

## ESSENTIAL REFERENCE PAPER 'B'

Wording suggested in draft revised licensing policy	Change suggested by response to consultation (changes in bold)
<p>17.1 The Licensing Act 2003 provides an exemption from the need for a licence at small scale events of no more than 499 people at a time (including staff &amp; performers) and lasting for no more than 168 hours, if 10 clear working days advance notice (not including Bank Holidays, day of receipt of the notice, or first day of the event) is given to the police and the Council. Only the police and Environmental Health can object to a Temporary Event Notice and only on the basis of one or more of the licensing objectives.</p>	<p>17.1 <b>The Licensing Authority, the Police and Environmental Health require 10 clear working days advance notice for a 'standard' Temporary Event Notice and 5 for a 'late' Temporary Event Notice (not including Bank Holidays, day of receipt of the notice, or first day of the event).</b> Only the police and Environmental Health can object to a Temporary Event Notice and only on the basis of one or more of the licensing objectives.</p>
<p>17.2 Where representation is received (by means of an objection notice) and not withdrawn, the Council will hold a hearing. The police can withdraw the objection notice by amending the TEN with the agreement of the premises user, and serving a copy on the council.</p> <p>(The 2013 revision of the policy did not suggest any changes to this paragraph as part of the consultation)</p>	<p>17.2 <b>Where representation is received against a 'standard' Temporary Event Notice (by means of an objection notice) and not withdrawn, the Council will hold a hearing. The Police or Environmental Health can withdraw their objection notice if, following negotiation with the premises user, the TEN is amended to address their concerns. Any such amendment should be confirmed in writing to the Licensing Authority.</b></p>
<p>17.4 The law states that a minimum of ten working days notice must be given, not including the day the notice is received, or the day of the event. A notice of less than 10 full clear working days is not valid, and the Licensing Authority has no power to remedy the invalidity. Applicants are encouraged to give more than 10 days notice, as the right of appeal is not exercisable if an application is refused on ten working days notice.</p> <p>(The 2013 revision of the policy did not suggest any changes to this paragraph as part of the consultation)</p>	<p>17.4 <b>A Temporary Event Notice submitted with less than 5 full clear working days notice can never be considered valid, and the Licensing Authority has no power to remedy the invalidity. Applicants are encouraged to give more than the statutory minimum notice to allow discussions with the Police and Environmental Health if concerns about the event are raised. In addition premises users should note that the right of appeal against the refusal of a TEN (by way of counter notice) will not be exercisable before the date of the event if only the minimum notice period is observed.</b></p>

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<p>17.6 Up to 3 TENs may be served late (or 5 if served by a Personal Alcohol Licence Holder, on 5 working days notice. Late TENs may be rejected without appeal on receipt of an objection notice from either the Police, or the Environmental Health Service, on the grounds of any of the Licensing Objectives.</p>	<p><b>17.6 There are limits on the number of 'late' TENs that a premises user can serve in a calendar year, 10 for the holder of a personal alcohol licence and 2 for premises users without a personal alcohol licence. If an objection notice, based on one or more of the Licensing Objectives, is received regarding a 'late' TEN it may be rejected without the Council having to hold a hearing. There is no statutory right of appeal of this decision.</b></p>
<p>17.7 Where a TEN is served to permit licensable activities on Licensed Premises, the Police and Environmental Health may require that conditions on the Premises Licence shall apply to the licensable activities under a TEN.</p>	<p>17.7 Where a TEN is served to permit licensable activities on Licensed Premises, the Police and Environmental Health may require that conditions on the Premises Licence shall apply to the licensable activities under a TEN. <b>Such conditions must be appropriate to the licensable activity requested and may be attached through agreement by the premises user or by a Licensing Sub-Committee at a hearing held following the receipt of an objection notice.</b></p>