

**REPORT TO THE Cricklade and Wootton
Bassett Area (2) Committee**

Report No.6

Date of Meeting	28/02/2007
Title of Report	Temporary Event Notices and Community Halls
Link to Corporate Priorities	1. This report addresses Corporate Priority ' Customer Focus, Equality and Diversity, and Partnership Working '.
Public Report	Yes

Summary of Report

In response to query raised at Area 2 Committee on 18/10/2006 (Minute CR25 refers) this report sets out the current position regarding Temporary Event Notices issued under the Licensing Act 2003 and their impact on Community Halls in North Wiltshire.

Officer Recommendations

That the committee note the report

Other than those implications agreed with the relevant Officers and referred to below, there are no other implications associated with this report.

Financial Implications	Legal Implications	Community & Environmental Implications	Human Resources Implications	Equality & Diversity Implications
None	None	None	None	None

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1. Introduction

1.1 At the meeting of Area 2 Committee on 18/10/06 Cllr Tetlow of Cricklade Town Council outlined the problems caused to Community Halls without sale of alcohol on their premises licences by the limit of 12 Temporary Event Notices (TENS) per annum that the Licensing Act allows. He also wanted to know if other halls faced similar problems and whether the District Council was willing to lobby the Government to seek an increase in the limit.

1.2 This report sets out what has happened nationally since the Licensing Act came into force and the Secretary of State's response to the lobbying already done on behalf of village halls.

2. Options and Options Appraisal

2.1 Option 1: Do nothing and await the outcome of review currently being undertaken by the Government. This option will have no impact on the Secretary of State's stated intention not to increase the number of TENS, but rather to introduce a more relaxed regime for sale of alcohol in community halls.

2.2 Option 2: Lobby the Secretary of State for an increase in the number of TENS. This option does require some effort, but is unlikely, on its own, to influence the Secretary of State's decision for the reasons set out below.

3. Background Information

3.1 When the Licensing act was introduced the Government wanted to simplify the system of obtaining occasional licences for sale of alcohol and/or provision of entertainment. It decided that for small events (involving less than 500 people) organisers should simply be able to notify the Licensing Authority that an event was going to take place and as long as the Police did not object all that a Licensing Authority would have to do was acknowledge receipt of the notice. However, in order to ensure that no one premises became the source of uncontrolled nuisance or crime a limit of 12 events over 15 days was also introduced. Thus was created the Temporary Event Notice. Quite how the limits of 12 events and 15 days was arrived at, the government has never explained, but it is perhaps not unreasonable to assume that village halls and the like were thought to only need one a month with a few extra days to cover Christmas and New Year. If this was the case then clearly the Government failed to understand how many village and town halls operate.

3.2 It very quickly became apparent in North Wiltshire and in communities all over the Country, that the limit of 12 events was woefully inadequate to cover the needs of community halls, particularly those that relied on rental income from wedding parties and similar events to remain financially viable. However, at the same time, various commercial premises were using their TEN's to extend their operating hours and activities beyond what their premise licences allowed to the frustration of licensing authorities and annoyance of local residents.

- 3.3 Early in 2006 the Secretary of State carried out an initial review of impact of the Licensing Act. Amongst the issues addressed were the problems caused by TEN's. Bodies representing community halls, including the Village halls Association lobbied hard for the relaxation of the 12 event limit. However, at the same time, some local Authorities and residents associations lobbied for the complete abolition of the TEN system. The Secretary of State decided not to change the position for the time being, but indicated an intention to relax the rules for the sale of alcohol from community halls and remove the requirement for a designated premises supervisor and personal licence holders from such premises. This would, in effect, place community halls in a similar position to clubs, but without the need to demonstrate their bona fides or have a membership.
- 3.4 The officer's view is that the proposal to treat community halls differently to other premises selling alcohol is a retrograde step. As a licensing authority it is already difficult to distinguish between certain member's clubs and commercial premises, at least in the way they operate. To create another class of premises where alcohol may be without any of the controls of either a personal licence holder or access by membership would seem to negate many of the intentions of the Licensing Act. Nevertheless, it seems that the Government has already made its mind up on this issue. If this change is effected it remains to be seen how Licensing Authorities are going to be able to judge what constitutes a community hall and what the impact of the relaxation will be.

Implications

None

Risk Analysis

None.

Appendices:	<ul style="list-style-type: none"> • Appendix 1 – Statement by Minister of State to House on 7 July 2006
Background Documents Used in the Preparation of this Report:	<ul style="list-style-type: none"> • Licensing Act 2003 • Secretary of State's Guidance under Sec 182 • Statement by Minister of State to House on 7 July 2006

Previous Decisions Connected with this Report

Report	Committee & Date	Minute Reference
Public questions	Area 2 Committee 18/10/06	CR25