

# **Licensing Act 2003**

(as amended)

**DRAFT REVISED**

## **Statement of Licensing Policy**

**FOR CONSULTATION**

Date 25.02.14

## 9. Temporary Event Notices

- 9.1 Some small-scale events (no more than 499 in attendance), depending on the circumstances may be held under the authority of a Temporary Event Notice (TEN). There are various restrictions in respect of both individuals and premises, and event organisers are strongly advised to obtain advice well in advance of the event, as if restrictions are exceeded a Counter-Notice will be issued. Guidance and assistance is available from the Licensing Team.
- 9.2 There are two types of TEN; a standard TEN and a late TEN. A standard TEN must be served not less than 10 working days prior to the event. A late TEN must be served not later than 5 working days prior to the event; in either case the date of service or the first day of the event is not included in the working days notice required.
- 9.3 Anyone over the age of 18 can submit a maximum of 5 TENs per year, 2 of which can be late TENs. A Personal Licence Holder can submit a maximum of 50 TENs per year, 10 of which can be late TENs.
- 9.4 Unless a TEN is submitted electronically via the Council's online web form ([online TEN form](#)) or via [www.Gov.uk](http://www.Gov.uk) the TEN must be served on the Licensing Authority, the Police and the Council's Community and Environmental Protection Team ('CCEP'). If the TEN is submitted electronically the Licensing Authority will notify the Police and CCEP.
- 9.5 Only the Police and CCEP may object to a TEN, which must be within 3 working days from their receipt of the TEN, where they consider that the event is likely to undermine any of the licensing objectives.
- 9.6 If an objection is received to a standard TEN, it is possible for the Police or CCEP to modify the TEN if the premises user agrees. Otherwise a hearing will take place if the TEN is not withdrawn.
- 9.7 If an objection is received to a late TEN there is no provision for any modification, hearing or adding existing conditions and a Counter Notice will be issued preventing the event from going ahead.
- 9.8 In practice the timescales in relation to TENs are unlikely to be sufficient, if the notice is not submitted early enough, to allow any concerns to be resolved, and organisers are therefore advised to give as much notice as possible. In the event that a hearing is held and a counter (refusal) notice issued by the Licensing Authority, it is unlikely that there will be sufficient time for any appeal to be heard by the Magistrates.
- 9.9 Organisers are strongly advised to ensure that adequate safety measures (including the recorded findings of a fire risk assessment) are in place in relation to any temporary event. Any event held under a TEN may be subject to inspection by officers from Responsible Authorities.
- 9.10 Event organisers should be aware that authorisation of licensable activities under a TEN does not remove the requirement for an event organiser to

ensure that all other permissions are in place, e.g. planning, and also that the land/premises owner has given their consent for the event to take place.

9.11 Event organisers should also complete an 'Event Notification Form' so that all relevant services of the Council can be made aware of events – please see link [www.cornwall.gov.uk/events](http://www.cornwall.gov.uk/events) for more information including an [Events Toolkit](#) and [Risk Assessment](#) guidance.

9.12 For any events taking place on Cornwall Council land or property, an Event Notification Form, risk assessment and proof of public liability insurance must be submitted to [eventplanning@cornwall.gov.uk](mailto:eventplanning@cornwall.gov.uk). Cornwall Council also encourage this practise for all events; it is the event organiser's responsibility to ensure necessary risk assessments have been carried out as well having adequate public liability insurance at all events.

9.13 Cornwall Council also encourages Town/Parish Councils and other organisations to follow this practice for their events. It is the event organiser's responsibility to ensure necessary risk assessments have been carried out as well having adequate public liability insurance at all events.

9.14 The Licensing Authority will advise other Responsible Authorities and agencies of TENs served. Those authorities may address issues of concern under their own regulatory powers.

## **POLICY 10**

**All Temporary Event Notices will be considered on their merits together with the information provided to the Licensing Authority. In determining TENs, the Licensing Authority will consider all options including: -**

- **Authorise event in accordance with notice**
- **Imposition of existing premises licence conditions**
- **Issue of counter (refusal) notice**

**REASONS** – *to do whatever is appropriate to promote the licensing objectives.*