

Please reply to:

Contact: Christine Curtis
Service: Committee Services
Direct line: 01784 446240
E-mail: c.curtis@spelthorne.gov.uk
Date: 14 August 2020

Notice of meeting

Licensing Sub-Committee

Date: Wednesday, 19 August 2020

Time: 10.00 am

Place: Skype for Business Remote Meeting

To the members of the Licensing Sub-Committee

Councillors:

R.W. Sider BEM (Chairman)

I.J. Beardsmore

N.J. Gething

Note: In the event of one of the aforementioned Licensing Committee Members being unable to attend or serve on this Sub-Committee another Member of the Licensing Committee will be called to serve in their place.

Councillors are reminded to notify Committee Services of any Gifts and Hospitality offered to you since the last Council meeting so that these may be entered in the Gifts and Hospitality Declaration book.

Spelthorne Borough Council, Council Offices, Knowle Green

Staines-upon-Thames TW18 1XB

www.spelthorne.gov.uk customer.services@spelthorne.gov.uk Telephone 01784 451499

AGENDA

Page nos.

1. Disclosures of Interest

To receive any disclosures of interest from members in accordance with the Members' Code of Conduct.

2. Objections to Temporary Event Notices served under the Licensing Act 2003 for proposed events at Signature Van Hire, 273-275 London Road, Staines upon Thames, TW18 4JJ

3 - 46

The Report of the Deputy Chief Executive is attached.

A procedure note which explains what happens at a Licensing Sub-Committee, follows.

Licensing Act 2003

Hearing procedure for Licensing Sub-Committee – premises licence applications

	Introductions
1.	The Chairman will open the meeting, introduce members of the Sub-Committee and officers present and explain the nature of the decision to be taken and the procedure to be followed.
2.	The Applicant or their representative will introduce themselves to the Sub-Committee.
3.	Any Responsible Authorities and/or Other Persons will introduce themselves to the Sub-Committee.
	Summary of Application and Representations
4.	The Council's Licensing Manager will outline the application, any relevant representations and highlight any points relevant to the Licensing Authority's Statement of Licensing Policy and statutory guidance. OR summarise the salient points of the report on the agenda.
5.	The Applicant or their representative may ask the Licensing Manager QUESTIONS arising from what he/she has said or relating to the application. (The Applicant will have the opportunity to state his/her case later).
6.	The Responsible Authorities may ask relevant questions of the Council's Licensing Manager.
7.	Any Other Persons may ask relevant questions of the Council's Licensing Manager.
8.	The members of the Sub-Committee may ask relevant questions of the Council's Licensing Manager.
9.	The Council's Licensing Manager may respond to any new issues raised.
	The Applicant's Case
10.	The Applicant or their representative will present their case.*
11.	The Responsible Authorities may ask relevant questions of the Applicant or their representative.
12.	Any Other Persons may ask relevant questions of the Applicant or their representative.

13.	The members of the Sub-Committee may ask relevant questions of the Applicant or their representative.
14.	The Applicant may respond to any new issues raised.
	The Responsible Authorities case
15.	The Responsible Authorities will present their case, in turn.*
16.	The Applicant or their representative may ask relevant questions of the Responsible Authorities.
17.	Any Other Persons may ask relevant questions of the Responsible Authorities.
18.	The members of the Sub-Committee may ask relevant questions of the Responsible Authorities.
19.	The Responsible Authorities may respond to any new issues raised.
	The Other Persons Case
20.	Any Other Persons will present their case, in turn.*
21.	The Applicant or their representative may ask relevant questions of the Other Persons.
22.	The Responsible Authorities may ask relevant questions of the Other Persons.
23.	The members of the Sub-Committee may ask relevant questions of the Other Persons.
24.	The Other Persons may respond to any new issues raised.
	Summing Up
25.	The Chairman will invite the Licensing Enforcement Officer to clarify any technical points.
26.	The Chairman will invite the Other Persons to briefly summarise their case if they so wish.
27.	The Chairman will invite Responsible Authorities to briefly summarise their case if they so wish.
28.	The Chairman will invite the Applicant or their representative to briefly summarise their case if they so wish.
29.	The Chairman will then ask all parties if they are satisfied they have said all they wish to.

	Decision
30.	The members of the Sub-Committee will retire to reach a decision in private, accompanied by the Council's legal officer and Committee Manager.
31.	Members of the Sub-Committee return. The Chairman will announce the decision of the Sub-Committee with (summary or full) reasons for the decision.
32.	Meeting closed.
33.	The Council's legal officer will remain in the room to assist all parties should they require clarification of the decision and/or next steps.

GUIDANCE NOTES

*The Licensing Authority will allow the parties an equal maximum period of time in which to address the Sub-Committee, but request that all parties keep points pertinent and the discussion moving in the interests of cost and efficiency. However, the overriding principle for the Licensing Authority will be to ensure that all parties receive a fair hearing.

- (a) Cross examination of parties is at the discretion of the Sub-Committee.
- (b) When the Applicant questions the Licensing Manager or any other party he/she should not go into the merits of his/her case as he/she will have an opportunity to present it at Stage 10. He/she should only ask questions relating to what the Licensing Manager or other person has said or relating to the application as a whole.
- (c) The Applicant or any other party may be represented by a friend or a professional person to speak on his/her behalf who will follow the same procedure as described above and who may call the Applicant as a witness.
- (d) The order or proceedings may be varied by the Chairman if he/she thinks that it is necessary to do so in the interests of affording the Applicant a fair hearing or in order to take into account all relevant considerations.
- (e) If, after the Sub-Committee has withdrawn to make their decision, they decide that they need to ask a question of any of the parties involved in the proceedings or to clarify any matter then they shall do so in the presence of all parties.
- (f) Members of the Sub-Committee must be present throughout the hearing and must not communicate with any party involved in the proceedings except for when they are in the presence of all of the parties and the remainder of the Sub-Committee.

Licensing Sub-Committee

19/08/2020



Subject	Objection to Temporary Event Notices served under the Licensing Act 2003		
Purpose	To consider whether to grant or reject two Temporary Event Notices (TENs) in the light of objection notices served by the local authority exercising environmental health functions and by the police.		
Report of	Assistant Chief Executive	Ward	Staines
Contact	Lucy Catlyn, Temporary Principal Licensing Officer (01784) 444295		

Description and Location	<p>Signature Van Hire, 273-275 London Road, Staines-Upon-Thames TW18 4JJ.</p> <p>The address is located off the A30 dual carriageway in Staines-Upon-Thames. There are two companies who occupy the site. One of them is a van rental company on site called Signature Van Hire. The other is DCW Penrose & Co Ltd.</p> <p>The nature of the premises is detailed in the temporary event notice application form for 21-22 August 2020 as 'abandoned car park'. The nature of the premises in the notice for 28-31 August 2020 is described as 'car lot and car park'. The Plan is attached at Appendix A</p>
Temporary Event Notice	<p>Notice is given of events to take place on 21 August 2020-22 August 2020 from 12.00-23.00 and on 28 August 2020-31 August 2020 from 12.00-23.00</p> <p>Copies of the Notices are attached at Appendix B.</p>
Objection Notices	Objection Notices have been received from the Police and Environmental Health. Attached at Appendices C and D

Options	<ol style="list-style-type: none"> 1. Having had regard to the objection notices, and in order to promote any of the four licensing objectives, the Sub-Committee may <ol style="list-style-type: none"> A) In respect of the event to be held on 21 August 2020-22 August 2020 from 12.00-23.00: <ul style="list-style-type: none"> ▪ Serve a counter notice, or ▪ Impose one or more of the existing premises licence conditions on the TENS or ▪ Not serve a counter notice B) In respect of the event to be held on 28 August 2020-31 August 2020 from 12.00-23.00: <ul style="list-style-type: none"> ▪ Serve a counter notice, or ▪ Impose one or more of the existing premises licence conditions on the TENS or ▪ Not serve a counter notice
----------------	--

1. Background

- 1.1 The Environmental Health Team at Spelthorne Borough Council (“the Council”) has been involved with three unlicensed music events at the 273-275 London Road, Staines-upon-Thames TW18 4JJ (“the Land”), over three consecutive Saturdays (18 July 2020, 25 July 2020 and 1 August 2020). No temporary event notices were applied for any of these events.
- 1.2 The Council received 4 complaints about the first event, a further 12 about the second event and a further 8 about the last event. According to residents, the events took place between approximately 2.00-23.00. The complaints referred to noise from the music events heard loudly in the residential area. The residents complained that attendees to the events left litter in the residential area and could be seen urinating in the streets.
- 1.3 An out of hours officer attended the events on 18 July 2020 and 25 July 2020 and met with the residents in relation to their concerns but did not note any issues nor any nuisance taking place. On the 18 July a statutory nuisance from noise was witnessed from one property but this was addressed by the officer asking the event organisers to turn the music down, the organisers complied. Police officers also attended the events on 18 July 2020 and 25 July 2020 and did not note any concerns to the Council. No statutory noise nuisance was observed on the 25 July.
- 1.4 On the 1 August 2020 the out of hours noise officer and Environmental Health attended the event and a statutory noise nuisance was witnessed and therefore the Council served a noise abatement notice on the landowners (Cristal London Ltd) and the event organisers (State of Happiness). The notice to the landowners required the occupier to abate the statutory nuisance within 12 hours from the time of service and for there not to be any recurrence of the statutory nuisance. Specifically, the Schedule attached to the notice specified that the occupier ought to “cease the use on the land of any amplification equipment, such as loud speakers, amplifiers and microphones, that can be used for music and voice amplification at a volume that is likely to cause nuisance to residents of nearby residential premises.” The notice

recorded the fact that failure to comply with it could lead to summary conviction, and provided information on how to appeal the notice.

- 1.5 On 31 July 2020, Counsel for the landlord (Cristal Ltd) emailed V10 Developments Ltd., stating that it had been brought to the landlord's attention that the Land had been sub-let to a third party, and that the third party was organising informal parties on the Land, asking them to ensure that those cease to be organised, that no breaches occur of the abatement notice or any other applicable legislation, that there be no noise nuisance and that no unlicensed licensable activities take place on the Land.
- 1.6 On 1 August 2020, an out of hours noise officer, arrived at the Land to address the residents' further concerns. The Officer recalled that *"at around 1620 hours the music volume increased and I listened to the heavy base sound from XXX property. At 1640 hours, I witnessed a statutory nuisance in XX bedroom with the window open.... At 1835 hours and 1936 hours the music volume increased again. I witnessed the music from the complainant's front drive and I was satisfied of the likelihood of a statutory nuisance from within the complainant's property."*
- 1.7 At 20:40 on 1 August 2020, a Senior Environmental Health Officer, arrived at the Land to serve a noise abatement notice on Signature Van Hire, a rental van agency who are the occupiers of the Land.
- 1.8 Surrey Police attended the premises and felt the situation warranted the serving of a Closure Notice and at a subsequent Court hearing were granted with a partial closure order (Anti-Social Behaviour, Crime and Policing Act 2014 Part 4 Ch 3 Sec 80) in respect of this site at Guildford Magistrates Court on 7 August 2020. The closure order prohibits anyone (save for those persons specified on the order) from remaining on or entering the site. For closure order allows "any person with a ticket to an event on the Site, which event benefits from an extant authorisation under the Licensing Act 2003".

2. Application Summary

- 2.1 In total three TEN applications have been received for the site.
- 2.2 The applications have been submitted by an agent, James Hoffelner on behalf of Black Steel Limited. A search on companies houses website lists the company with one director 'Shawn Waynerick Barry Alexander' under the company number: 11878527.
- 2.3 There is no premises licence for licensable activity at the address the notices have been applied for.
- 2.4 Standard TEN applications have been submitted and these are outlined below.

TEN Number One – 21 August 2020-22 August 2020

- 2.5 The first TEN was received electronically on 3 August 2020 in respect of the 21 August 2020-22 August 2020. It was automatically electronically served by the Licensing Authority at the same time on the Police and Environmental Health.
- 2.6 The first notice is given in respect of an event to be held on 21 August 2020-22 August 2020 from 12.00-23.00. The event is described as 'family friendly BBQ' in the application form. The licensable activity stated on form is for the

sale by retail of alcohol for both on and off the premises. The notice giver has advised that the retail sale of alcohol will only take place between 12.00 (midday) and 23.00 each day. The maximum number of people at any one time they intend to allow to be present at the premises during the times they intend to carry on licensable activities, including staff, organisers and performers is 499.

- 2.7 The TEN was objected to by Surrey Police on 5 August 2020. A copy of the objection is attached at **Appendix C**.
- 2.8 The TEN was objected to by Environmental Health on 6 August 2020. A copy of the objection is attached at **Appendix D**.

TEN Number Two – 28 August 2020-31 August 2020

- 2.9 The second TEN was received electronically on 6 August 2020 in respect of the 28 August 2020-31 August 2020. It was automatically electronically served by the Licensing Authority at the same time on the Police and Environmental Health.
- 2.10 The second notice is given in respect of an event to be held 28 August 2020-31 August 2020 from 12.00-23.00. The event is described as 'family event and BBQ'. The licensable activity stated on the form is described as the sale by retail of alcohol for consumption both on and off the premises and the provision of regulated entertainment. The maximum number of people at any one time they intend to allow to be present at the premises during the times they intend to carry on licensable activities, including staff, organisers and performers is 499.
- 2.11 It was stated on the application form that there would be Crime and Disorder Policies, noise assessment and Health and Safety risk assessment to the police and licensing authority. No information was submitted with the application.
- 2.12 The TEN was objected to by Surrey Police on 11 August 2020. A copy of the objection is attached at **Appendix C**.
- 2.13 The TEN was objected to by Environmental Health on 11 August 2020. A copy of the objection is attached at **Appendix D**.

3. Temporary Event Notices

- 3.1 The system of permitted temporary activities is a light touch process, and as such, the carrying on of licensable activities does not have to be authorised by the licensing authority on an application. Instead, a person wishing to hold an event at which such activities are proposed to be carried on (the "premises user") gives notice of the event (a "temporary event notice" or "TEN").
- 3.2 The TEN must be given to the licensing authority in the form prescribed in regulations made under the 2003 Act. Unless it is sent electronically, it must be sent to the relevant licensing authority, to the police and local authority exercising environmental health functions at least ten working days before the event (although a premises user may give a limited number of TENs to the licensing authority less than 10 days before the event to which they relate).
- 3.3 The police or local authority exercising environmental health functions may intervene to prevent such an event taking place or agree a modification of the proposed arrangements, and their intervention may in some cases result in

the licensing authority imposing conditions on a temporary event notice. When giving a temporary event notice, consideration should be given to the four licensing objectives. The licensing authority only otherwise intervenes if the statutory permitted limits on temporary event notices would be exceeded.

- 3.4 The TENs are served under section 100 of the Licensing Act 2003.

4. Objections from ‘relevant persons’

- 4.1 Objections have been received from ‘relevant persons,’ namely the Police and Environmental Health, who believe the application undermines the licensing objectives. These objections are attached in full at **Appendix C and D**.

5. Licensing Policy

- 5.1 The Sub-Committee must have regard to the Council’s Statement of Licensing Policy 2019- 2024.

6. National Guidance

- 6.1 The Sub-Committee must also have regard to the National Guidance issued in April 2018 by the Secretary of State under section 182 of the Licensing Act 2003.

7. Making a decision

- 7.1 If the licensing authority receives an objection notice from the police or local authority exercising environmental health functions that is not withdrawn, it must hold a hearing to consider the objection (unless all parties agree that this is unnecessary). The Licensing Sub-Committee may decide to allow the licensable activities to go ahead as stated in the notice.
- 7.2 If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives.
- 7.3 In this case, the notices are not given in connection with a premises licence.
- 7.4 Alternatively, it can decide that the event would undermine the licensing objectives and should not take place. In this case, the licensing authority must give a counter notice.
- 7.5 Government Guidance issued under section 182 of the Licensing Act 2003 has the following in relation to objections to TENs by the police or Environmental Health authority:

Section 7.33 “If the police or EHA believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. The objection notice must be given within the period of three working days following the day on which they received the TEN”

Section 7.34: “Where a standard TEN was given, the licensing authority must consider the objection at a hearing before a counter notice can be issued. At the hearing, the police, EHA and the premises user may make representations to the licensing authority.”

Section 7.37 “As noted above, the police or EHA (as “relevant persons”) may contact the premises user to discuss their objections and try to come to an

agreement which will allow the proposed licensable activities to proceed. The TEN can be modified (for example, by changing the details of the parts of the premises that are to be used for the event, the description of the nature of the intended activities or their duration). The other relevant person has to agree for the modification to be made.”

- 7.6 In addition to this, Section 7.7 of the guidance says that “A TEN does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required.”

Appendices:

Appendix A – Location Plan

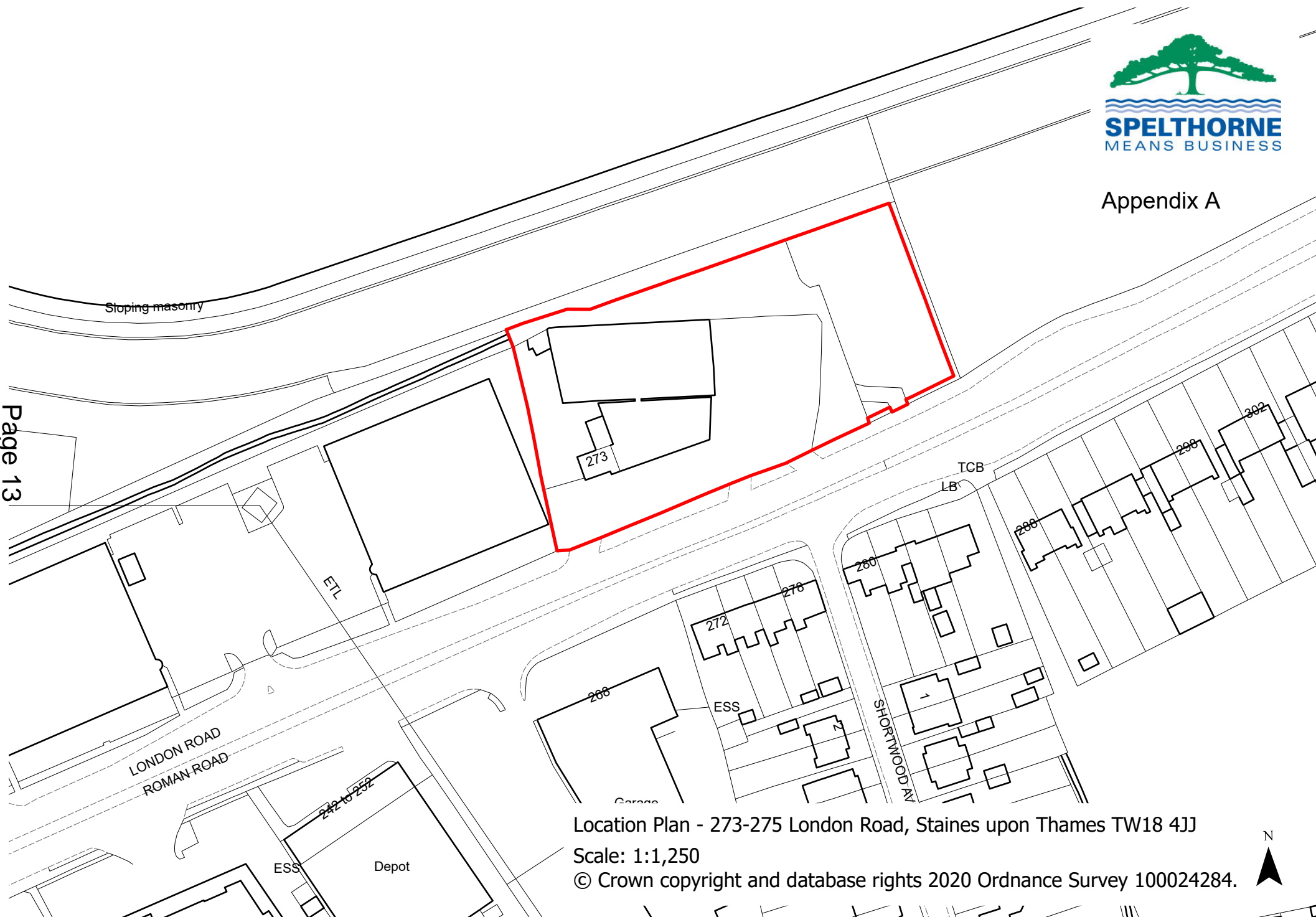
Appendix B – Temporary Event Notices

Appendix C – Objection Notice from Surrey Police

Appendix D – Objection Notice from Environmental Health

Appendix A

Page 13



This page is intentionally left blank

Summary:

Please tick the box to give your consent for us to process your data for the above purpose: I Consent

Customer details:

First name	Surname	Organisation name	Email address	Phone number	Mobile number	Flat number or house name	Number and street	Town	County	Postcode
Shawn	Alexander	BLACK STEEL LIMITED							Croydon	

If address is not listed, please enter manually:

Have you had any previous or maiden names?: No

Indicate here if you would prefer not to be contacted by telephone: Yes

Date of birth:

Place of birth:

National Insurance Number:

Are you an agent acting on behalf of the applicant?: Yes

Are you:: Applying as a business or organisation, including as a sole trader

Is the address the same as the address given in section one?: No

Correspond Address:

Please enter the postcode	Select Address	Property name	Number and street	Town	County
IG8 9NG	11 Forest Drive, Woodford Green, Waltham Forest, IG8 9NG		11 Forest Drive	Woodford Green	Waltham Forest

Are the contact details the same as the contact details given in section one?: No

Email: James@completelicensing.uk

Telephone number: [REDACTED]

Other telephone number:

Please provide the address of the premises:

Please enter the postcode	Select Address	Property name	Number and street	Town	County
TW18 4JJ	273-275 London Road, Staines-Upon-Thames, Surrey, TW18 4JJ		273-275 London Road	Staines-Upon-Thames	Surrey

Premises Description e.g. the name of the venue: Formally London Road Cars

Does the premises licence or club premises certificate have effect in relation to the premises?: No

Do you intend to use only part of the premises?: No

Please describe the nature of the premises (ie pub/restaurant/village hall): Abandoned Car Park

Please describe the nature of the event: Family Friendly BBQ

Please select the licensable activities that you intend to carry on at the premises: The sale by retail of alcohol

Are you giving a late Temporary Event Notice?: No

Please state the dates on which you intend to use these premises for licensable activities? : 21/08/2020

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock) : from 1200 on 21/08 until 2300 on 22-08

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers: 499

If the licensable activities will include the supply of alcohol, please state whether the supplies will be consumption on or off the premises or both: Both

Please state if the licensable activities will include any live performance or display of nudity. For example, lap dancing: No

Do you currently hold a valid personal licence?: No

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?: Yes

Please state the number of temporary event notices you have given for events in that same calendar year: 1

a) ends 24 hours or less before; or: No

b) begins 24 hours or less after the event period proposed in this notice?: No

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?: No

Please state the total number of temporary event notices your associate(s) have given for events in the same calendar year:

a) ends 24 hours or less before; or : No

b) begins 24 hours or less after the event period proposed in this notice?: No

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?: No

a) ends 24 hours or less before; or: No

b) begins 24 hours or less after the event period proposed in this notice?: No

Additional information which is required or may be relevant to the application: Retail Sale will only take palce between 1200 (Midday) and 2300 each day.

Fee amount: 21.00

Full name: James Hoffelner

Date: 03/08/2020

Accept terms and conditions: Yes

This page is intentionally left blank

Summary:

Please tick the box to give your consent for us to process your data for the above purpose: I Consent

Customer details:

First name	Surname	Organisation name	Email address	Phone number	Mobile number	Flat number or house name	Number and street	Town	County	Postcode
Shawn	Alexander	BLACK STEEL LIMITED	Info@blacksteelinc.com				██████████ ██████████ ██████████	Croydon	██████████	██████████

If address is not listed, please enter manually:

Have you had any previous or maiden names?: No

Indicate here if you would prefer not to be contacted by telephone: Yes

Date of birth: ██████████

Place of birth: ██████████

National Insurance Number: ██████████

Are you an agent acting on behalf of the applicant?: Yes

Are you:: Applying as a business or organisation, including as a sole trader

Is the address the same as the address given in section one?: No

Correspond Address:

Please enter the postcode	Select Address	Property name	Number and street	Town	County
IG8 9NG	11 Forest Drive, Woodford Green, Waltham Forest, IG8 9NG		11 Forest Drive	Woodford Green	Waltham Forest

Are the contact details the same as the contact details given in section one?: No

Email: james@completelicensing.uk

Telephone number: [REDACTED]

Other telephone number:

Please provide the address of the premises:

Please enter the postcode	Select Address	Property name	Number and street	Town	County
TW18 4JJ	273-275 London Road, Staines-Upon-Thames, Surrey, TW18 4JJ		273-275 London Road	Staines-Upon-Thames	Surrey

Premises Description e.g. the name of the venue: Formally London Road Cars

Does the premises licence or club premises certificate have effect in relation to the premises?: No

Do you intend to use only part of the premises?: No

Please describe the nature of the premises (ie pub/restaurant/village hall): Car Lot, and Car Park

Please describe the nature of the event: Family Event and BBQ

Please select the licensable activities that you intend to carry on at the premises: The sale by retail of alcohol, The provision of regulated entertainment

Are you giving a late Temporary Event Notice?: No

Please state the dates on which you intend to use these premises for licensable activities? : 28/08/2020

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock) :
From 28/08/2020 12:00 to 31/08/2020 23:00

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers: 499

If the licensable activities will include the supply of alcohol, please state whether the supplies will be consumption on or off the premises or both: Both

Please state if the licensable activities will include any live performance or display of nudity. For example, lap dancing: No

Do you currently hold a valid personal licence?: No

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?: Yes

Please state the number of temporary event notices you have given for events in that same calendar year: 2

a) ends 24 hours or less before; or: No

b) begins 24 hours or less after the event period proposed in this notice?: No

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?: No

Please state the total number of temporary event notices your associate(s) have given for events in the same calendar year:

a) ends 24 hours or less before; or : No

b) begins 24 hours or less after the event period proposed in this notice?: No

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?: No

a) ends 24 hours or less before; or: No

b) begins 24 hours or less after the event period proposed in this notice?: No

Additional information which is required or may be relevant to the application: We will send copies of our crime and disorder policies, noise assessment, and Health and Safty risk assessment to the police and Licensing authority

Fee amount: 21.00

Full name: James Hoffelner

Date: 06/08/2020

Accept terms and conditions: Yes

This page is intentionally left blank

To: The Licensing Authority

Spelthorne Borough Council
Knowle Green
Staines-upon-Thames
Surrey Police

Date: 5th August 2020

Temporary Event – Objection Notice

Licensing Act 2003 – s104 (as amended)

Premises:	273-275 London Road, Staines-upon-Thames TW18 4JJ
Notice Giver:	Mr Shawn ALEXANDER
Date of Event:	21st and 22nd August 2020 (2 days)
Date Temporary Event Notice submitted:	3 rd August 2020
Standard or Late TEN:	STANDARD

Sir / Madam

Please note that the Chief of Police is satisfied that by allowing the above premises to be used in accordance with the relevant Temporary Event Notice it would undermine the following licensing objectives.

- Prevention of public nuisance
- Prevention of crime and disorder
- Public Safety

Police believe the applicant has not provided sufficient details within the notice to show what preventive steps the Notice Giver intends to take in order to satisfy the three main government objections listed above.

There is no mention within the notice as to what steps the Notice Giver intends to take in order to prevent Crime and disorder, public nuisance or to provide a safe environment for the public. There is no detail around any security being provided, parking arrangements, use of plastics, or anything that would provide the reader with any confidence that the above objectives have been considered.

Given the TEN is to cover a 2 day public event, it is likely to have a big impact on the local residents and there is little or no information provided relating to how the event will be run. Police believe that there is a likelihood that there will be an increase in reports of crime and disorder, public nuisance and a risk to the safety of the public.

C/o Joan Grant 16087 - Surrey Police, Northern Area Licensing Enforcement Officer.
PO Box 101, Guildford GU1 9PE Tel 01483 631417 E-Mail 16087@surrey.pnn.police.uk

The Notice Giver will no doubt be aware that currently under the s. 5(1) of The Health Protection (Coronavirus, Restrictions) No. 2 (England) Regulations 2020 such a planned event would not be permitted as no evidence has been submitted regarding a risk assessment or measures which will be taken to limit the transmission of coronavirus.

A written risk assessment that specifically dealt with this event would have been helpful.

Furthermore, there have already been THREE unlicensed music events at this venue namely on Saturday 18th July, (Surrey Police reference P20167174 refers) Saturday 25th July (Surrey Police reference P20173151 refers) and Saturday 1st August 2020 (Surrey Police reference P20178914 refers). On each occasion that an unlicensed event has taken place, police have received numerous calls regarding a large number of people gathered at the venue taking part in an "illegal rave", urinating in public, possible use of cannabis and social distancing not being observed.

As a result of all the issues outlined above, Police are asking the committee to consider issuing a counter notice rejecting this event.

Yours faithfully,
Joan Grant
On behalf of Inspector Maxine Cilia
Borough Commander for Spelthorne

Signed: _____

Inspector

c.c. Shawn ALEXANDER, notice giver
c.c. Environmental Health, Spelthorne Borough Council

C/o Joan Grant 16087 - Surrey Police, Northern Area Licensing Enforcement Officer.
PO Box 101, Guildford GU1 9PE Tel 01483 631417 E-Mail 16087@surrey.pnn.police.uk



■ SURREY ■
POLICE

Spelthorne Licensing Unit,
Council Offices Knowle Green,
Staines-Upon Thames,
Surrey,
TW18 1XB,

**Licensing Act 2003
Representation in respect of a
Premises Licence Application or Variation or a
Club Premises Certificate Application or Variation.
And Temporary Event Notice.**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance note at the end of the form. If you are completing this form by hand please print. Please ensure your answers are inside the boxes and written in black ink. You may use additional sheets if necessary. You may wish to keep a copy of the completed form for use by you at any hearing held by the Council or the Magistrates Court as a result of this representation.

I, the undersigned, hereby make representations against the following application.

Details of premises or club premises whose application you wish to make representations against.

Name of Premises	
Formally London Road Cars	
Address of Premises or Club	
273-275 London Road Staines-Upon Thames	
Post town	Post code (if known)
Staines	TW18 4JJ

Type of application

	Please tick ✓
Premises Licence application	
Variation to a Premises Licence	
Club Premises Certificate application	
Variation of a Club Premises Certificate	
Temporary Event Notice	X

Please state the ground(s) for the representation and how it relates to one of the licensing objectives. Please use additional blank sheets if necessary

Surrey Police wish to object to the following temporary event notice that was submitted by a Shawn Alexander of 54 Lower Addiscombe Road Croydon. The event is recorded in the application as a family event and BBQ to be held at 273-275 London Road Staines Upon Thames TW18 4JJ and the applicant has requested this event to go on for 4 days from the 28th August 2020 through to the 31st August 2020.

This is clearly not what the event is as there have been a number of similar events recently which has caused the local residents to contact the Police for noise, large crowds attending with well over 100 cars present a marquee in the car park and strong smell of cannabis coming from the location. Police incident reports are recorded as the following 18th July 2020 Police reference numbers P20167174, 25th July 2020 P20173151 and the 1st August 2020 P20178914.

Police believe that the applicant has not provided sufficient details within the notice to show what preventive steps the applicant intends to take in order to satisfy the 3 main licensing objectives listed above.

There is no detail around any security being provided, parking arrangements, use of plastics or anything to provide the local authority with any confidence that the above licensing objectives had been considered.

Given that the temporary Event Notice is to cover a 4 day public event it is likely to have a big impact on local residents and there is little or no information provided relating as to how the event would be run.

The Police believe that there is a strong likelihood there will be an increase in reports of crime and disorder, public nuisance and a risk to the safety of the public. The last 3 events at the premises did cause members of the public to report issues and their concerns to the Police

The applicant will be no doubt be aware that currently under the S.5(1) of the health protection (Coronavirus restrictions) No 2 (England regulations 2020 such planned events would not be permitted.

Surrey Police strongly object to this temporary event notice as it is in their opinion that there will be an increase in crime and disorder. Public safety and the prevention of a public nuisance

This representation relates to the following licensing objectives(s)

Please tick one or more boxes ✓

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

x
x
x

If your representation does not relate to one of the above objectives your representation will be invalid.

- I understand that this representation may result in a hearing before a Licensing Sub-Committee and if the decision of that Sub-Committee is appealed against, a hearing in the Magistrate's Court.
- I understand that this representation will become a public document and will be included in the agenda for any Licensing Sub-Committee hearing that may be held as a result of this representation.

Please tick ✓

X

X

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO KNOWINGLY OR RECKLESSLY MAKE A FALSE STATEMENT IN CONNECTION WITH THIS REPRESENTATION. THIS IS PUNISHABLE, ON CONVICTION, BY A FINE OF UP TO £5,000.

This representation must be signed by:

a person making a representation or

a person authorised to do so by a Responsible Authority.

Signed



INSPECTOR 2099

Date

7/08/2020

14:47

Address for correspondence

Contact address for correspondence if different from that given in Sections A, B, or C above.

LICENSING ENFORCEMENT OFFICER

ADDRESS AS ABOVE

Post town

Post code

Daytime Telephone number (if any) **01483 - 631417**

e-mail address (optional)

joan.grant @SURREY.PNN.POLICE.UK

All representations must be made by sending this form to the Licensing Authority to arrive there during the period of 28 consecutive days starting on the day after the day on which the application to which it relates was given to the Licensing Authority by the applicant. In the case of representations following a closure order this period is 7 days after the day on which the Licensing Authority received the notice under section 165(4) of the Act.

Representations received outside these time limits will be deemed to be invalid.

This page is intentionally left blank

**Signature Van Hire
273 – 275 London Road Staines**

A Temporary Event Notice was submitted, on the 3rd August 2020, to the Council to hold on the 21st August 2020 a Family friendly Bar B Que at Signature Van Hire 273 -275 London Road Staines.

The site is located on the north side of the A30, going towards Ashford. The site is being used as a Van Hire Business. There has no history of music or other events being held at the site, until just recently.

The times of the event is 12:00 on the 21st August 2020 until 23:00 on the 22nd August 2020.

They have applied for the sale of alcohol as the licensable activity, by retail for sale on and of the premises.

The maximum number of people present at any one time will be 499.

The organiser is Black Steel Limited.

Environmental Health would recommend that the application is refused the following grounds:

The site has held three unlicensed music events, in the past three weeks. The level of amplified music was sufficient to cause a statutory noise nuisance and noise abatement notices have been served following these events. Enforcement action is being considered due to breaches in the abatement notices.

There has been no Covid-19 risk assessment submitted.

The site is unsuitable for the numbers to be present at the event.

The application makes on reference to security and how nuisances are to be prevented, i.e. people leaving the site, management of people attending the event.

The duration of the event, i.e. 2 days, is unacceptable due to issues it will cause our residents.

An event would be expected to have will have regulated entertainment, i.e. music. The application does not cover music and how it is to be controlled.

The site does not have sufficient space to accommodate the number of cars that would be expected to arrive for the 2 day event. Cars will be parked on the trunk road outside the venue that has yellow lines and cause a considerable of traffic congestion. In addition, cars will park in residential roads and causing issues with the residents over parking and access to their properties i.e. parking across resident's drives.

There has been a considerable amount of anti-social behavior when people have left previous events held on the site, litter left, shouting, screaming and drunken behavior.

L R Spearpoint
Senior Environmental Health Officer
Spelthorne Borough Council
6th August 2020

APPENDIX D

Signature Van Hire 273 – 275 London Road Staines

A Temporary Event Notice was submitted, on the 6th August, to the Council to hold on the 28th August 2020 to 31st August 2020 (4 day event) a Family Event and Bar B Que at the site know as Signature Van Hire 273 -275 London Road Staines.

The site is located on the north side of the A30, going towards Ashford. The site is being used as a Van Hire Business. There has no history of music or other events being held at the site, until just recently.

The times of the event are 12:00 28th August 2020 until 23:00 on the 31st August 2020.

They have applied for the sale by retail of alcohol for consumption on and off the premises and the provision of regulated entertainment.

The maximum number of people present at any one time will be 499.

The organiser is Black Steel Limited.

Environmental Health would recommend that the application is refused on the following grounds:

On the 7th August 2002, Surrey Police obtained a Partial Closure for the site, this event is not permitted under the terms of the Partial Closure Order.

The site has held three unlicensed music events, in July and August 2020. The level of amplified music was sufficient to cause a statutory noise nuisance and noise abatement notices have been served following these events. Enforcement action is being considered due to breaches in the abatement notices.

There has been no Covid-19 risk assessment submitted.

The site is unsuitable for the numbers to be present at the event.

The application makes on reference to security and how nuisances are to be prevented, i.e. people leaving the site, management of people attending the event.

The duration of the event, i.e. 4 days, is unacceptable due to issues it will cause our residents.

There is no evidence submitted on how regulated entertainment, i.e. music, will be controlled. In order to prevent the Environmental Protection Act 1990 Section 80 notice, that has been served, being breached.

The site does not have sufficient space to accommodate the number of cars that would be expected to arrive for the 4 day event. Cars will be parked on the trunk road outside the venue that has yellow lines and cause a considerable of traffic congestion. In addition, cars will park in residential roads and causing issues with the residents over parking and access to their properties i.e. parking across resident's drives.

There has been a considerable amount of anti-social behavior when people have left previous events held on the site, litter left, shouting, screaming and drunken behavior.

It is stated on the application that they will will send copies of their crime and disorder policies, noise assessment, and Health and Safety risk assessment to the police and licensing authority. This information was not submitted with the application.

L R Spearpoint
Senior Environmental Health Officer
Spelthorne Borough Council
10th August 2020

7. Temporary Event Notices (TENs)

- 7.1 This Chapter covers the arrangements in Part 5 of the 2003 Act for the temporary carrying on of licensable activities which are not authorised by a premises licence or club premises certificate.

General

- 7.2 The system of permitted temporary activities is intended as a light touch process, and

as such, the carrying on of licensable activities does not have to be authorised by the licensing authority on an application. Instead, a person wishing to hold an event at which such activities are proposed to be carried on (the “premises user”) gives notice to the licensing authority of the event (a “temporary event notice” or “TEN”).

- 7.3 The TEN must be given to the licensing authority in the form prescribed in regulations made under the 2003 Act. The form requires the user to describe key aspects of the proposed event, including the general nature of the premises and the event, the licensable activities intended to be carried on at the proposed event, including whether they will include any relevant entertainment as defined in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (i.e. displays of nudity designed to sexually stimulate any member of the audience including, but not limited to, lap dancing and pole dancing). Under the 2003 Act ‘premises’ can mean any place. Events authorised under a TEN will therefore not always be in a building with a formal address and can take place, for example, in public parks and plots within larger areas of land. In all cases, the premises user should provide a clear description of the area in which they propose to carry on licensable activities, including whether the premises are, for example, an open field or a beer tent. Local authorities and “relevant persons” (see below) may wish to make enquiries where appropriate to satisfy themselves of the exact location for where a TEN is being given.

- 7.4 Unless it is sent electronically, it must be sent to the relevant licensing authority, to the

police and “local authority exercising environmental health functions” (“EHA”) at least ten working days before the event. A premises user may also give a limited number of “late TENs” to the licensing authority less than 10 working days before the event to which they relate, although certain restrictions apply (see paragraphs 7.12-7.14). “Working day” under the 2003 Act means any day other than a Saturday, Sunday, Christmas Day, Good Friday or Bank Holiday. For

limited purposes in relation to a TEN, the 2003 Act defines a “day” as a period of 24 hours beginning at midnight.

- 7.5 If a TEN is sent electronically via GOV.UK or the licensing authority’s own facility, the licensing authority must notify the police and EHA as soon as possible and no later than the first working day after the TEN is given.
- 7.6 The police or EHA (“relevant persons” for the purposes of TENs) may intervene to prevent such an event taking place by sending an objection to the licensing authority, which the licensing authority must consider on the basis of the statutory licensing objectives and decide whether the event should go ahead. A relevant person may also intervene by agreeing a modification of the proposed arrangements directly with the TENs user (see paragraph 7.36). If a relevant person sends an objection, this may result in the licensing authority imposing conditions on a TEN but only where the venue at which the event is to be held has an existing premises licence or club premises certificate. When giving a TEN, the premises user should consider the promotion of the four licensing objectives. The licensing authority may only otherwise intervene if the statutory permitted limits on TENs would be exceeded (see paragraphs 7.15-7.22).
- 7.7 A TEN does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required.

Standard and late temporary event notices

- 7.8 There are two types of TEN: a standard TEN and a late TEN. These are subject to different processes: a standard notice is given no later than ten working days before the event to which it relates; and a late notice is given not before nine and not later than five working days before the event.

Standard temporary event notices

- 7.9 “Ten working days” (and other periods of days which apply to other requirements in relation to TENs) exclude the day the notice is received and the first day of the event.
- 7.10 The police and EHA have a period of three working days from when they are given the notice to object to it on the basis of any of the four licensing objectives.
- 7.11 Although ten clear working days is the minimum possible notice that may be given, licensing authorities should publicise their preferences in terms of advance notice and encourage premises users to provide

the earliest possible notice of events planned by them. Licensing authorities should also consider publicising a preferred maximum time in advance of an event by when TENs should ideally be given to them.

Late temporary event notices

7.12 Late TENs are intended to assist premises users who are required for reasons outside their control to, for example, change the venue for an event at short notice. However, late TENs may, of course, be given in any circumstances providing the limits specified at paragraph 7.15 are not exceeded.

7.13 Late TENs can be given up to five working days but no earlier than nine working days

before the event is due to take place and, unless given electronically to the licensing authority, must also be sent by the premises user to the police and EHA. A late TEN given less than five days before the event to which it relates will be returned as void and the activities to which it relates will not be authorised.

7.14 A key difference between standard and late TENs is the process following an objection notice from the police or EHA. Where an objection notice is received in relation to a standard TEN the licensing authority must hold a hearing to consider the objection, unless all parties agree that a hearing is unnecessary. If the police, EHA or both give an objection to a late TEN, the notice will not be valid and the event will not go ahead as there is no scope for a hearing or the application of any existing licence conditions.

Limitations

7.15 A number of limitations are imposed on the use of TENs by the 2003 Act:

- the number of times a premises user may give a TEN is 50 times in a calendar year
for a personal licence holder and five times in a calendar year for other people;
- the number of times a premises user may give a late TEN is limited to 10 times in a calendar year for a personal licence holder and twice for other people. Late TENs count towards the total number of permitted TENs (i.e. the limit of five TENs a year for non-personal licence holders and 50 TENs for personal licence holders). A notice that is given less than ten working days before the event to which it relates, when the premises user has already given the permitted number of late TENs in that calendar year, will be returned as void and the activities described in it will not be authorised.

- the number of times a TEN may be given for any particular premises is 15 times in a calendar year;
- the maximum duration of an event authorised by a TEN is 168 hours (seven days);
- the maximum total duration of the events authorised by TENs in relation to individual premises is 21 days in a calendar year;
- the maximum number of people attending at any one time is 499; and
- the minimum period between events authorised under separate TENs in relation to the same premises (not including withdrawn TENs) by the same premises user is 24 hours.

7.16 Any associate, relative or business partner of the premises user is considered to be the same premises user in relation to these restrictions. The 2003 Act defines an associate, in relation to the premises user, as being:

- the spouse or civil partner of that person;
- a child, parent, grandchild, grandparent, brother or sister of that person;
- an agent or employee of that person; or
- the spouse or civil partner of a person listed in either of the two preceding bullet points.

7.17 A person living with another person as their husband or wife, is treated for these purposes as their spouse. 'Civil partner' has its meaning in the Civil Partnership Act 2004.

7.18 A TEN that is given may be subsequently withdrawn by the TEN user by giving the licensing authority a notice to that effect no later than 24 hours before the beginning of the event period specified in the TEN. Otherwise, the TEN will be included within the limits of TENs allowed in a given calendar year, even if the event does not go ahead.

7.19 Once these limits have been reached, the licensing authority should issue a counter notice (permitted limits) if any more are given. Proposed activities that exceed these limits will require a premises licence or club premises certificate.

7.20 TENs may be given in respect of premises which already have a premises licence or club premises certificate to cover licensable activities not permitted by the existing authorisation.

7.21 In determining whether the maximum total duration of the periods covered by TENs at any individual premises has

exceeded 21 days, an event beginning before midnight and continuing into the next day would count as two days towards the 21-day limitation.

- 7.22 There is nothing in the 2003 Act to prevent notification of multiple events at the same time, provided the first event is at least ten working days away (or five working days

away in the case of a late TEN). For example, an individual personal licence holder wishing to exhibit and sell beer at a series of farmers' markets may wish to give several notices simultaneously. However, this would only be possible where the limits are not exceeded in the case of each notice. Where the events are due to take place in different licensing authority (and police) areas, the respective licensing authorities and relevant persons would each need to be notified accordingly.

Who can give a temporary event notice?

Personal licence holders

- 7.23 A personal licence holder can give a TEN at any premises on up to 50 occasions in a calendar year. This limit is inclusive of any late TENs given in the same year. The use of each TEN must of course observe the limits described above, including the limit of 15 TENs in respect of each premises in a calendar year.

Non-personal licence holders

- 7.24 The 2003 Act provides that any individual aged 18 or over may give a TEN to authorise the carrying on of all licensable activities under the Licensing Act 2003, whether or not that individual holds a personal licence. Such an individual will not, therefore, have met the requirements that apply to a personal licence holder under Part 6 of the 2003 Act. Where alcohol is not intended to be sold, this should not matter. However, many events will involve a combination of licensable activities and the 2003 Act limits the number of notices that may be given by any non-personal licence holder to five occasions in a calendar year (inclusive of any late TENs in the same year). In every other respect, the Guidance and information set out in the paragraphs above applies.

Role of the licensing authority

- 7.25 The licensing authority must check that the limitations set down in Part 5 of the 2003 Act are being observed and intervene if they are not (see paragraph 7.15). For example, a TEN would be void unless there is a minimum of 24 hours between events notified by the same

premises user, or an associate or someone who is in business with the relevant premises user in respect of the same premises. This is to prevent evasion of the seven day (or 168 hour) limit on such events and the need to obtain a full premises licence or club premises certificate for more major or permanent events. In addition, for these purposes, a TEN is treated as being from the same premises user if it is given by an associate.

- 7.26 Where the application is not within the statutory parameters described earlier, the licensing authority will issue a counter notice to the premises user.
- 7.27 Where the TEN is in order, the relevant fee paid and the event falls within the prescribed limits, the licensing authority will record the notice in its register and send an acknowledgement to the premises user (which may be given electronically). The licensing authority must do so, no later than the end of the first working day following the day on which it was received (or by the end of the second working day if it was received on a non-working day), unless an objection notice is received beforehand from the police or EHA on the basis of any of the four licensing objectives (see paragraphs below).
- 7.28 If the licensing authority receives an objection notice from the police or EHA that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection unless all parties agree that this is unnecessary. The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions (a “notice (statement of conditions)”) and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and should not take place. In this case, the licensing authority must give a counter notice.
- 7.29 Premises users are not required to be on the premises during the event authorised by the TEN, but they will remain liable to prosecution for certain offences that may be committed at the premises during the period covered by it. These include, for example, the offences of the sale of alcohol to a person who is drunk; persistently selling alcohol to children and allowing disorderly conduct on licensed premises.
- 7.30 In the case of an event authorised by a TEN, failure to adhere to the requirements of the 2003 Act, such as the limitation of no more than 499 being present at any one time, would mean that the event was

unauthorised. In such circumstances, the premises user would be liable to prosecution.

- 7.31 Section 8 of the 2003 Act requires licensing authorities to keep a register containing certain matters, including a record of TENS received. Under Schedule 3 of the 2003 Act, the licensing authority must also keep a record of such matters including any notice of withdrawal of a TEN, any counter notice to a TEN given following an objection by a relevant person and any TEN received following modification. If requested to do so, a licensing authority must supply a person with a copy of the information contained in any entry in its register. Each licensing authority must also provide facilities for making the information contained in the entries in its register available for inspection by any person during office hours and without payment. Licensing authorities may wish to consider bringing TENS to the attention of local councillors and residents by making their register available online or including relevant details of a TEN when it is received, along with notice of licence applications on the authority's website. There is no requirement to record all the personal information given on a TEN.

Police and environmental health intervention

- 7.32 The system of permitted temporary activities gives police and EHAs the opportunity to consider whether they should object to a TEN on the basis of any of the licensing objectives.
- 7.33 If the police or EHA believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. The objection notice must be given within the period of three working days following the day on which they received the TEN.
- 7.34 Where a standard TEN was given, the licensing authority must consider the objection at a hearing before a counter notice can be issued. At the hearing, the police, EHA and the premises user may make representations to the licensing authority. Following the hearing, the licensing authority may decide to impose conditions which already apply to an existing premises licence or club premises certificate at the venue, or issue a counter notice to prevent the event going ahead. As noted above, there is no scope for hearings in respect of late TENS and if objections are raised by the police or EHA in relation to a late TEN, the notice will be invalid and the event will not go ahead.
- 7.35 Such cases might arise because of concerns about the scale, location, timing of the event or concerns about public nuisance – even where the statutory limits on numbers are being observed. The

premises user who signs the form is legally responsible for ensuring that the numbers present do not exceed the permitted limit at any one time. In cases where there is reason to doubt that the numbers will remain within the permitted limit the premises user should make clear what the nature of the event(s) is and how they will ensure that the permitted persons limit will not be exceeded. For example, where notices are being given for TENs simultaneously on adjacent plots of land it may be appropriate for door staff to be employed with counters. In each case it is important that licensing authorities and relevant persons can consider whether they believe that the premises user intends to exceed the 499 person limit, or will be unable to control or know whether the limit will be exceeded. Where the planned activities are likely to breach the statutory limits or undermine the licensing objectives, it is likely to be appropriate for the police or EHA to raise objections.

- 7.36 However, in most cases, where for example, alcohol is supplied away from licensed premises at a temporary bar under the control of a personal licence holder, (such as at weddings with a cash bar or small social or sporting events) this should not usually give rise to the use of these powers.

Modification

- 7.37 As noted above, the police or EHA (as “relevant persons”) may contact the premises user to discuss their objections and try to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified (for example, by changing the details of the parts of the premises that are to be used for the event, the description of the nature of the intended activities or their duration). The other relevant person has to agree for the modification to be made. There is no scope under the 2003 Act for the modification of a late TEN.

Applying conditions to a TEN

- 7.38 The 2003 Act provides that only the licensing authority can impose conditions to a TEN from the existing conditions on the premises licence or club premises certificate at the venue. The licensing authority can only do so:
- if the police or the EHA have objected to the TEN;
 - if that objection has not been withdrawn;
 - if there is a licence or certificate in relation to at least a part of the premises in respect of which the TEN is given;

- and if the licensing authority considers it appropriate for the promotion of the licensing objectives to impose one or more conditions.

7.39 This decision is one for the licensing authority alone, regardless of the premises user's views or willingness to accept conditions. The conditions must be notified to the premises user on the form prescribed by regulations.

Duty of premises users to keep and produce TENs

7.40 Where a TEN is not prominently displayed at the premises, the police and licensing

officers have the right under sections 109(5) and (6) of the 2003 Act to request the premises user (or relevant nominated person who has the TEN in their custody) to produce the TEN for examination. If the police do not intervene when a TEN is given, they will still be able to rely on their powers of closure under the Anti-social Behaviour, Crime and Policing Act 2014¹.

¹ For further guidance on the closure power under the 2014 Act, please refer to:

www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July_2014_final__2_.pdf

