

LICENSING ACT 2003 TEMPORARY EVENT NOTICES - GUIDANCE

These guidance notes are intended to provide further information to applicants to enable them to submit a notice that complies with the provisions of the Licensing Act 2003 ("the Act") and the associated regulations. However, these notes do not constitute a full statement of the law and in cases of doubt applicants should seek further advice from their own legal advisor.

Q. What is a Temporary Event Notice?

A. The Licensing Act 2003 ("the Act") introduced 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 (7 days). 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.

Recent changes to the system of giving TENs have been created by virtue of the Police Reform and Social Responsibility Act 2011 which came into effect on 25 April 2012.

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

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

- The number of times the „premises user“ may give a “standard” 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 the „premises user“ may give a “late” TEN ***(10 times a year for a personal licence holder and two times per year for a non personal licence holder)¹***
- The number of times a TEN may be given in respect of any particular premises ***(15 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)***.

¹ Please note that the Government have advised that for the purposes of determining the overall limits for the giving of TENs in any calendar year, the number of late notices count towards the total number of temporary event notices.

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 and further copies given to the police and environmental health service of the Council. The prescribed notice form can be obtained from the licensing authority (contact details as supplied below) or alternatively can be downloaded from the Council's website at <http://www.portsmouth.gov.uk>.

Q. Is there a fee for a temporary event notice?

A. There is a statutory fee payable of £21 for each temporary event notice and the fee must accompany each temporary event notice. Cheques should be made payable to Portsmouth City Council. Alternatively, you can contact the Licensing Service direct to pay by credit or debit card.

Q. Should licensing authorities police and environmental health acknowledge receipt of a temporary event notice?

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

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 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 and environmental health service no later than 10 working days before the day on which the event is to start.

Q. What if I have missed the 10 working day deadline for a "standard" TEN

A premises user can give a "late" notice no later than 5 working days but no earlier than 9 working days before the event. However, if a notice is given later than the 5 working days before the day of the event, the licensing authority will return the TEN as void and the provision of licensable activities will not be authorised.

Please note that BANK HOLIDAYS are NOT working days and parts of days do not count.

Important note: In order to ensure prompt attention, it is requested that when TENs are copied to the police and environmental health, the envelope is clearly marked with a reference TENS or Temporary Event Notice.

Q. Can I give a TEN by email or fax?

A. Yes, but you should be aware that the licensing authority, environmental health and police will only accept service at the fax numbers or email addresses shown under „contact details“. They and us will only accept such service on Monday-Thursday between 0900 and 1500 hours. This is because of operational commitments for the police. If you send a TEN outside these times, it will not be accepted. You should also be aware that service on the licensing authority is not considered to be properly served until the £21 fee has been received by us so you should telephone this office during the times shown for details of how to pay.

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 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.

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

A. For a “standard” TEN, a personal licence holder will be able to give a TEN in relation to licensable activities on up to 50 occasions in each calendar year, the limit is 5 occasions in each calendar year if that person does not hold a personal licence.

For a “late” TEN, a personal licence holder will be able to give a TEN in relation to licensable activities on up to 10 occasions in each calendar year and 2 occasions in each calendar year if that person does not hold a personal licence. Both are subject to the limitation of 15 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. Either the police or an officer of the environmental health service may intervene to prevent an event covered by a TEN taking place, agree a modification of the arrangements for such an event or request that conditions be imposed by the licensing authority on the TEN if a premises licence or club premises certificate is currently in force in respect of the same premises to which the TEN applies. 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. An objection to a TEN can be made in respect of any of the four licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

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

A. The objection notice must be given no later than 3 working days after the police and environmental health are provided with a copy of the temporary event notice.

Q. What is the procedure if the police or environmental health object to a “standard” temporary event notice?

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

At the hearing, if the licensing authority considers it appropriate for the promotion of the licensing objectives, it may either:

- Give the premises user a counter notice, stating the reasons for its decision (and copied to the police and environmental health service). The effect of the counter notice would be to stop the event from taking place; or
- Impose conditions on the standard temporary event notice in those circumstances where it considers it appropriate for the promotion of the licensing objectives, that the conditions are also imposed on a premises licence or club premises certificate that is in effect for the same premises as the TEN and that the conditions would not be inconsistent with the carrying out of the licensable activities under the TEN.
- Where a licensing authority decides not to give a counter notice, it must give the premises user, police and environmental health notice of this decision and the event can take place as notified.

Q. What happens if either the police or environmental health object to a “late” temporary event notice?

A. If either the police or environmental health make an objection to the “late” TEN, the licensing authority **MUST** give the premises user a counter notice. As a consequence, this will mean that the “late” TEN will be ineffective and there is no right to a hearing or appeal.

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 a standard temporary event notice be modified if the police or environmental health object?

A. Yes. At any time before a hearing is held, the chief officer of police or environmental health 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 or environmental health.

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 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 for a copy of the notice must be accompanied by the prescribed fee of £10.50.

Q. What are the contact details for the licensing authority, police and environmental health?

A. Notices should be sent to the addresses shown below. If you have any queries relating to temporary event notices, you can contact the licensing office on the contact numbers and email address shown below.

Licensing Service
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
Hants
PO1 2AL

Tel: 023 9283 4607 or 023 9283 4572

Fax: 023 9283 4811

Email: licensing@portsmouthcc.gov.uk

Police contact address:

The Chief Officer of Police
Hampshire Constabulary
Licensing and Alcohol Harm Reduction Team
Civic Offices
Guildhall Square
Portsmouth
PO1 2AL

Tel: 101
Direct Dial: 023 9268 8314 or 023 9268 8654
Fax: 023 9283 4811
Email: force.licensing@hampshire.pnn.police.uk

Environmental Health contact address:

Environmental Health (Pollution Control)
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth
Hants
PO1 2AL

Tel: 023 9268 8366
Email: pubprot@portsmouthcc.gov.uk