



## **Licensing Act 2003**

### **Briefing Note 16 – Hearing to Consider Objections to a Standard Temporary Event Notice**

#### **Background**

Licensable activities (including the supply of alcohol) can take place on a temporary basis on any land provided a Temporary Event Notice ("TEN") has been served on the licensing authority, the police and environmental health. Such an event can last up to 7 days (168 hours) and provide for up to 499 people being present at any given time. The holder of a personal licence can serve up to 50 TENs a year and anyone else not holding a personal licence can serve up to 5 TENs a year. A licensing authority cannot stop a temporary event from taking place if a valid TEN has been served unless the police or environmental health intervene. Similarly, where a temporary event is due to take place on premises already subject to a premises licence or club premises certificate any conditions on that licence/certificate will not apply to the temporary event unless the police or environmental health have intervened by objecting. At a hearing dealing with objections to a TEN, the authority can consider imposing conditions from those which already apply to a premises licence/club premises certificate.

A hearing is required because the police or environmental health have objected to the event occurring on the grounds that the event would undermine one or more of the licensing objectives. The Police and/or environmental health can either ask the authority to serve a counter-notice that will prevent the event from going ahead or for an event on 'licensed' premises to go ahead with existing conditions being applied. Where the Police and/or environmental health have only asked the authority to serve a counter-notice then the authority can still choose to let a temporary event on 'licensed' premises go ahead with conditions even though the police/environmental health have not suggested this.

#### **Section 182 Guidance (Apr 2018)**

Particular reference should be made to Part 7.

#### **Local Statement of Licensing Policy (2016)**

No section is of particular relevance to this type of hearing.

#### **Human Rights Act**

The hearing procedure and the availability of a statutory right of appeal comply with the Article 6 requirement to provide a fair hearing when determining the applicant's and objectors' civil rights. A decision to issue a counter-notice or apply conditions will interfere with the landholder's property rights and Article 1 Protocol 1 will be engaged requiring such an interference to be in the public interest and to be a proportional response to meeting the licensing objectives.

#### **The Sub-committee's powers**

Having heard from the applicant and the other parties the sub-committee may:

- (a) Issue a counter-notice; or
- (b) Refuse to issue a counter-notice; or

(c) In the case of 'licensed premises', refuse to issue a counter-notice provided conditions are imposed on the TEN.

The sub-committee cannot impose conditions determining how the event should be conducted where the event will take place on land not already subject to a Premises Licence or a Club Premises Certificate.

#### Rights of Appeal

An aggrieved applicant can appeal to Coventry Magistrates' Court against the issue of a counter-notice and the police can appeal against a decision not to issue a counter-notice. There do not appear to be any rights of appeal against the imposition of conditions or for environmental health to appeal against the refusal to issue a counter-notice.

V7(05/15)