

**Report of Application:**

Temporary Event Notice for land adjacent to Little Linford Lane, Newport Pagnell

**Application Reference No:** 143380

**1. Summary of Notification**

1.1 A Temporary Event Notification (TEN) has been given to the Licensing Authority by Andrew Black for an event covering Saturday 1 July to Sunday 2 July 2017 between midday and 2.00 am. The TEN is for the supply of alcohol, provision of regulated entertainment and late night refreshment. This is an annual event and took place last year in August. This year's event is not, however, a 24 hour one as it finishes at 2.00am.

1.2 A copy of the TEN concerned is provided at **Annex A**

1.3 Existing Activities

None.

**2. Background Information**

2.1 The premise itself is a field and the event last year included a provision of a tent where dance music was provided

2.2 There are limited controls over the use of TENs because the system is designed to be 'light touch'. Only the Chief of Police and / or Environmental Health may object to a TEN. In this instance Environmental Health have objected on the grounds of public nuisance following complaints of noise disturbance when this event was held last year. Residents in Redhouse Park (near Newport Pagnell) were disturbed. A plan is provided at **Annex B** to show the proximity to residential.

2.3 Where a standard TEN is objected to, the matter is referred for a hearing and a Licensing Sub-Committee will then determine whether to:

(a) determine to issue a Counter Notice, which upholds the objection and effectively prevents the licensable activities from being provided; or

(b) take no action and issue a notice stating why a counter notice wasn't issued.

2.4 It is also possible for the Temporary Event Notice to be modified through agreement between the objector and the notice giver. This can effectively remove the objection and could negate the need for the sub-committee and decision. However, legally no conditions can be attached to a TEN in this

circumstance so it can be difficult to negotiate a compromise unless for example hours are reduced.

### 3. **Relevant Persons Objecting**

- 3.1 A copy of the objection from Environmental Health is provided at **Annex C**.

### 4. **Officer Observations**

- 4.1 The Sub-Committee may wish to know the extent of disturbance when the event was held last year as this forms the basis that the objection has been lodged against. By way of background at **Annex D** a summary of actions taken by the Council's out of service last year is provided. Environmental Health may be able to elaborate more on the extent that people said they were disturbed.
- 4.2 Being a light touch process there are limited steps the Sub-Committee can take in making its decision. Mr Black could provide reassurance that he will control noise levels so as not to disturb residents but conditions cannot legally be added to a TEN in this instance. The Sub-Committee simply have to decide whether allowing the TEN will undermine the Licensing Objectives, or not.
- 4.3 In the TEN submitted Mr Black refers to noise limiters being used last year and that there were no problems whatsoever. This would appear to go against the experience of residents in Redhouse Park and the fact issues were raised with the organisers at the time last year.
- 4.4 The proposed event this year will finish at 2.00 am (which is earlier than last year) but it appears that last year some residents were disturbed throughout the day in any event.

### 5. **Policy Considerations**

Relevant extracts from the **Licensing Act 2003 Section 182 Revised Guidance** is included below:

#### Temporary Event Notices

- 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").
- 7.6 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).

- 7.28 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. (Or)...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.
- 7.33 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.
- 7.36 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.

Relevant extracts from the **Milton Keynes Statement of Licensing Policy 2013-2019** is included below:

## 2.1 Temporary Events Notices – Standard and Late

2.1.5 The most important aspects of the system of temporary event notices are that no permission is required for these events from the licensing authority.

2.1.10 The purpose of the notification requirement is to enable the licensing authority to check that the limitations set down in the Act are being observed and to intervene if they are not. Where the application exceeds the limitations the licensing authority will issue a counter notice to the premises user. However, where the notice is in order, the prescribed fee paid, the event falls within the limitations in the Act and

there has been no relevant objection, then the licensing authority will record the notice in its register and send an acknowledgement to the premises user. If an acceptable objection is received then a hearing will be convened.

2.1.11 Relevant persons have the opportunity to consider whether they should prevent the event taking place for reasons relating to the licensing objectives.

2.1.12 The Act provides that relevant persons may issue objection notices subject to legal timeframes because they believe the event would undermine the licensing objectives. This can be withdrawn if satisfactory negotiations take place. The issuing of such an objection notice relating to a standard TEN requires the consideration of the objection by the licensing sub-committee at a hearing. Consideration by the licensing authority is confined to the licensing objectives. At the hearing, the relevant person and the premises user may put arguments to the licensing sub-committee, following which a counter notice may be issued by the licensing authority as an outcome of the hearing. Should an objection be received in relation to an application for a late TEN due to timescales the licensing authority will issue a counter notice no later than 24hrs before the beginning of the scheduled event as no hearing is permitted.

2.1.13 A hearing would not be necessary if the objection notice was withdrawn. If the police do not intervene, they will still be able to rely on their powers of closure should disorder or disturbance subsequently arise.

Contact Officer: For further information on this application please contact Ed Fisher on telephone 01908 252409 or e-mail: [eddie.fisher@milton-keynes.gov.uk](mailto:eddie.fisher@milton-keynes.gov.uk)