

GENERAL PURPOSES AND LICENSING COMMITTEE – 19 SEPTEMBER 2014

PERMITTED TEMPORARY LICENSABLE ACTIVITIES (DELEGATIONS OF POWERS TO OFFICERS)

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to update officer delegations regarding permitted temporary licensable activities as authorised by Temporary Event Notices ('TENs').

2. BACKGROUND

- 2.1 The Council operates an extensive scheme of delegations of powers to officers, to allow the authority to respond quickly and efficiently to its operational and statutory needs.
- 2.2 The system of permitted temporary licensable activities is intended as a light touch process and, therefore, a person wishing to carry out such activities does not need to be authorised by the licensing authority on the basis of a formal application in the same way that they would for a premises licence or a club premises certificate. A person wishing to hold an event at which such temporary activities are proposed is required to give notice to the licensing authority in the form of a TEN.
- 2.3 The Police Reform and Social Responsibility Act 2011 made considerable changes to the Licensing Act 2003 and some of these changes related to the administration of TENs. These included:
- The Environmental Health Authority having the right to object to a TEN on the basis that use of the premises in accordance with the TEN would undermine a licensing objective. Previously only the Police could object to a TEN;
 - The Police and the Environmental Health Authority being able to object to a TEN on the basis of any of the licensing objectives. Whereas, previously the Police could only object to a TEN on the basis that it would undermine the prevention of crime and disorder licensing objective;
 - Where the TEN relates to a licensed premises or club, licensing authorities have the discretion to apply existing licence conditions to a TEN if objections are received from the Police or Environmental Health. Previously licensed premises or clubs could apply for TENs to vary their hours or allow additional licensable activities and any existing conditions on their premises licence or club premises certificate would not apply;
 - The introduction of late TENs (i.e. those submitted less than standard 10 working days but at least 5 working days before the start of the event) which will be permitted unless the Police or Environmental Health Authority object. Previously if a premises user missed the 10 working day time limited their event could not proceed;
 - The relaxation of the statutory time limits of a single TEN from 96 hours to 168 hours and the total number of days available for any single premises to hold a TEN increased from 15 to 21 days;

- TENs served electronically on the Licensing Authority must be forwarded to the Police and Environmental Health by the end of the first clear working day after service;
- The consultation period for the Police and Environmental Health being extended to three working days.

3. PROPOSED SCHEME OF DELEGATIONS

- 3.1 The Council currently has in place a number of delegations which assist with the administration of TENs, however, Table 1 below details further delegations required to assist officers in their decision making as a result of the changes outlined in paragraph 2.3.

Table 1

| Source | Power Delegated | Delegation To |
|---------------------------|---|--|
| Licensing Act 2003 s.100A | To give a copy of an original temporary event notice to each relevant person | Environmental Health Manager, Licensing Officer, Licensing Assistant |
| Licensing Act 2003 s.102 | To give written acknowledgement of receipt of a temporary event notice | Environmental Health Manager, Licensing Officer, Licensing Assistant |
| Licensing Act 2003 s.104A | To give a counter notice following objection to a late temporary event notice | Environmental Health Manager, Licensing Officer, Licensing Assistant |
| Licensing Act 2003 s.105 | To give a counter notice, if appropriate for the promotion of the licensing objectives to do so, where all parties agree a hearing is unnecessary | Environmental Health Manager, Licensing Officer, Licensing Assistant |
| Licensing Act 2003 s.106A | To carry out the functions of the licensing authority relating to the imposition of conditions on a standard temporary event notice following objection | Environmental Health Manager, Licensing Manager, Licensing Assistant |

- 3.2 A delegation was made by Cabinet on 2 July 2014 to Head of Public Health and Community Safety or Environmental Health Manager to enable them to take action on behalf of the Environmental Health Authority in relation to TENs.
- 3.3 Members are reminded that just because an officer has delegated power to take a particular type of decision, that does not necessarily mean that they will feel it appropriate to take all decisions in that category. In particularly difficult or sensitive situations the officer may prefer to ask the Licensing Sub-Committee to make the decision. The Sub-Committee's terms of reference already provide for this by specifying:

“Where officers are unable or feel it is inappropriate to make a decision under their delegated powers, to determine any matter under the Licensing act 2003.....”.

4. FINANCIAL IMPLICATIONS

4.1 None arising directly from this report.

5. ENVIRONMENTAL, CRIME & DISORDER AND EQUALITY & DIVERSITY IMPLICATIONS

5.1 None arising directly from this report.

6. RECOMMENDATIONS

6.1 That the delegations to officers as detailed in Table 1 be approved and added to the Council's scheme of delegations.

Further Information:

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Background Papers:

Published documents
Licensing Act 2003
Revised guidance issued under
section 182 of the Licensing Act
2003