

TEMPORARY EVENT NOTICES FACT SHEET



Home Office

This factsheet has been produced in partnership
with the Institute of Licensing



Purpose: To advise event organisers, businesses and regulators about Temporary Event Notices under the Licensing Act 2003 (As amended by the Police Reform and Social Responsibility Act 2011)

A temporary event notice (TEN) is required if you wish to hold an event, involving less than 500 people, at which one or more licensable activities will take place that are not authorised by an existing premises licence or club premises certificates.

A TEN is a notification to the licensing authority that an individual intends to carry on licensable activities for a period not exceeding 168 hours or 7 days.

When a TEN is given in accordance with Part 5 of the 2003 Act, a TEN constitutes an authorisation unless withdrawn or cancelled by a counter notice issued by the licensing authority.

Who can give a TEN:

- A TEN can be given by any individual aged 18 or over, but cannot be given by a business or organisation;
- The individual giving the notice is 'the premises user';
- An individual who holds a personal licence under the Licensing Act 2003 may give up to 50 TENs in any calendar year, up to 10 of which may be 'late' TENs;
- Individuals not holding a valid personal licence are restricted to 5 TENs in any calendar year, up to 2 of which may be late TENs;
- Standard and late TENs, in any combination count towards these overall total limits for TENs;
- A TEN which relates to an event taking place within 2 calendar years counts against the limits for that individual in respect of both calendar years;
- A maximum of 12 TENs can be given in relation to the same premises in any calendar year; and
- Any premises cannot be used for activities authorised by TENs for more than 21 days in any calendar year;

The individual giving the TEN must fulfil certain conditions for the TEN to be a valid authorisation:

- The notice has been given on the licensing authority (or licensing authorities where the premises is situated in more than one authority area), with copies to the police and the local authority exercising environmental health functions - **This must normally be done no later than 10 working days prior to the proposed event although there is provision for a limited number of late TENs to be served up to 5 working days, but no earlier than 9 working days, prior to the event.**

- A TEN can be sent electronically to the licensing authority which will forward it to the police and local authority exercising environmental health functions by the end of the working day after which the TEN was received.
- The prescribed form of TEN must be used and all required information provided (the form can be obtained from the licensing authority or via the Home Office and Businesslink websites, see related links. Required information includes:
 - licensable activities proposed
 - duration (period) and timings of event
 - maximum number of persons to be allowed on the premises (max 499)
 - where alcohol is to be sold or supplied, whether it will be for consumption on or off the premises (or both).
 - where alcohol is to be sold or supplied, that it will only be sold by or under the authority of the premises user (this will be a condition of the event).
- The notice has not been withdrawn.
- No counter notice has been issued.
- The fee must be paid to the licensing authority with the notice when it is given.

Events proposed to be carried on under a TEN must fall within the following limits:

- Event duration must not exceed 168 hours (seven days).
- There must be a minimum of 24 hours between event periods in relation to the same premises (not including any withdrawn TEN) by the same premises user.
- any associate, relative or business partner of the premises user is considered to be the same premises user in relation to this restriction.

On receipt of a TEN, the licensing authority must acknowledge receipt of the notice before the end of the first working day after the day of receipt (or the day after where the TEN is served on a weekend day).

The police and local authority exercising environmental health functions (relevant persons) have three working days to give an objection to a TEN where they consider that the proposed activities will undermine a licensing objective.

There are four licensing objectives under the Licensing Act 2003 which are:

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

The objection notice must give reasons for the objection and must be given to the licensing authority, other relevant persons and the premises user.

In the case of a standard TEN, where an objection is received, the licensing authority must hold a

hearing to consider the matter unless all parties agree that no hearing is necessary. The licensing authority must send a counter notice to the premises user if it considers it appropriate for the promotion of a licensing objective. In the case of late TENS, the licensing authority must issue a counter notice if objections are received from the police or local authority exercising environmental health functions.

The statutory Amended Guidance issued under section 182 of the Licensing Act 2003 notes that late TENS should not be used save in 'exceptional circumstances'. That guidance (at paragraph 7.18) reflects the Government's policy intention that TENS users should not rely on late TENS as a default option and the reality of the legislation that only allows for a smaller number of late TENS. Late TENS are intended to help event organisers - who are required, for reasons outside their control, to submit a late notice, for example, a change of venue at short notice. However, the statutory guidance is not intended to introduce a new criteria under which the licensing authorities should make decisions with regard to TENS. Late TENS can be given in any circumstances and the Government will consider an amendment to the statutory guidance to ensure that this is clear.

Where the licensing authority decides not to issue a counter notice in relation to an objection, it can impose conditions on the TEN if it is considered appropriate for the promotion of a licensing objective, providing such conditions are also imposed in a premises licence or club premises certificate applying to the same premises (or part of those premises) and the conditions are consistent with the proposed licensable activities.

Whatever the decision, the licensing authority must give notice of the decision (and any conditions imposed) to the relevant persons and the premises user at least 24 hours before the beginning of the event.

Prior to the hearing, the police or local authority exercising environmental health functions can modify the TEN (with the agreement of the premises user). Where they do so, their objection notice is deemed withdrawn and the event may proceed in accordance with the modified notice. The relevant person must inform the licensing authority and other relevant person of the modified notice.

Where the licensing authority is satisfied that at least one of the statutory limits on a TEN has been exceeded, it must issue a counter notice to cancel the TEN and send a copy to the relevant persons.

The premises user is required to keep and produce the TEN, and any statement of conditions, on request by a relevant person or an authorised officer of the licensing authority. Where possible, a copy of the TEN should be displayed on the premises.

Disclaimer

Nothing in this factsheet can be considered as legal advice. Independent legal advice should be sought in the event of queries, advice and information can also be obtained from the local licensing authority