

# Permitted Temporary Activities Under Part 5



## Licensing Act 2003

Wednesday 5<sup>th</sup> February

Bath and North East Somerset – *The place to live, work and visit*

Bath & North East  
Somerset Council

### **Licensable Activity under the LA2003**

- » The Sale of Alcohol by retail
- » The Supply of Alcohol to a club
- » Regulated Entertainment
- » The provision of Late Night Refreshment



## **Types of authorisations under the LA2003**

- » Premises Licence
- » Club Premises Certificate
- » Temporary Event Notice

## **The four licensing objectives**

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

## The Licensing Objectives

- » Should be of paramount consideration at all times
- » Are of equal importance
- » Those involved in the licensing process are required to carry out their duties with a view to promoting the licensing objectives

## Pre LA 2003

- » Occasional licences & occasional permits
- » Purpose of Temporary Events stated in the White Paper by Lord McIntosh of Haringey:

“Let me repeat our aim as regards temporary event notices. We are trying to identify those events that are so rare or modest as not to be licensable activities...The “light touch system is to benefit those who do not generally engage in the business of carrying on licensable activities - that is to say those who do not have a personal licence....”

» **What is a TEN and who may submit a TEN**

» A notice; not an application per se

Notice states the specified day(s) licensable activity/activities shall take place, the times such activities shall take place, and the specified premises/part of premises such activities shall be carried on from.

- » Premises user
- » Person aged 18 years or over
- » Not a business or group of individuals
- » Not an associate of the premises user

# System of checks & balances

The scope of the TEN has widened since LA2003 came into force in 2005

	2005	Present Day
Maximum duration of event	96 hours	168 hours
Total Number of notices per premises, per calendar year	12	15
Total aggregate no. of days per calendar year	15	21
Responsible Authorities who may object to a TEN	Police	Police & EH
Grounds for objection	Prevention of Crime and Disorder	Any of the 4 licensing objectives
Objection period	48 hours	3 working days



## Two Types of Notice

- » The Police Reform & Social Responsibility Act 2011
- » Standard TENs
- » Late TENs

# Role of the Licensing Authority

To check permitted limits are not exceeded in respect of:

## Premises user

- » Personal licence holder;
- » Non-personal licence holder;
- » Associate of Premises User

## Premises

- » No more than 15 notices may be served in respect of a specific premises;
- » No more than 21 days may be authorised by way of a TEN in any calendar year
- » There is a minimum of 24 hours between event periods

## Event

- » No more than 499 persons on site at any given time (includes audience, staff and performers)

## Objection to Notices

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Under LA2003 the following  
Responsible Authorities may object to a  
TEN:

- » Police and/or
- » Environmental Health



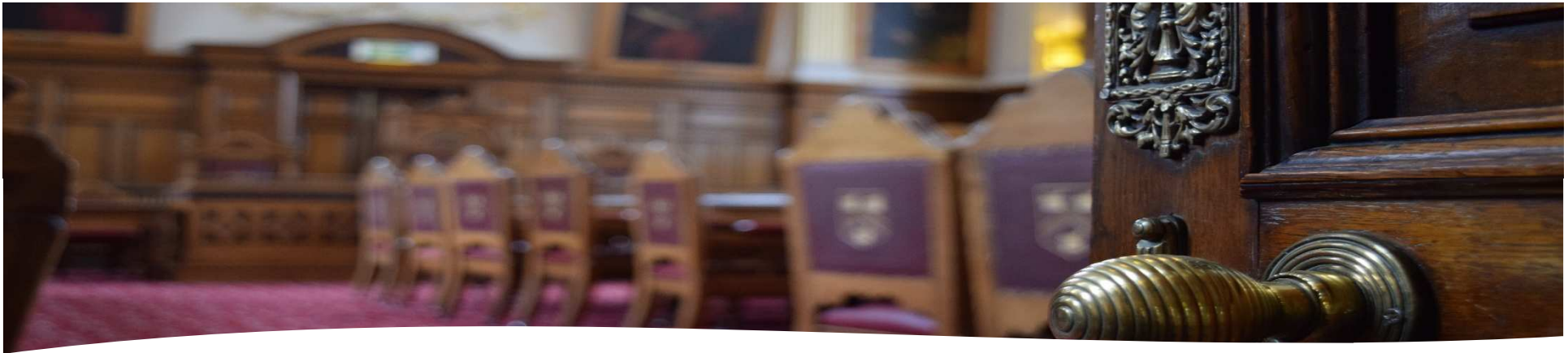
# Role of Environmental Health

EP Team review all TENs received by Licensing.

- » Check premises history
- » And/or assess likelihood of complaint

Options to respond

- » Do nothing
- » Contact applicant informally
- » Seek to modify TEN
- » Monitor event
- » Register objection to TEN



## No agreement reached

- » The objection will stand, and matter will go before the Licensing Sub Committee **within** 7 working days, commencing the first working day **after** the 3 day objection period. The LSC may decide:
- » Not to issue a counter notice - enables event to take place in accordance with the contested TEN;
- » To issue a counter notice because it is appropriate for the promotion of the licensing objectives, thus preventing the licensable activities from taking place;
- » Impose conditions if premises are already licensed by way of a CPC or premises licence.

## Power to Add Conditions

- » Conditions may only be added if:
- » There has been an objection to a standard TEN;
- » The Authority considers it “appropriate for the promotion of the licensing objectives”; and
- » Conditions already exist on a premises licence or club premises certificate in respect of all or part of the premises;

## Objection to Late TEN

- » Where there is an objection to a Late TEN, the Licensing Authority must issue a counter notice at least 24 hours before the event
- » There is no right to hearing in respect of a late TEN
- » Anyone who submits a late TEN therefore runs the risk of the event being vetoed by the Police or EH in which case the event cannot go ahead.

## How can local residents and local Cllrs engage in the process?

- » When an event takes place by virtue of a Temporary Event Notice and the event causes concern e.g. under-age sale at the event, noise emanating from the premises, licensable activities taking place other than in accordance with the notice etc. . . . please ensure that you inform those who are able to make objections under the law, of the problems experienced.
- » When deciding whether to make an objection one of the factors each Responsible Authority will take into account is any history of complaints/problems associated with the premises.

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