



BRECKLAND COUNCIL

LICENSING ACT 2003 GUIDANCE NOTES FOR TEMPORARY EVENT NOTICES

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What is a Temporary Event Notice?

Temporary Event Notices (TEN'S) replace the former occasional licences and occasional permissions granted in connection with short-term alcohol and public entertainment licensing. The process involves an event organiser (referred to as the "premises user") giving a temporary event notice (TEN) to the Licensing Authority and copying this to the police. A TEN may only be given by an individual and not, for example by an organisation or club or business.

TENS are used for relatively small ad hoc events involving **no more than 499 people**, where they are held in or on any premises (which could be a building or part of, a single room, plot of land, public parks, recreation grounds, private land) and where one of the licensable activities takes place.

As with all the other parts of the Licensing Act licensable activities covers:

- The supply of alcohol by retail
- The supply of alcohol to club members and their guests
- The provision of regulated entertainment which is defined as:
 - 1) a performance of a play
 - 2) an exhibition of a film
 - 3) an indoor sporting event
 - 4) a boxing or wrestling entertainment
 - 5) a performance of live music
 - 6) any playing of recorded music
 - 7) a performance of dance
 - 8) entertainment of a similar description to that falling within paragraphs (5), (6) or (7)

- The provision of late night refreshment which is defined as the sale of hot food or drink between the hours of 23:00 and 05:00.



How much do they cost?

A TEN will cost £21.00, which is payable to the "**Breckland Council**" when the notice is given.

Who can apply?

The event organiser ("premises user") is the individual who must give the TEN and must be aged 18 or over.

If the premises user is a Personal Licence holder they can give a maximum of 50 TEN's in any one calendar year. If a premises user does not hold a personal licence a maximum of 5 TENS in any one calendar year can be given.

The definition of a premises user covers associates of that person. This means that notices given by an associate of a premises user would be deducted from the premises user's allocation. Associates cover:

- Spouse
- Child, parent, grandchild, grandparent, brother or sister of the premises user or their spouse
- Agent or employee of the premises user or their spouse

There is nothing to prevent a premises user giving simultaneous notification of multiple events at a single time, providing the limit's on the use of TEN'S are kept to. However, each event to which a notice relates will require a separate fee.

What do they cover?

- Up to 12 temporary events per year in respect of any particular premises
- The maximum length of time for a single temporary event is 96 hours (4 day's)
- There must be at least 24 hours between temporary events at a single premises, to prevent the 96 hours rule being manipulated
- The maximum aggregate length of time for temporary events at a premises is 15 days per year
- The maximum attendance at a temporary event must be less than 500
- If an event straddles two calendar years it will count against the limits on TEN's (i.e. 12 for each premises; 15 day's for each premises; 50 per personal licence holder and 5 for non-personal licence holders.) for each year, however, only one notice needs to be given.

What do they not cover?

- Not an alternative to planning permission. Any requirements under planning law still apply and planning permission, if applicable, would have to be obtained.
- Any event(s) that exceed the limitations outlined above. For example, an event with 500 or more people in attendance would require a full premises licence for the period of the event.

A temporary event notice does not render other legal requirements redundant. Before staging a temporary event, a premises user should consult with the relevant responsible authorities, to ensure all legal requirements are met. For example, a premises user should ensure the premises meet all relevant health and safety standards.

Relevant responsible authorities may include:

- Local fire authority
- Health & Safety enforcement agency (Health & Safety Executive or Environmental Health)
- Environmental Health at the Local authority
- The local planning authority
- Norfolk Area Child Protection Committee (ACPC)
- Trading Standards

- If premises situated on more than one local authority, any licensing authority, other than the relevant local authority

When the premise in question is a vessel you should contact us to discuss what additional bodies you will need to seek advice from.

Club Premises and Temporary Event Notices

A member of a members' club may give a temporary event notice in respect of the club in question. The person giving notice, (the premises user) is not required to hold a personal licence. A club may give up to 12 temporary event notices in a year, with a maximum aggregate duration of 15 days.

Example

A club that is normally only permitted to supply alcohol to its members and their guests may give a temporary event notice allowing them to admit members of the public onto the premises sell alcohol to them and provide regulated entertainment.

How do I apply?

Breckland District Council encourages premises users to give notice of temporary events as early as possible, so that adequate preparations can be made to increase the chances of the temporary event going ahead. For example, the police may raise an objection that is subsequently withdrawn, after the premises user agrees to modify the period in which alcohol is to be served.

It should be remembered there is nothing to stop a premises user giving simultaneous notification for a number of different events at the same time. This allows premises user to plan ahead and relieves the burden on the Licensing Authority.

The premises user must send two copies of the TEN notice form to the Licensing Authority and one copy to the police (address for the police is listed below) which **must be received** by the Licensing Authority and the Police, at least **ten working days prior to the date on which the event period begins**.

The notice form will include the following information:

- The licensable activities that will take place
- The period (not exceeding 96 hours) during which it is proposed to use the premises for those activities
- The times during the event when licensable activities are to take place
- The maximum number of people to be allowed on the premises at any one time (not exceeding 499)
- If the supply of alcohol is involved, whether the supplies will be for consumption on or off the premises or both
- Where the licensable activities include the sale of alcohol, the condition that all such supplies are made by or under the authority of the premises user.

Provided that the criteria set out above are met only the police can intervene to prevent an event covered by a TEN notice taking place and then only on the grounds of preventing crime and disorder.



What happens next ?

The Licensing Authority will sign one of the copies and return it to the premises user as acknowledgement of receipt. The police are under no obligation to acknowledge the notice.

If any of the limits for a TEN have been exceeded the Licensing Authority will issue a counter notice to the premises user preventing the event taking place. A copy will also be sent to the police.

The police have up to 48 hours after receiving notice of a TEN to issue an objection on the grounds of crime and disorder. The police may have concerns over the scale, location or the timing of the event. Even if the police do not issue an objection notice they are still able to close the event, should disturbance and noise nuisance occur.

The licensing authority must then hold a hearing no later than 24 hours before the event is due to take place.

The police with the agreement of the premises user can modify the TEN before a hearing is held. They must then inform the Licensing Authority with a counter notice.

The premises user must ensure that a copy of the TEN endorsed as acknowledged by the Licensing Authority is prominently displayed at the premises; or must be kept at the premises by the premises user or a nominated person.

A person commits an offence if he carries on a licensable activity on or from any premises without authorisation. If convicted of such an offence a person is liable to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

A TEN may be withdrawn by the premises user giving the Licensing Authority a notice to that effect no later than 24hrs before the event specified in the TEN is due to begin.

Stopping a TEN once it has started

Police have the power to seek court orders to close premises for up to 24 hours in an 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 TEN 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 interests of public safety in cases of disorder or to prevent nuisance in the case of noise coming from the premises.

Licensing Authorities have no power under the Licensing Act 2003 to stop permitted TEN's once they have started. A local authority may have powers under other legislation, such as powers to deal with statutory nuisance. Breckland Council have produced guidance on how to comply with other legislation and you should read this before planning your event.

Lost, Stolen or Damaged TEN's

If you have lost, stolen, damaged or destroyed your TEN you may apply to the licensing authority for a copy notice. No application may be made more than one month after the end of the event period specified in the notice. Any application must be accompanied by a fee of £10.50.

The address for service on the police is:-

Chief Officer of Police
C/o The Licensing Officer
The Police Station
St James Road
Kings Lynn

Further information and contact details

Application forms can be obtained from:

The Licensing Section
Breckland Council
Elizabeth House
Walpole Loke
Dereham
NR19 1EE



If you have any queries please contact:

The Licensing Section on 01362 656870
or email Licensingteam@breckland.gov.uk

Further information on the Licensing Act and Regulations can also be obtained from the Department of Culture, Media and Sport (<http://www.culture.gov.uk>)

The information contained within this document is intended as a guide only. You should consult your own professional and legal advisors for more detailed advice.