

Licensing Authority Guidance Temporary Event Notices



The Licensing Act 2003 ("the Act") will introduce a light touch system for ad hoc, permitted temporary activities. A **temporary event notice (TEN)** is given by an individual (a premises user) and authorises the premises user to conduct one or more licensable activities at premises for no more than 168 hours in any one period. TENS can be used to authorise relatively small-scale ad hoc events held in or on any premises involving less than 500 people at any one time, subject to certain restrictions.

Q Are their different types of Temporary Event Notice?

A. 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 10 working days before the event to which it relates; "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. Working days are Monday to Friday excluding Christmas Day, Good Friday and other Bank Holidays. A notice that is given less than 10 working days before the event to which it relates, when the premises user has already given the permitted number of late TENS in that calendar year, will be returned as void and the activities described in it will not be authorised.
- A LATE NOTICE is given up to five working days but no earlier than nine working days before the event is scheduled. A late TEN given less than five days before the event to which it relates will be returned as void and the activities to which it relates will not be authorised. Late TENS are intended to be used by premises users who are required for reasons outside their control to, for example, change the venue at short notice. They should not be used save in exceptional circumstances. If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead. In these circumstances there is no scope for a hearing or appeal and the licensing authority will issue the applicant with a counter notice.

Q. What restrictions are imposed on the use of Temporary Event Notices by the 2003 Act?

A. The limitations directly imposed on the use of TENS by the 2003 Act are:

The number of times the 'premises user' may give a TEN (50 times a year for a personal licence holder and five times per year for a non personal licence holder)

The number of times a TEN may be given in respect of any particular premises (12 times in a calendar year) but subject to a maximum aggregate duration of the periods covered by TENS at any individual premises (21 days)

The length of time a temporary event may last (168 hours); and

The scale of the event in terms of the maximum number of people attending at any one time (less than 500).

Q. Is there an age restriction to give a temporary event notice?

A. An individual must be aged 18 or over to give a temporary event notice.

Q. Who should the temporary event notice be given to?

A. The premises user must give the TEN to the licensing authority in which the premises is situated (in duplicate) and copy it to both the police the councils environmental health department.

Q. Should licensing authorities acknowledge receipt of a temporary event notice?

A. The licensing authority is required to issue acknowledgement of the temporary event notice.

Q. What information should be included in the temporary event notice?

A. The TEN must be in the prescribed form. It must state: The licensable activities to take place during the event. The period (not exceeding 168 hours) during which it is proposed to use the premises for licensable activities The times during the event period that the premises user proposes that the licensable activities shall take place The maximum number of persons (being less than 500) which it is proposed should, during those times, be allowed on the premises at the same time Where the licensable activities include the supply of alcohol, whether the supplies are proposed to be for consumption on the premises or off the premises or both; and Any other matters prescribed by the Secretary of State.

Q. Are there restrictions when a temporary event notice includes the supply of alcohol?

A. Where the relevant licensable activities include the supply of alcohol, the notice must make it a condition of using the premises for such supplies, that all such supplies are made by or under the authority of the premises user (i.e. the person who applied for the TEN).

Q. Can a person give more than one temporary event notice at the same time?

A. Yes. There is nothing to prevent simultaneous notification of multiple events at a single time provided the restrictions on the use of TEN's are observed.

Q. Can you give a Temporary Event Notice on behalf of someone else?

A. No. The 'premises user' is the individual who must give the temporary event notice.

Q. How many temporary event notices can each person give?

A. A personal licence holder will be able to give a TEN in relation to licensable activities on up to 50 occasions in each year, the limit is 5 occasions in each year if that person does not hold a personal licence. Both are subject to the limitation of 12 TENS in respect of the same premises.

Q. Can a temporary event notice be withdrawn?

A. Yes. A temporary event notice may be withdrawn by the 'premises user' giving the licensing authority a notice to that effect no later than 24 hours before the beginning of the event period specified in the temporary event notice.

Q. Who can object to a temporary event notice?

A. The police or local authority exercising environmental health functions may intervene to prevent such an event taking place or agree a modification of the proposed arrangements, and their intervention may in some cases result in the licensing authority imposing conditions on a temporary event notice. When giving a temporary event notice, consideration should be given to the four licensing objectives. The licensing authority only otherwise intervenes if the statutory permitted limits on temporary event notices would be exceeded.

Q. What reasons can be given for the objection of a temporary event notice?

A. The police or local authority exercising environmental health functions may intervene if they believe that the four licensing objectives are undermined. The licensing objectives are the prevention of crime and disorder, the prevention of public nuisance, the protection of children from harm and public safety. An example could be the potential for public nuisance as a result of excessive noise from live or recorded music being provided.

Q. How long do nominated responsible authorities have to object to a temporary event notice?

A. If the police or local authority exercising environmental health functions 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 three working days of their receipt of the TEN.

Q. What is the procedure once an objection is received to a temporary event notice?

A. If the licensing authority receives an objection notice from the police or local authority exercising environmental health functions 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.

Q. How long does the licensing authority have to give its decision on a hearing?

A. The relevant licensing authority must make its decision and issue a notice no later than 24 hours before the beginning of the event period specified in the TEN.

Q. Can the temporary event notice be modified if the responsible authorities object?

A. The police or local authority exercising environmental health functions 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. If there is no agreement, the licensing authority must hold a hearing to consider the notice.

Q. What is the procedure once the notice has been modified?

A. Once the TEN has been modified the licensing authority will be sent or delivered a copy of the modified notice by the responsible authority.

Q. What powers do the police have to stop a temporary event once it has started?

A. Police have the power to seek court orders to close premises for up to 24 hours in a geographical area that is experiencing or likely to experience disorder. Police also have the power to close down instantly for up to 24 hours, premises in respect of which a temporary event notice has effect, that are disorderly, likely to become disorderly or are causing nuisance as a result of noise from the premises. Such orders may only be made where it is necessary in the interest of public safety in cases of disorder or to prevent nuisance in the case of noise coming from the premises.

Q. What powers do licensing authorities have to stop a permitted temporary event once it has started?

A. Licensing authorities have no power under the Licensing Act 2003 to stop permitted temporary events once they have started. A local authority may have powers under other legislation for e.g. to deal with a statutory nuisance.

Q. Does the premises user have to display the temporary event notice at the event?

A. The premises user must either:

secure that a copy of the TEN is prominently displayed at the premises being used for the permitted temporary activity

secure that the TEN is kept at the premises in his custody, or

secure that the TEN is kept at the premises in his custody, or secure that the TEN is kept at the premises in the custody of a person who is present and working at the premises and whom he has nominated for this purpose (and if this is the case, secure that a notice specifying this fact and the position held at the premises by that person is prominently displayed at the premises)

Q. What happens if a premises user loses the temporary event notice?

A. Where a TEN is lost, stolen, damaged or destroyed, the premises user may apply to the licensing authority for a copy of the notice. No application may be made more than a month after the end of the event period specified in the notice. Any application must be accompanied by the prescribed fee.