

Environment and Community Panel –Temporary Events under Covid

Within the framework of The Licensing Act 2003, the system of permitting temporary event activities is intended as a light touch process, and as such, the carrying on of licensable activity does not have to be authorised by the licensing authority on an application. The Police or Environmental Health 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.

The four licensing objectives are –

- The prevention of crime and disorder;
- Public Safety
- The prevention of public nuisance; and
- The protection of children from harm

The section 182 guidance provides a definition of Public safety - page 7, sections 2.7 to 2.14 at link below. The guidance states that public health is not public safety and that public health is dealt with in other legislation - to impose conditions which relate to cleanliness or hygiene, for example, would be outside the licensing authorities powers (*ultra vires*). Legal opinion from Cara Jordan, Eastlaw, confirms the position that the LA are unable to object under covid/public health.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

The LGA have issued a guidance note (updated 7th October 2020) stating that Health and Safety legislation should be used regarding covid and that events of up to 499 people can still go ahead if covid secure, available at the link below.

<https://www.local.gov.uk/covid-19-outdoor-events-guidance>

The Department of Public Health can make a direction under the No.3 Covid Regulations (link below) for an event or premises which can include a variety of measures including preventing the event. However, they can only do this where there is an imminent risk to health from the spread of Coronavirus and as Norfolk is in currently in Tier 1 there is no evidence to support prohibition of events. Even so, if the premises can demonstrate that they are Covid secure then again a prohibition cannot be considered.

<https://www.legislation.gov.uk/ukxi/2020/750/made>

Licensing Officers have channelled their concerns regarding this matter through the Institute of Licensing and the LGA. In addition, Senior Environmental Health Office James Windsor, at North Norfolk District Council emailed the DCMS on 16th September requesting the suspension of TEN's during this pandemic to assist with preventing the spread of covid. No response has been received to date.