

Licensing Act 2003 Temporary Event Notices

What is a Temporary Event Notice?

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 who must be aged 18 or over (a premises user) and authorises the premises user to conduct one or more licensable activities at premises for no more than 168 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.

What are the licensable activities?

- sale or supply of alcohol;
- provision of regulated entertainment; and
- provision of late night refreshment (that is the sale of hot food or drink at any time between 11pm – 5am).

What is regulated entertainment?

Regulated entertainment is entertainment provided in the presence of an audience, for the purpose of entertaining that audience. For example:

- the performance of a play;
- the exhibition of a film;
- an indoor sporting event;
- boxing or wrestling;
- a performance of live music;
- any playing of recorded music;
- a performance of dance; and
- entertainment of a similar description.

The Council's Guidance Document GD14 provides more detailed information regarding regulated entertainment.

What restrictions are imposed on the use of Temporary Event Notices?

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 (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). **To mitigate the effects of the coronavirus pandemic, regulations which came into effect on 16 September 2021 increase the allowance for TENs from 15 to 20 and increase the maximum number of days from 21 to 26 in the calendar years 2022 and 2023;**

- the length of time a temporary event may last (168 hours);
- the scale of the event in terms of the maximum number of people attending at any one time (less than 500);
- there must be a minimum of 24 hours between events notified by the same premises user, or an associate, or someone who is in business with the relevant premises user, in respect of the same premises. An associate is defined, in relation to the premises user, as being the spouse or civil partner, a child, parent, grandchild, grandparent, brother or sister, an agent or employee of that person or the spouse or civil partner of a person listed above.

Can a non-personal licence holder submit a Temporary Event Notice with the sale/supply of alcohol involved?

Yes, a non-personal licence holder can give five Temporary Event Notices a year regardless of whether the event includes alcohol.

What is the definition of calendar year?

A calendar year is from 1 January until 31 December.

What happens to the total number of days if an event runs for more than one day?

A temporary event which runs from 23.00 hours until 02.00 covers two of the maximum permitted total number of days.

Who should the Temporary Event Notice be given to?

The premises user must give to the licensing authority in which the premises is situated at least one copy of the completed TEN accompanied by the prescribed fee of £21. A copy should also be given to the police and Environmental Services (Environmental Protection and Food Health and Safety):

Licensing Section	Chief Officer of Police	Environmental Protection	Food Health and Safety
Eden District Council	Penrith Police Station	Eden District Council	Eden District Council
Town Hall	Hunter Lane	Mansion House	Mansion House
PENRITH	PENRITH	PENRITH	PENRITH
CA11 7QF	CA11 7UT	CA11 7YG	CA11 7YG

When should the Temporary Event Notice be given?

There are two types of TEN; a standard TEN and a late TEN. A standard TEN should be given no later than 10 working days before the day on which the event is to start; a late notice should be given not before nine and not later than five working days before the day on which the event is to start. ‘Working days’ are Monday to Friday excluding Christmas Day, Good Friday and other Bank Holidays and exclude the day the notice is received and the first day of the event.

Late TENs should only be used in exceptional circumstances. The number of late TENs that can be given in a calendar year is limited to 10 for personal licence holders and two for non-personal licence holders and they count towards the total number of TENs, that is, the limit of five TENs per year for non-personal licence holders and 50 TENs for personal licence holders. Once these limits have been reached, the licensing authority will issue a counter notice (permitted limits) if any more are given.

What information should be included in the Temporary Event Notice?

The TEN must be in the prescribed form. It must contain a statement of:

- 1 the licensable activities that will take place;
- 2 the period (not exceeding 168 hours) during which it is proposed to use the premises for those activities;
- 3 the times during the event period when licensable activities are to take place;
- 4 the maximum number of persons to be allowed on the premises at any one time (not exceeding 499);
- 5 if the supply of alcohol is involved, whether the supplies will be for consumption on or off the premises or both;
- 6 where the licensable activities include the supply of alcohol, the condition that all such supplies are made by or under the authority of the premises user;
- 7 any other matters prescribed by the Secretary of State.

Can a person give more than one Temporary Event Notice at the same time?

Yes. There is nothing to prevent simultaneous notification of multiple events at a single time (using one form for each event) provided the restrictions on the use of TENs are observed.

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

No. The premises user is the individual who must give the Temporary Event Notice.

How many Temporary Event Notices can each person give?

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 restrictions on TENs in respect of the same premises. The number of late TENs that can be given in a calendar year is limited to 10 for personal licence holders and two for non-personal licence holders and they count towards the total number of TENs, that is, the limit of five TENs per year for non-personal licence holders and 50 TENs for personal licence holders.

Can a Temporary Event Notice be withdrawn?

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.

Who can object to a Temporary Event Notice and within what time?

The police and Environmental Services have a period of three working days from when they are given the notice to object to it on the basis of any of the four licensing objectives:

- 1 prevention of crime and disorder;

- 2 public safety;
- 3 prevention of public nuisance;
- 4 protection of children from harm.

What happens if an objection is received to a Temporary Event Notice?

If the licensing authority receives an objection notice from the police or Environmental Services 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 not necessary. If an objection notice is received in relation to a late TEN, the event will not go ahead. In these circumstances there is no scope for a hearing or the application of existing conditions.

In the case of a standard TEN, 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 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 and provide a copy to each relevant party. If it decides that the event would undermine the licensing objectives and should not take place, a counter notice will be given.

Can the Temporary Event Notice be modified if an objection is received?

Yes. At any time before a hearing is held, the police or Environmental Services may, with the agreement of the premises user, modify the TEN to meet their concerns. Once an event has started, the police can rely on their powers of closure under Part 8 of the Licensing Act 2003 should disorder or noise nuisance be expected or arise.

Does the premises user have to display the Temporary Event Notice at the event?

The premises user must ensure that a copy of the TEN is prominently displayed at the premises or that it is kept at the premises in his custody or in the custody of a person who is present and working at the premises and whom he has nominated for this purpose, in which case a notice specifying this fact and the position held at the premises by that person is prominently displayed at the premises.

What happens if a premises user loses the Temporary Event Notice?

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. The prescribed fee must accompany any application (£10.50).

What are the penalties for carrying out, or allowing premises to be used for, licensable activity without the appropriate permission?

It is an offence under Section 136 of the Licensing Act 2003 to carry on or knowingly allow unauthorised licensable activity to take place at any premises, for which the maximum penalty on summary conviction is 6 months' imprisonment and/or an unlimited fine.