and to be held in a marquee. This offers little or no sound insulation. Nearest residential properties are 200m from the area where the venue is believed to be proposed. Although technically during daytime hours (07:00 – 23:00) with the event ceasing at 23:00 this will subject properties in this area to 12 hours of almost continuous music/DJs on Mic's and in particular bass beat. We feel that this is likely to generate a significant adverse reaction to the event which could lead to further public safety/public order issues in this area during the event.

We would suggest that this event needs to be considered before the Licensing committee as the decision whether or not this should go ahead and the potential local impact this will have should not be determined at officer level.

If possible, please suggest modifications to the TEN that would resolve the problem mentioned above, again paying attention to the **Licensing Objectives:**

It is felt that this site is unsuitable to hold this type of event and this has been communicated to the event organisers.

Have you contacted the premises user to discuss this representation?

Yes No

Have you contacted the Licensing Team to discuss this representation?

Yes No

Do you consider further discussion could resolve the issue?

Yes No

Do you propose to attend or be represented at any Licensing Sub- Committee hearing?

Yes No

Please tick this box if you consent to any notice of any hearing being sent to you to the e-mail address provided by you above.

You must serve this Notice on the following:

1. The Premises User.

2. The Licensing Team, East Lindsey District Council, Tedder Hall, Manby Park, LOUTH, Lincolnshire, LN11 8UP.

Email: licensing@e-lindsey.gov.uk

3. Licensing (Alcohol), Lincolnshire Police, Police Headquarters, PO Box 999, Lincoln, LN5 7PH.

Email: countylicensinggroup@lincs.pnn.police.uk

*Form Last Revised
May 2012*

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 12 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 2014³.

³ 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

APPENDIX E**EXTRACT FROM LOCAL LICENSING POLICY****Paragraph 10.13 Temporary Events Notices (TENs)**

Certain temporary events are not required to be licensed, although they must be notified to the Licensing Authority, Lincolnshire Police and the East Lindsey District Council Environment Team using the TENs procedure (contact should be made with the Licensing Section for details). The Licensing Authority strongly encourages organisers of temporary events to submit TENs notifications as soon as reasonably practicable to enable the Police, the Environment Team and Licensing Authority to work with them to identify and reduce the risk of any issues in relation to the licensing objectives.

The Licensing Authority recommends for normal events that at least 30 working days notification be given (the normal legal requirement is 10 working days). Although only the Police and the Environment Team can object to TENs, organisers of events where there may be significant numbers of people or may have an impact on the road network or public safety are encouraged to consult with relevant authorities at an earlier stage.

Paragraph 10.14

It should be noted that the Police and the Council's Environment (Noise) Team are the only bodies who may make representations to a TEN. However, these two bodies may object to a TEN on grounds that any of the licensing objectives would not be promoted should the event go ahead. Where objections are received the matter will be put before the Licensing Sub-Committee hearing. The Sub-Committee may:

1. Allow the TEN to go ahead
2. Reject the TEN
3. If the premises where the TEN is proposed to take place already has a premises licence the Committee may allow the TEN but impose some, or all, of the conditions on the premises licence onto the TEN if appropriate.

In relation to bullet point (3) above – the Licensing Authority has delegated powers to Officers to issue a TEN with conditions attached (without the need for a licensing hearing) – provided all parties agree to the attachment of the conditions.

Paragraph 10.15

Licensing legislation allows event organisers to submit up to 10 'late notices' per year if they hold a personal licence and 2 'late notices' if they do not hold a personal licence. These 'late notices' can be submitted to the Licensing Authority, Police and Environment Team between 5 and 9 days before the event. However, it should be noted that if either the Police or the Environment Team lodges an objection to a late TEN the event cannot go ahead.

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