

ALLERDALE BOROUGH COUNCIL



GUIDANCE SHEET

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 96 hours. 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. 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 (15 days)

The length of time a temporary event may last (96 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 the police.

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ALLERDALE BOROUGH COUNCIL

2. Chief of Police
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Q. Should licensing authorities and police acknowledge receipt of a temporary event notice?

A. The licensing authority is required to issue acknowledgement of the temporary event notice. No acknowledgement is required by the Act from the police.

Q. When should the temporary event notice be given?

The premises user must, no later than 10 working days before the day on which the event is to start, give the TEN (in duplicate) to the relevant licensing authority, together with the prescribed fee. A copy of the notice must also be given to the relevant chief officer of police no later than 10 working days before the day on which the event is to start.

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 96 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 extra 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.

ALLERDALE BOROUGH COUNCIL

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. Only the police may intervene to prevent an event covered by a TEN taking place or agree a modification of the arrangements for such an event and then only on crime prevention grounds. However a licensing authority may issue a counter notice if the limits on TENs will be exceeded.

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

A. The chief officer of police has to be satisfied that allowing the premises to be used in accordance with the notice would undermine the crime prevention objective and must give an objection notice explaining the reasons why.

Q. How long do police have to object to a temporary event notice?

A. The objection notice must be given no later than 48 hours after the chief officer of police is given a copy of the temporary event notice.

Q. What is the procedure once the police object to a temporary event notice?

A. The relevant licensing authority must hold a hearing to consider the objection notice, unless the premises user, the chief officer of police who gave the objection notice and the licensing authority agree that a hearing is unnecessary.

At the hearing consideration by the licensing authority is confined to the crime prevention objective. If it considers it necessary for the promotion of the crime prevention objective the licensing authority may give the premises user a counter notice, stating the reasons for its decision and copying it to the relevant chief officer of police. The effect of the counter notice is to stop the event from taking place. Where a licensing authority decides not to give a counter notice, it must give the premises user and the relevant chief officer of police notice of this decision and the event can take place as notified.

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.

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

A. Yes. At any time before a hearing is held, the chief officer of police may, with the agreement of the premises user, modify the TEN to meet their concerns.

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 police.

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.