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Cllr Peter Gruen
Leeds City Council
Civic Hall
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22/8

Reference: T9158/13

15 AUG 2013

Your Reference: PJG/PCG

Dear Councillor Gruen,

Thank you for your letter of 9 July 2013 to the Home Secretary about Part 5 of the Licensing Act 2003 relating to Temporary Event Notices (TENs). I am replying as the appropriate policy official. In your letter you set out local concerns over the processes in place for objecting to TENs and the notification period set out in the legislation.

The Government is committed to reducing regulation and bureaucracy to free up businesses, whilst still ensuring an effective licensing system. As part of this commitment, the Government, through the Police Reform and Social Responsibility Act 2011, amended the system of TENs to tighten up existing loopholes and to prevent it being exploited by unscrupulous operators, whilst ensuring the process is not overly bureaucratic for small voluntary and community groups.

In your letter you request that consideration is provided for a change in the legislation to provide for elected members to comment and/or object to TENs. As noted in your letter, both the police and environmental health authority can object to a temporary event going ahead. This can now be on the grounds of any of the four licensing objectives of crime and disorder; public safety; public nuisance; and protection of children from harm. Issues such as noise nuisance and litter can be taken into account as grounds for preventing a temporary event going ahead.

As you rightly say, TENs are meant to be a light touch process for temporary events held outside the normal licensing process and as environmental health are now able to object on the grounds of nuisance and public safety, the Government does not consider it appropriate to allow residents a direct role in the overall decision making process for TENs, or indeed, elected members on their behalf. The Government believes that to allow them to do so would put further burdens on the licensing authority and increase bureaucracy. Further to this, elected members do of course already have a role in shaping

their authority's licensing policy and, as members of the licensing sub-committee, have a role if a hearing is required in the event of objections from the police or environmental health officers. In addition, it is of course open to local residents or those acting on their behalf to raise ongoing concerns about particular premises or the use of TENs by particular individuals directly with the police or environmental health officers.

Your letter also requests that both the three working day objection period and the ten working day notification period for a TEN are increased. It is important to strike the right balance between ensuring appropriate licensing safeguards are in place, whilst minimising burdens and restrictions placed on businesses and community groups and maximising flexibility where possible. The Police Reform and Social Responsibility Act extended the time that the police and environmental health authorities have to consider TENs from two working days to the current level of three. With regards to the notification period, although ten clear working days is the minimum possible notice period for a standard TEN, the section 182 guidance states that licensing authorities should publicise their preferences regarding advance notice and encourage premises users to provide the earliest possible notice of planned events. The Government believes that these measures, alongside the aforementioned additional safeguards are appropriate.

I hope that this helps to clarify the Government's position.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Robert Turner', with a long horizontal flourish extending to the right.

Robert Turner

Drugs and Alcohol Unit

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