

## Temporary Event Notice

### Personal Details of Premises User

Your Name (please read note 1)

Title *	Ms
First Name *	caroline
Surname *	jones
Have you been known by any previous names, including a maiden name? *	Yes

### Previous Name

Please enter details of any previous names or maiden names.

Title *	Ms
First Name *	caroline
Surname *	jones

### Personal Details of Premises User

Date of Birth *	01/01/1980
Place of Birth *	London
National Insurance Number *	SS 12 34 5678

### Current Address

A1

## Current Address

We will use this address and contact details to correspond with you unless you specify an alternative correspondence address.

Street Address \*

Address line 2

Address line 3

Town/City \*

Postcode \*

Daytime Telephone Number \*

Evening Telephone Number

Mobile Telephone Number

Fax Number

Email Address \*

Do you have an alternative correspondence address you would like us to use? \*

## Alternative Correspondence Address

If you complete the details below, we will use this address to correspond with you.

Title \*

First Name \*

Surname \*

Street Address \*

Address line 2

Address line 3

A1

**Alternative Correspondence Address**

Town/City *	purley
Postcode *	CR8 2AF
Daytime Telephone Number *	0286680005
Evening Telephone Number	
Mobile Telephone Number	
Fax Number	
Email Address *	whispersbar@outlook.com

**The Premises**

Premises Address	ELLIOTT'S 5 HIGH STREET PURLEY CROYDON CR8 2AF
Does a premises licence or club premises certificate have effect in relation to the premises, or any part of the premises? If so, please select and enter the Premises Licence Number or Club Premises Certificate Number.*	Yes - Premises Licence

**Premises Licence**

Premises Licence Number *	05/01102/LIPREM
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**Premises**

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details. (Please read note 3)	THE ENTIRE VENUE IS BEING HIRED WITH EXCLUSIVE ACCESS TO EVENT GUESTS ONLY
Please describe the nature of the premises. (Please read note 4) *	PREMISES ALREADY LICENCED - COCKTAIL BAR
Please describe the nature of the event. (Please read note 5) *	A private event for "in the mix" who are hosting a ticket only event and no public will be permitted

AI

## Licensable Activities

Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6) \* More than one can be selected.

The sale by retail of alcohol

The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club

The provision of regulated entertainment (Please read note 7)

The provision of late night refreshment

Are you giving a late temporary event notice? (Please read note 8) \*

No

Please state the dates on which you intend to use these premises for licensable activities (Please read note 9). \* Start Date

13/12/2024

End Date

14/12/2024

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 10) \*

23:59-01:30 (ALCOHOL WILL STOP BEING SERVED AT 01.00AM - EVERYONE LEFT PREMISES BY 01.30AM)

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. (Please read note 11) \*

120

If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please read note 12). \*

On the premises only

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing). (Please read note 13) \*

23.59 - 01.30am DJ WILL BE PLAYING MUSIC UNTIL 1.15AM HOWEVER WE PROPOSE TO LOWER THE VOLUME FROM 01.00AM

## Personal Licence Holder

Do you currently hold a valid personal licence? (please read note 14)\*

Yes

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**Personal Licence Details**

Issuing Licensing Authority \*

Croydon

Licence number \*

15/00813/LIPERS

Date of issue \*

01/08/2015

Please provide any further details you think may be relevant.

2X SIA SECURITY TEAM ONSITE FROM 7PM-1.30AM  
OUR NORMAL SECURITY TEAM WHO ARE FAMILIAR  
WITH OUR STAFF AND VENUE**Previous Temporary Event Notices**

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? (please read note 15) \*

Yes

**Previous Event Notice**

Please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year. \*

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**Previous Temporary Event Notices**

Have you already given a temporary event notice for the same premises in which the event period either; ends 24 hours or less before begins 24 hours or less after the event period proposed in this notice? \*

No

**Associates and Business Colleagues**

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? (please read note 16) \*

No

**Associates and Business Colleagues**

Has any associate of yours already given a temporary event notice for the same premises in which the event period; a)

No

## Associates and Business Colleagues

ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? \*

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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? \*

## Associates and Business Colleagues

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? \*

## Declaration

Please ensure you submit all the information required to support your proposal. Failure to submit all the information required could result in your notice being deemed invalid. It will not be considered valid until all the information required by the licensing authority has been submitted. Please read guidance note 17 for further information. I understand that a copy of this notice will be sent to the chief officer of police for the area in which the premises are situated. I understand that a copy of this notice will be sent to the local authority exercising environmental health functions for the area in which the premises are situated. If the premises are situated in one or more licensing authority areas, I understand that the issuing authority will send at least one copy of this notice to each additional licensing authority. If the premises are situated in one or more police areas, I understand that the issuing authority will send a copy of this notice to each additional chief officer of police. It is a condition of this temporary event notice that where the relevant licensable activities described include the supply of alcohol that all such supplies are made by or under the authority of the premises user. (please read note 18) The information contained in this form is correct to the best of my knowledge and belief. I understand that it is an offence: (i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.

Name of Person Signing \*

Date \*



Declaration Made

## Email confirmation

On submission an email confirmation will be sent using the details below

Forename

## Email confirmation

A1

Surname /Company Name

JONES

Email \*

whispersbar@outlook.com

Telephone

0286680005

A2

**CROYDON**  
www.croydon.gov.uk

Public Realm  
Safety Division  
Environmental Enforcement Team  
Floor 3, Zone B, Bernard Weatherill House,  
8 Mint Walk  
Croydon CR0 1EA

Ms Caroline Jones  
Whispers Bar  
5 High Street  
Purley  
CR8 2AF

Contact: Stanley Mushawatu  
Pollution@croydon.gov.uk  
Your Ref:  
Our Ref: 24/00057/NOCOM1  
Date: 25<sup>th</sup> November 2024

Dear Ms Jones

**Objection Notice – The Prevention of Public Nuisance ( Licensing Act 2003)**

**Re; Whispers Bar, 5 High Street, Purley, CR8 2AF**

I am satisfied that allowing the premises known as Whispers Bar, 5 High Street, Purley, CR8 2AF to be used for licensable activities in conjunction with the **Temporary Event Notice** received by the Pollution Team on the 22<sup>nd</sup> November 2024 would undermine the Prevention Of Nuisance Licensing Objective for the following reason

The Pollution team has received several complaints about noise from this premises.

The application has not informed the Council Pollution team of adequate measures that have been put in place to mitigate noise from the propose event on the 13<sup>th</sup> December 2024. The premises is close proximity to residential dwellings and to allow the use of the premises as applied is more likely to affect residents in the vicinity. The Croydon Council Pollution Team is hereby putting in this objection notice in order to protect residents from suffering noise nuisance as intended under the Prevention of Public Nuisance licensing objective.

Many thanks



Stanley Mushawatu  
Pollution Enforcement Officer



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### PREMISES LICENCE

**Premises licence number**

05/01102/LIPREM

**Part 1 – Premises details**

<b>Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code</b>	
5 High Street Purley CR8 2AF	
<b>Telephone number</b>	N/A

<b>Where the licence is time limited the dates</b>
N/a

<b>Licensable activities authorised by the licence</b>
The sale by retail of alcohol – On and Off the premises.
The provision of regulated entertainment namely live music (limited to a maximum of 2 performers) and recorded music.
The provision of late night refreshment – For non residents for consumption on the premises.

**The times the licence authorises the carrying out of licensable activities**

The sale by retail of alcohol –

Monday to Saturday 1000 hours until 0000 hours (midnight)

Sunday 1000 hours until 2300 hours

Christmas Eve 1000 hours until 0100 hours on 25 December

New Year's Eve, from the end of the permitted hours on New Year's Eve to the start of the permitted hours on 1 January.

The provision of regulated entertainment –

Live music

Monday to Saturday 2000 hours until 0000 hours (midnight)

Sunday 2000 hours until 2300 hours

Recorded music may be provided throughout the premises without restriction on times.

The provision of late night refreshment (for non residents) –

Monday to Saturday 2300 hours until 2330 hours

New Year's Eve 2300 hours until 0500 hours on 1 January

\*There are no restrictions upon the provision of food to residents of the premises.

**The opening hours of the premises**

Monday to Saturday 1000 hours until 0030 hours on the following days

Sunday 1000 hours until 2330 hours

Christmas Eve 1000 hours until 0130 hours on 25 December

New Year's Eve, from the end of the permitted hours on New Year's Eve to the start of the permitted hours on 1 January.

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

On and Off

Part 2

**Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence**

Caroline Jones  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Registered number of holder, for example company number, charity number (where applicable)**

N/a

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

Caroline Jones  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol**

Personal Licence No: 15/00813/LIPERS Issuing Authority: London Borough of Croydon

Date Licence Granted: 09.08.2005

Date Effective: 23.08.2023

Licensing Manager  
Sustainable Communities Department

## Annex 1 - Mandatory conditions

This licence is granted subject to the terms of the Licensing Act 2003. In addition, the effects of all restrictions embedded in the Licensing Act 1964, some of which are reproduced below, are preserved as conditions attached to this licence.

1. - where a premises licence authorises the supply of alcohol, the licence must include the following conditions:-

No supply of alcohol may be made under the premises licence -

(a) at a time where there is no designated premises supervisor in respect of the premises licence,

or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. - Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

3. (1) The responsible person must ensure the staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purposes of encouraging the sale or supply of alcohol for consumption on the premises –

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk to undermine a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamourise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonable available.

5. - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

- (a) a holographic mark, or
- (b) an ultraviolet feature.

6. The responsible person must ensure that -

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measure -

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures and displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

**\*Responsible person is defined as:**

(a) In relation to licensed premises:

- (i) The holder of a premises licence in respect of the premises,
- (ii) The designated premises supervisor (if any) under such a licence, or
- (iii) Any individual aged 18 or over who is authorised for the purposes of section (4) of the Licensing Act 2003 by such a holder or supervisor,

(b) In relation to premises in respect of which there is in force a club premises certificate, any member of officer of the club present on the premises in a capacity which enables him to prevent the supply in question

In respect of the condition governing age verification, there are specific duties relating respectively to the holder of the premises licence or club premises certificate and designated premises supervisor.

7. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8. For the purposes of the condition set out in paragraph 1 -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979.

(b) "permitted price" is the price found by applying the formula –  $P = D + (D \times V)$

where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –

(i) the holder of the premises licence

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

9. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

10. - (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

11. With regard to the sale of alcohol, the above restrictions do not prohibit:

(a) during the first thirty minutes after the above hours, the consumption of the alcohol on the premises;

(b) during the first thirty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;

(c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meal;

(d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises

- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there; or
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the alcohol is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

## 12. Children

No person under fourteen shall be in the bar during the permitted hours unless one of the following applies:

- (1) He is the child of the holder of the premises licence.
- (2) He resides in the premises, but is not employed there.
- (3) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (4) The bar is in premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of alcohol. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

13. Unless otherwise specified on this licence no regulated entertainment shall take place at the premises with the exception of pre-booked private events limited to the provision of music and dancing or any other entertainment of the like kind, for pre-invited guests.

## **Annex 2 - Conditions consistent with the Operating Schedule**

N/A

## **Annex 3 - Conditions attached after a hearing by the licensing authority**

N/A

## **Annex 4 - Plans**

Attached

## 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 clear working days but no earlier than nine clear 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 (including any staff and any other persons); 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 (subject to a maximum of 10) 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 – subject to a maximum of 2 - 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 or certificate 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 (or appeals) 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

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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**

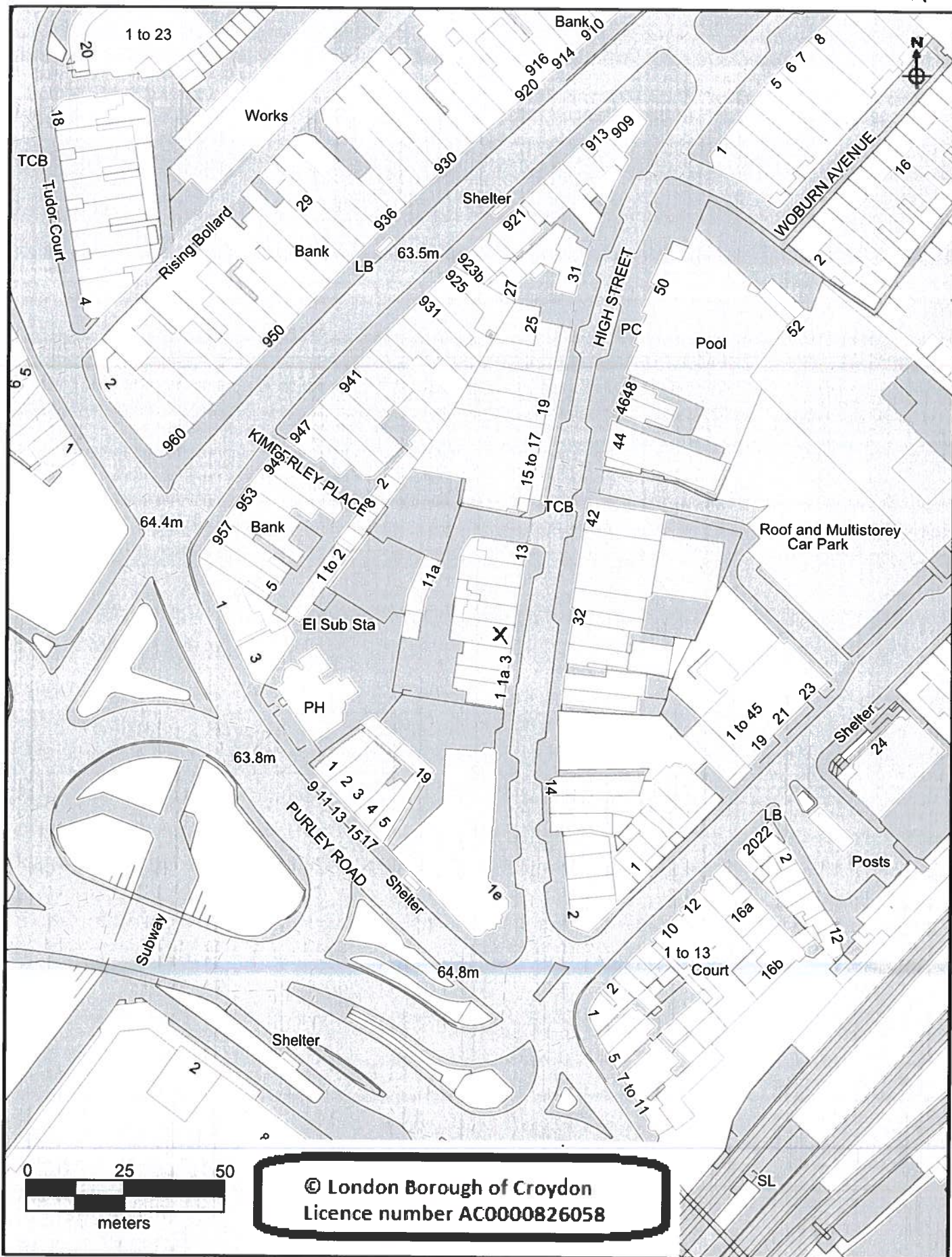
7.40 Where a TEN is not prominently displayed at the premises, the police and licensing officers have the right under sections 109(5) and (6) of the 2003 Act to request the premises user (or relevant nominated person who has the TEN in their custody) to produce the TEN for examination. If the police 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 2014<sup>3</sup>.

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<sup>3</sup> 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\\_July2014\\_final\\_2\\_.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2_.pdf)

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