

**MUNICIPAL YEAR 2022/23 REPORT NO.**

**COMMITTEE :**  
Licensing Sub-Committee  
14 December 2022

**REPORT OF :**  
Ellie Green, Licensing Team Manager

**LEGISLATION :**  
Licensing Act 2003

Agenda - Part	Item
<p><b>SUBJECT :</b> Temporary Event Notices (TENs) - Objections</p> <p><b>PREMISES :</b> The Kings Head, 9 Market Place, ENFIELD, EN2 6LL And Bar Taps, 29 Silver Street, ENFIELD, EN1 3EF</p> <p><b>WARD :</b> Town</p>	

**1 LICENSING HISTORY & CURRENT POSITION – THE KINGS HEAD – LN/201100360**

- 1.1 This premises has held a premises licence historically.
- 1.2 On 4 May 2010, a new premises licence application which was not subject to any representations, was granted by officers in accordance with delegated powers, naming Urban Inns Ltd as the Premises Licence Holder (PLH).
- 1.3 On 25 August 2010, a transfer of premises licence application which was not subject to any representations, was granted by officers in accordance with delegated powers, naming Alpinecross Ltd as the Premises Licence Holder (PLH).
- 1.4 There have been a number of persons named as the Designated Premises Supervisor (DPS), and the current DPS since 22 October 2019 is Chelsea Dakin. This vary DPS application was not subject to any representations and was granted by officers in accordance with delegated powers.
- 1.5 There have been no review or prosecution action in relation to premises licence LN/201100360.
- 1.6 The Director of Alpinecross Ltd (company number 07210485) is Michael Fallon, he was appointed on 31 March 2010. The company is registered to 4th Floor 4 Tabernacle Street, London, United Kingdom, EC2A 4LU.

- 1.7 The current premises licence (LN/201100360) permits the following opening and last sale of alcohol times:

	Open to the public	On and off supplies of alcohol
Monday	09:00 – 00:30	10:00 – 00:00 (midnight)
Tuesday	09:00 – 00:30	10:00 – 00:00 (midnight)
Wednesday	09:00 – 00:30	10:00 – 00:00 (midnight)
Thursday	09:00 – 00:30	10:00 – 00:00 (midnight)
Friday	09:00 – 02:00	10:00 – 01:30
Saturday	09:00 – 02:00	11:00 – 01:30
Sunday	11:00 – 00:00	11:00 – 23:00

- 1.8 The premises licence is subject to more licensable activities, licence conditions and seasonal variations of timings, which can be seen in the copy of Part A of the premises licence, attached in Annex 1.

## **2 TEMPORARY EVENT NOTICE (TENs) HISTORY – THE KINGS HEAD:**

- 2.1 The following information may be used as a benchmark in recent years for TENs at The Kings Head:
- In 2021, 5 TENs were applied for around the December period, which were not objected to.
  - In 2019, 4 TENs were applied for around the December period, which were not objected to.
  - In 2018, 4 TENs were applied for around the December period, which were not objected to.
- 2.2 On behalf of The Kings Head, 7 TENs have been applied for in 2022 in total.
- 2.3 In May 2022, a Late TEN was authorised for 3<sup>rd</sup> to 5<sup>th</sup> June 2022, extending the hours from 00:30 to 3am. This TEN was not subject to any representation. The applicant was Chelsea Dakin.
- 2.4 NB. A Late TEN is a notice submitted less than 10 working days but more than 5 working days before the day of the event).
- 2.5 On 23 November 2022, a Late TEN was submitted by Chelsea Dakin for 2<sup>nd</sup> to 4<sup>th</sup> December 2022, extending the hours from 1am to 3am. As the Police submitted an Objection Notice to this TEN, Chelsea Dakin was issued a Counter Notice and the TEN could not proceed.

### **3. TENS TO BE CONSIDERED BY THE LICENSING SUB-COMMITTEE – THE KINGS HEAD:**

- 3.1 Each of the Responsible Authorities required to be consulted for TENS were consulted in respect of the application, namely the Police and Environmental Health.
- 3.2 On 29 November, a (standard) TEN was submitted by Chelsea Dakin for 18<sup>th</sup> to 20<sup>th</sup> December 2022. A Police Objection Notice was received in relation to this application. This TEN is later referred to as TEN2.
- 3.3 On 30 November 2022, a Late TEN was submitted by Chelsea Dakin for 9<sup>th</sup> to 12<sup>th</sup> December 2022, extending the hours from 1am to 3am. As a Police Objection Notice was received in relation to this TEN, Chelsea Dakin was issued a Counter Notice and the TEN could not proceed. This TEN is later referred to as TEN1.
- 3.4 On 30 November 2022, a (standard) TEN was submitted by Chelsea Dakin for 21<sup>st</sup> to 24<sup>th</sup> December 2022. A Police Objection Notice was received in relation to this application. This TEN is later referred to as TEN3.
- 3.5 On 30 November 20022, a (standard) TEN was submitted by Chelsea Dakin for 27<sup>th</sup> to 31<sup>st</sup> December 2022. A Police Objection Notice was received in relation to this application. This TEN is later referred to as TEN4.
- 3.6 On 1 December 2022, a Late TEN was submitted by Chelsea Dakin for 13<sup>th</sup> to 17<sup>th</sup> December 2022, extending the hours from 1am to 3am. No objections were received in relation to this TEN.
- 3.7 A copy of the TEN applications, namely TEN1 to TEN4 can be found in Annex 2.
- 3.8 A copy of the Police Objection Notices to TENS, TEN1 to TEN4 can be found in Annex 3.
- 3.9 A copy of the Counter Notice for TEN1 can be found in Annex 4, as an example.
- 3.10 The covering email advising Chelsea Dakin of the Police objections can be found in Annex 5.
- 3.11 Chelsea Dakin responded, requesting the TEN applications be determined by the Licensing Sub-Committee. That response can be found in Annex 6.
- 3.12 Michael Fallon also contacted the Licensing Team, that email can be found in Annex 7 (applies to both premises).
- 3.13 For background purposes, Chelsea Dakin has confirmed that although Part 3 “relevant entertainment” section of the TENS applications has been completed, she does not seek “relevant entertainment” but had inserted information here in instead with regards to the proposed regulated entertainment.

- 3.14 Furthermore, Chelsea Dakin was not aware of the minimum of 24-hour requirement between separate TENS, see Paragraph 7.15 under Section 8 of the Statutory Guidance below. Therefore, the full TENS as per the dates sought in the applications exceed the limits and would need to be amended.
- 3.15 The table below sums up the dates and timing extensions sought by each TEN (The Kings Head), note as the hours are early hours of the evening, practically speaking they follow on from the opening the day before:

<b>TEN</b>	<b>Date</b>	<b>Timings</b>
<b>TEN3</b>	Sunday 18 <sup>th</sup> Dec	02:00 to 03:00
	Monday 19 <sup>th</sup> Dec	00:00 to 01:00
	Tuesday 20 <sup>th</sup> Dec	00:00 to 01:00
<b>TEN4</b>	Wednesday 21 <sup>st</sup> Dec	00:00 to 01:00
	Thursday 22 <sup>nd</sup> Dec	00:00 to 01:00
	Friday 23 <sup>rd</sup> Dec	00:00 to 01:00
	Saturday 24 <sup>th</sup> Dec	02:00 to 03:00
	Tuesday 27 <sup>th</sup> Dec	00:00 to 01:00
<b>TEN5</b>	Wednesday 28 <sup>th</sup> Dec	00:00 to 01:00
	Thursday 29 <sup>th</sup> Dec	00:00 to 01:00
	Friday 30 <sup>th</sup> Dec	00:00 to 01:00
	Saturday 31 <sup>st</sup> Dec	02:00 to 03:00

#### **4. LICENSING HISTORY & CURRENT POSITION - BAR TAPS - LN/200501647**

- 4.1 Premises Licence (LN/200501647) was issued to Michael Fallon on 19 November 2005, following a conversion under the former licensing regime. Michael Fallon remains the PLH to date.
- 4.2 There have been a number of persons named as the Designated Premises Supervisor (DPS), and the current DPS since 22 October 2019 is Lorna Coulston. This vary DPS application was not subject to any representations and was granted by officers in accordance with delegated powers.
- 4.3 On 23 February 2016 the Metropolitan Police Service applied for a Summary Review of Bar Taps Premises Licence under Section 534 of the Licensing Act 2003. The Police believed the premises to be associated with serious crime and disorder, namely an assault had taken place at 1.45am on the premises, earlier in February 2016.
- 4.4 The full Licensing report and minutes can be viewed on the council's website: <https://governance.enfield.gov.uk/ieListDocuments.aspx?CId=217&MId=9582&Ver=4>
- 4.5 The outcome of the final hearing (on 16 March 2016) was that the Licensing Sub-Committee agreed to amend and add conditions to the premises licence. A copy of that Decision Notice is now produced as Annex 8.
- 4.6 No further review applications have been submitted in relation to this premises licence since. No licensing prosecutions have been taken in relation to this premises.
- 4.7 The current premises licence (LN/200501647) permits the following opening and last sale of alcohol times:

	Open to the public	On and off supplies of alcohol
Monday	11:00 – 00:00 (midnight)	11:00 – 23:30
Tuesday	11:00 – 00:00 (midnight)	11:00 – 23:30
Wednesday	11:00 – 00:00 (midnight)	11:00 – 23:30
Thursday	11:00 – 01:00	11:00 – 00:30
Friday	11:00 – 02:00	11:00 – 01:30
Saturday	11:00 – 02:00	11:00 – 01:30
Sunday	12:00 – 00:00 (midnight)	12:00 – 23:30

- 4.8 The premises licence is subject to more licensable activities, licence conditions and seasonal variations of timings, which can be seen in the copy of Part A of the premises licence, attached in Annex 9.

## **5. TEMPORARY EVENT NOTICE (TENS) HISTORY – BAR TAPS:**

- 5.1 The following information may be used as a benchmark in recent years for TENS at Bar Taps:
- In 2021, 6 TENS were applied for around the December period, which were not objected to.
  - In 2019, 3 TENS were applied for around the December period, which were not objected to.
  - In 2018, 6 TENS were applied for around the December period, which were not objected to.
- 5.2 On behalf of Bar Taps, 7 TENS have been applied for in 2022 in total.
- 5.3 In May 2022, a Late TEN was authorised for 3<sup>rd</sup> to 5<sup>th</sup> June 2022, extending the hours from 00:30 to 3am. This TEN was not subject to any representation. The applicant was Lorna Coulston.
- 5.4 On 23 November 2022, a Late TEN was submitted by Lorna Coulston for 2<sup>nd</sup> to 4<sup>th</sup> December 2022, extending the hours from 1am to 3am. A Police Objection Notice was received in relation to this TEN, Lorna Coulston was issued a Counter Notice and the TEN could not proceed.

## **6. TENS TO BE CONSIDERED BY THE LICENSING SUB-COMMITTEE – BAR TAPS:**

- 6.1 Each of the Responsible Authorities required to be consulted for TENS were consulted in respect of the application, namely the Police and Environmental Health.
- 6.2 On 29 November, a Late TEN was submitted by Lorna Coulston for 9th to 12th December 2022. A Police Objection Notice was received in relation to this TEN, Lorna Coulston was issued a Counter Notice and the TEN could not proceed. This TEN is later referred to as TEN1.

- 6.3 On 30 November 2022, a Late TEN was submitted by Lorna Coulston for 13th to 17th December 2022. A Police Objection Notice was received in relation to this TEN, Lorna Coulston was issued a Counter Notice and the TEN could not proceed. This TEN is later referred to as TEN2.
- 6.4 On 30 November 2022, a (standard) TEN was submitted by Lorna Coulston for 18<sup>th</sup> to 20<sup>th</sup> December 2022. A Police Objection Notice was received in relation to this application. This TEN is later referred to as TEN3.
- 6.5 On 30 November 20022, a (standard) TEN was submitted by Lorna Coulston for 21<sup>st</sup> to 24<sup>th</sup> December 2022. A Police Objection Notice was received in relation to this application. This TEN is later referred to as TEN4.
- 6.6 On 30 November 2022, a (standard) TEN was submitted by Lorna Coulston for 27<sup>th</sup> to 31<sup>st</sup> December 2022. A Police Objection Notice was received in relation to this application. This TEN is later referred to as TEN5.
- 6.7 A copy of the TEN applications, namely TEN1 to TEN5 can be found in Annex 10.
- 6.8 A copy of the Police Objection Notices to TENs, TEN1 to TEN5 can be found in Annex 11.
- 6.9 A copy of the Counter Notice for TEN1 and TEN2 can be found in Annex 12, as an example.
- 6.10 The covering email advising Lorna Coulston of the Police objections can be found in Annex 13.
- 6.11 Lorna Coulston responded, requesting the TEN applications be determined by the Licensing Sub-Committee. That response can be found in Annex 14.
- 6.12 As mentioned above, Michael Fallon contacted the Licensing Team, that email can be found in Annex 7 (applies to both premises).
- 6.13 For background purposes, Lorna Coulston has confirmed that although Part 3 “relevant entertainment” section of the TENs applications has been completed, she does not seek “relevant entertainment” but had inserted information here in instead with regards to the proposed regulated entertainment.
- 6.14 Furthermore, Lorna Coulston was not aware of the minimum of 24-hour requirement between separate TENs, see Paragraph 7.15 under Section 8 of the Statutory Guidance below. Therefore, the full TENs as per the dates sought in the applications exceed the limits and would need to be amended.
- 6.15 The table below sums up the dates and timing extensions sought by each TEN (Bar Taps), note as the hours are early hours of the evening, practically speaking they follow on from the opening the day before:

TEN	Date	Timings
TEN3	Sunday 18 <sup>th</sup> Dec	02:00 to 03:00
	Monday 19 <sup>th</sup> Dec	00:00 to 01:00
	Tuesday 20 <sup>th</sup> Dec	00:00 to 01:00

<b>TEN4</b>	Wednesday 21 <sup>st</sup> Dec	00:00 to 01:00
	Thursday 22 <sup>nd</sup> Dec	00:00 to 01:00
	Friday 23 <sup>rd</sup> Dec	01:00 to 02:00
	Saturday 24 <sup>th</sup> Dec	02:00 to 03:00
<b>TEN5</b>	Tuesday 27 <sup>th</sup> Dec	01:00 to 02:00
	Wednesday 28 <sup>th</sup> Dec	00:00 to 01:00
	Thursday 29 <sup>th</sup> Dec	00:00 to 01:00
	Friday 30 <sup>th</sup> Dec	01:00 to 02:00
	Saturday 31 <sup>st</sup> Dec	02:00 to 03:00

## 7. PROPOSED LICENCE CONDITIONS:

- 7.1 The conditions attached to both premises licences are set out in Annex 1 and 9. The Licensing Sub-Committee may decide not to give a counter notice under section 105 of the Act and instead may impose one or more conditions on the notice (TEN) in accordance with section 106A(2) of the Act.

## 8. RELEVANT LAW, GUIDANCE & POLICIES:

### STATUTORY GUIDANCE:

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).

### **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.

### **Limitations**

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

7.20 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.

7.22 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.

### **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.

### **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.

### **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.

## **9. OPTIONS AVAILABLE TO THE LICENSING SUB-COMMITTEE**

9.1 Having considered the TENs, the objection notice(s) received from responsible authorities and any further representations made by parties to the hearing:

a) The Sub-Committee must decide whether to give the premises user a 'counternotice' under section 105(2) of the 2003 Act, if they consider it appropriate for the promotion of a licensing objective to do so, setting out the full reasons for this decision;

b) If a counter-notice is not issued, then the Sub-Committee must resolve to take no action, and the deemed authorisation will permit the event to take place as proposed. Conditions may be added and amended dates of the TENs sought for these particular TENs (to allow a 24-hour gap between separate TENs).

9.2 Full reasons must be given in support of any decision made by the Licensing Sub-Committee.

9.3 The premises user will have a right of appeal to a magistrate's court against a decision to issue a counter-notice. The objecting responsible authorities will have a right of appeal to a magistrate's court against a decision not to issue a counternotice. Any appeal must be brought within 21 days of notification of the decision, but no later than 5 working days prior to the first day of the proposed event.

**Background Papers :**  
**None other than any identified within the report.**

**Contact Officer :**  
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