



Hull
City Council

TEMPORARY EVENT NOTICES (TEN) & LATE TEMPORARY EVENT NOTICE

A Guidance Booklet for Applicants



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Permitted Temporary Activities

The Licensing Act 2003 will introduce a light touch system of permitted temporary activities to replace the existing occasional licences and occasional permissions currently granted in connection with short-term alcohol and public entertainment licensing. The system involves an event organiser (the 'premises user') giving a temporary event notice (TEN) to the licensing authority and copying this to the police.

TENs can be used to authorise relatively small-scale ad hoc events held in or on any premises involving no more than 499 people at any one time. The premises user must, no later than **10 clear working days before the day on which the event is to start, give a copy of the notice to the licensing authority in whose area the premises are situated, together with the fee of £21. A copy of the notice must also be given to the Chief Officer of Police for that area and to the Environmental Protection Officer, no later than **10 clear working days before the day on which the event is to start. Anyone aged 18 or over can give a maximum of five TENs per year. Personal licence holders can give a maximum of fifty TENs per year. TENs are subject to other maximum limits, as set out below.

Each event covered by a TEN can last up to 168 hours and no more than fifteen TENs can be given in respect of any particular premises in any year, subject to a maximum aggregate duration of the periods covered by TENs at any individual premises of 21 days in any year. There must be a minimum of 24 hours between events notified by a premises user or associates of that premises user in respect of the same premises.

Provided that the criteria set out above are met, only the Police or Environmental Protection Officer may intervene to prevent an event covered by a TEN notice taking place or agree a modification of the arrangements for such an event.

Additional Permissions

A TEN only authorises the licensable activities shown on the notice. Additional activities not covered by the provisions of the Temporary Event Notice, such as serving food and drink before 11pm and after 5am, require a Street Trading Consent from the Council's Planning Section. Please ensure at least 28 days in advance that such permission is in place if it is integral to the event. This is essential if the event area is in any open space where the public have direct access without payment, as approval to use such areas is not guaranteed. To apply and for further information, please contact the Planning Section on dev.control@hullcc.gov.uk.

Late Temporary Event Notices

From 25th April 2012 changes to Government legislation means that in exceptional cases temporary event notices can be applied for with less notice, i.e. 5 working days but no earlier than 9 working days before the day on which the event is to start.

Anyone aged 18 or over can give a maximum of two Late TENs per year. Personal licence holders can give a maximum of ten Late TENs per year.

****Please Note: Working days means Monday-Friday and does not include weekends or Bank Holidays. Clear working days mean that the day on which the application is served and the actual day of the event cannot be counted.**

The Licensing Authority's Policy with regard to Temporary Event Notices

As previously mentioned, a TEN must be submitted to the Licensing Authority at least **10 clear working days prior to the day on which the event is to take place. However, the Licensing Authority recognises that many applicants giving TENs will have no commercial backgrounds or ready access to legal advice. These will include, for example, people acting on behalf of charities, community and voluntary groups, schools, churches and hospitals, all of which may stage public events to raise funding at which licensable activities will take place.

The Licensing Authority recommends that at least 30 working days notice be given to hold such events in order to allow the premises user assistance in planning events safely and with the intention of causing the minimum of nuisance to other members of the public.

The premises user must issue TEN or Late TEN to the Licensing Authority with a copy to both the Police and The Environmental Protection Officer. The Licensing Authority will, as a matter of protocol, advise other responsible authorities, such as the Fire Brigade, of these events. Should these responsible authorities then wish to offer advice in the planning of these events, it will be under their own respective legislation and not the Licensing Act 2003.

Please refer to page 4 for contact names and addresses.

****Please Note: Working days means Monday-Friday and does not include weekends or Bank Holidays. Clear working days mean that the day on which the application is served and the actual day of the event cannot be counted.**

Useful Contacts

To obtain and submit application forms and for advice on their completion:-

**Kingston upon Hull City Council
Licensing Section**

33 Witham
Kingston upon Hull
HU9 1DB

Telephone: (01482) 300300
Email: Liquor@hullcc.gov.uk

To submit copy applications and for advice on events:-

Humberside Police

Alcohol Licensing Department
Police Headquarters
Priory Road Police Station
Priory Road
Hull
HU5 5SF

Telephone: (01482) 976760 / 976758 / 976759 / 976761
Email communitiesLicensing@humberside.pnn.police.uk

To submit copy applications and for advice on events:-

**Kingston upon Hull City Council
Environmental Protection Section**

33 Witham
Kingston upon Hull
HU9 1DB

Contact Officer: Mark Willoughby

Telephone: (01482) 300300
Fax: (01482) 615554
Email: environmentalprotection.jobrequests@hullcc.gov.uk

For advice on events:-

Health and Safety Section

(All premises where Hull City Council is the enforcing authority for Health and Safety legislation)

Hull City Council
33 Witham
Kingston upon Hull HU9 1DB

Contact Officer: Khaled Choudhury

Telephone: (01482) 300300

Fax: (01482) 615453

Email: khaled.choudhury@hullcc.gov.uk

For advice on events:-

Humberside Fire & Rescue Service

Public Safety Centre
Summergroves Way
Hessle
HU4 7BB

Telephone: (01482) 567133

Email: publicsafetycentre@humbersidefire.gov.uk

Frequently Asked Questions Regarding Temporary Event Notices (TENs)

Question: Can anyone give a TEN?

Yes, as long as you are 18 or over you can give a maximum of 5 TENs a year. A personal licence holder can give a maximum of 50 TENs a year.

Question: Can a person give more than one TEN at the same time?

There is nothing to prevent simultaneous notification of multiple events at a single time provided the limits on the use of TEN'S are observed. However, each event to which a notice relates will require a separate £21 fee.

Question: Can you give a TEN on behalf of someone else?

The 'premises user' is the individual who must give the temporary event notice.

Question: How do I give a TEN?

You must give a notice in duplicate, at least 10 working days prior to the day on which the event period begins, to the relevant licensing authority (provided that the premises are situated within the Kingston upon Hull boundary this will be to the address shown on page 4) together with the fee of £21. You must also send a copy of the notice to the relevant Chief Officer of Police and to the Environmental Protection Officer (again at least 10 working days prior to the day on which the event period begins). The notice must contain a statement of:

- the licensable activities that will take place;
- the period during which it is proposed to use the premises for those activities;
- the times during the event period when licensable activities are to take place;
- the maximum number of persons 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 supply of alcohol, the condition that all such supplies are made by or under the authority of the premises user;
- any other matters prescribed by the Secretary of State in regulations.

A copy of the prescribed application form is shown at end of this leaflet. Further copies can be obtained from the licensing section, the address of which is shown on page 4.

Question: What is the procedure once a TEN has been given?

If the TEN is within the permitted limits of permitted temporary activities, and the Police or Environmental Protection have not intervened to prevent the event happening, or have agreed a modification of the arrangements for the event, the licensing authority must issue acknowledgement of the TEN. There is no requirement for the Police or Environmental Protection Officer to acknowledge the notice as well.

If the temporary event notice exceeds the permitted limits the licensing authority must give the premises user a counter notice, copied to the Police and Environmental Protection Officer, preventing the event from taking place.

If the Police or Environmental Protection Officer are satisfied that allowing the premises to be used in accordance with the TEN would undermine the licensing objectives, they must, no later than 3 working days after being given a copy of the TEN, give the premises user and the licensing authority an objection notice. The authority must then hold a hearing to consider the notice no later than 24 hours before the beginning of the event period specified in the TEN, unless all parties agree this is unnecessary and, having regard to the notice, will issue a counter notice if it considers it necessary for the promotion of the licensing objectives to do so. Again, this will mean that the event cannot go ahead.

The TEN can be modified by the Police or Environmental Protection Officer with the agreement of the premises user prior to the consideration of the objection notice by the licensing authority, in which case the objection notice is to be treated as having been withdrawn and the 2003 Act will apply to the TEN as modified.

Question: What is the procedure once a TEN has been modified?

Where the Police or Environmental Protection Officer have objected to a TEN and it has been modified with the agreement of the premises user, the Police or Environmental Protection Officer must give a copy of the modified notice to the licensing authority before a hearing is held.

Question: Can a TEN be withdrawn?

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.

Question: Can I use a TEN in respect of premises that already hold a premises licence?

Yes. If you wish for example to use your pub for an event involving the provision of regulated entertainment, e.g. for a wedding, where your premises licence does not authorise such a provision of regulated entertainment, it may be authorised by a TEN. However do not forget that the limits in relation to permitted temporary activities will apply.

Question: Will I be able to give a TEN if my premises can hold more than 499 people?

Yes, as long as you ensure that the number of people on the premises during the event period authorised by the TEN does not exceed 499 at any one time. If you think that more than 499 people will attend the event you will need to apply for a premises licence to cover the event. Otherwise, if this limit is exceeded, the event will be unauthorised and the premises user liable to prosecution.

Question: Can a TEN be given in respect of an outdoor event?

Yes. A TEN can be given in respect of both indoor and outdoor events. "Premises" for the purposes of the Act means any place, whether indoors or outdoors. For example, it could cover a town square, part of a park, or a street. But remember the limits in relation to permitted temporary activities (for example the number of people who can be on the premises at any one time) will apply.

Question: Are there any extra restrictions when a temporary event notice includes the supply of alcohol?

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).

Question: Can I object to a TEN if I believe it could lead to public nuisance or crime?

No. Only the Police or Environmental Protection Officer can intervene to prevent an event covered by a TEN taking place or agree a modification of the arrangements for such an event. However only a limited number of TENs can be given in respect of any particular premises each year, and the powers given in the Act to the police to close premises in certain cases of disorder or noise nuisance extend to premises in respect of which a TEN has effect.

Question: Is there any scope to increase the limits on TENs?

The Secretary of State has powers under the Act to increase or decrease by order, limits placed on TENs. The limits may therefore be amended if, in the light of experience, it proves that there needs to be an adjustment.

Question: What powers do the police and licensing authorities have to stop a temporary event once it has started?

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.

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, such as powers to deal with a statutory nuisance.

Question: Does the premises user have to display the TEN at the event?

The premises user must either:

- secure that the acknowledgment of the TEN is prominently displayed at the premises being used for the permitted temporary activity;
- secure that the acknowledgment of the TEN is kept at the premises in his custody;
- secure that the acknowledgment of 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).

Question: What happens if a premises user loses the TEN?

Where the acknowledgment of the 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 of £10.50

For further information see Part 5 of the Licensing Act 2003 and Part 8 of the Guidance to Licensing Authorities and Police.

Frequently Asked Questions Regarding Late Temporary Event Notices

Question: Can anyone give a Late TEN?

Yes, as long as you are 18 or over you can give a maximum of 2 Late TENs a year. A personal licence holder can give a maximum of 10 Late TENs a year.

Question: How do I give a Late TEN?

You must give a notice, 5 working days but no earlier than 9 working days before the day on which the event is to start, to the relevant licensing authority (provided that the premises are situated within the Kingston upon Hull boundary this will be to the address shown on page 4) together with the fee of £21. You must also send a copy of the notice to the relevant chief officer of police and to the Environmental Protection Officer (again 5 working days but no earlier than 9 working days before the day on which the event is to start). The notice must contain a statement of:

- the licensable activities that will take place;
- the period during which it is proposed to use the premises for those activities;
- the times during the event period when licensable activities are to take place;
- the maximum number of persons 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 supply of alcohol, the condition that all such supplies are made by or under the authority of the premises user;
- any other matters prescribed by the Secretary of State in regulations.

Question: What is the procedure once a Late TEN has been given?

If the Late TEN is within the permitted limits of permitted temporary activities, and the Police or Environmental Protection Officer have not intervened to prevent the event happening, the licensing authority must issue acknowledgement of the TEN. There is no requirement for the Police or Environmental Protection Officer to acknowledge the notice as well.

If the temporary event notice exceeds the permitted limits the licensing authority must give the premises user a counter notice, copied to the Police and Environmental Protection Officer, preventing the event from taking place.

If the Police and Environmental Protection Officer are satisfied that allowing the premises to be used in accordance with the Late TEN would undermine the licensing objectives, the Licensing Authority must issue a counter notice no later than 24 hours before the beginning of the event. This will mean that the event cannot go ahead.

Question: Can a Late TEN be withdrawn?

A late 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.

Temporary Event Notice

Before completing this notice please read the guidance notes at the end of the notice. If you are completing this notice by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary.

You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)			
1. Your name			
Title	Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other (please state)		
Surname			
Forenames			
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other (please state)		
Surname			
Forenames			
3. Your date of birth		Day	Month
4. Your place of birth			
5. National Insurance Number			
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
Post town		Post code	
7. Other contact details			
Telephone numbers			
Daytime			
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail Address (if available)			
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)			
Post town		Post code	

9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address (if available)	

2. The premises	
Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2)	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Please describe the nature of the premises below. (Please read note 4)	
Please describe the nature of the event below. (Please read note 5)	

3. The licensable activities		
Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on). (Please read note 6)		
The sale by retail of alcohol	☐	
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	☐	
The provision of regulated entertainment	☐	
The provision of late night refreshment	☐	
Are you giving a late temporary event notice? (Please read note 7)	☐	
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)		
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)		
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)		
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 11)	On the premises only	☐
	Off the premises only	☐
	Both	☐
4. Personal licence holders (Please read note 12)		
Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you)	Yes ☐	No ☐
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority		
Licence number		
Date of issue		
Date of expiry		
Any further relevant details		

5. Previous temporary event notices you have given (Please read note 13)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (Please mark an "X" in the box that applies to you)	Yes ☐	No ☐
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes ☐	No ☐

6. Associates and business colleagues (Please read note 14)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes ☐	No ☐
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year	Yes ☐	No ☐
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes ☐	No ☐
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes ☐	No ☐
If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes ☐	No ☐

7. Checklist (Please read note 15)	
I shall (Please mark the appropriate boxes with an "X")	
Send at least one copy of this notice to the licensing authority for the area in which the premises are situated	☐
Send a copy of this notice to the chief officer of police for the area in which the premises are situated	☐
Send a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	☐
If the premises are situated in one or more licensing authority areas, send at least one copy of this notice to each additional licensing authority	☐
If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police	☐
If the premises are situated in one or more local authority areas, send a copy of this notice to each additional local authority exercising environmental health functions	☐

Make or enclose payment of the fee for the application – Please make all cheques payable to “Hull City Council”	☐
Sign the declaration in Section 9 below	☐

8. Condition (Please read note 16)

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 17)

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

- (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
- (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.

Signature	
Date	
Name of Person signing	

For completion by the licensing authority

10. Acknowledgement (Please read note 18)

I acknowledge receipt of this temporary event notice.

Signature	
	On behalf of the licensing authority
Date	
Name of Officer signing	

NOTES

General

The police and local authority exercising environmental health functions may intervene on the grounds of any of the four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm) to prevent the occurrence of an event at which permitted temporary activities are to take place or to agree a modification of the arrangements for such an event. However, the licensing authority will intervene of its own volition in the cases described below.

First, it will issue a counter notice if there is an objection to a late temporary event notice (see note 7 below).

Secondly, it may issue a notice in relation to its decision to impose conditions on a temporary event notice (see note 2 below).

Thirdly, it will issue a counter notice if the first, second and fourth of the limits set out below would be exceeded. If any of the limits below are breached or if a counter notice has been issued, any licensable activities taking place would be unauthorised and the premises user would be liable to prosecution. The limitations apply to:

- the number of times a person (the “premises user”) may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a person (the “premises user”) may give a late temporary event notice (10 times per year for a personal licence holder and 2 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (12 times in a calendar year);
- the length of time a temporary event may last for these purposes (168 hours);
- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (21 days per calendar year); and
- the scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499).

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. The limits applying to late temporary event notices are included within the overall limits applying to the total number of temporary event notices. Note 14 below explains the definition of an “associate”.

When permitted temporary activities take place, a premises user must ensure that either:

a copy of the temporary event notice endorsed as acknowledged by the licensing authority is prominently displayed at the premises; or that

the temporary event notice is kept at the premises either in his own custody or in the custody of a person present and working at the premises and whom he has nominated for that purpose.

Where the temporary event notice is in the custody of a nominated person, a notice specifying that fact and the position held by that person must be displayed prominently at the premises.

Where the temporary event notice or a notice specifying the nominated person is displayed, a constable or an authorised person (for example, a licensing officer, fire officer or environmental health officer) may require the premises user to produce the temporary event notice for examination. Similarly,

where the nominated person has the temporary event notice in his custody, a constable or authorised person may require that person to produce it for examination. Failure to produce the temporary event notice without reasonable excuse would be an offence.

It should also be noted that the following, among other things, are offences under the Licensing Act 2003:

- the sale or supply of alcohol to children under 18 years of age (maximum fine on conviction is a fine up to level 5 on the standard scale, currently £5,000);
- allowing the sale of alcohol to children under 18 (maximum fine on conviction is a fine up to level 5 on the standard scale, currently £5,000);
- knowingly allowing the consumption of alcohol on the premises by a person aged under 18 (maximum fine on conviction is a fine up to level 5 on the standard scale, currently £5,000);
- allowing disorderly behaviour on the premises (maximum fine on conviction is a fine up to level 3 on the standard scale, currently £1,000);
- the sale of alcohol to a person who is drunk (maximum fine on conviction is a fine up to level 3 on the standard scale, currently £1,000);
- obtaining alcohol for a person who is drunk (maximum fine on conviction is a fine up to level 3 on the standard scale, currently £1,000);
- knowingly allowing a person aged under 18 to make any sale or supply of alcohol unless the sale or supply has been specifically approved by the premises user or any individual aged 18 or over who has been authorised for this purpose by the premises user (maximum fine on conviction is a fine up to level 1 on the standard scale, currently £200); and
- knowingly keeping or allowing to be kept on the premises any smuggled goods which have been imported without payment of duty or which have otherwise been unlawfully imported (maximum fine on conviction is a fine up to level 3 on the standard scale, currently £1,000).

In addition, where the premises are to be used primarily or exclusively for the sale or supply of alcohol for consumption on the premises, it is an offence to allow children under 16 to be present when the premises are open for that purpose unless they are accompanied by an adult. In the case of any premises at which sales or supplies of alcohol are taking place at all, it is an offence for a child under 16 to be present there between the hours of midnight and 5am unless accompanied by an adult. In both instances, the penalty on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000.

Note 1

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed “premises user”. Within businesses, clubs or organisations, one individual will therefore need to be identified as the proposed premises user.

If you include an e-mail address in section 1(7) or 1(9), the licensing authority may send to this the acknowledgement of receipt of your notice or any notice or counter notice it is required to give under sections 104A, 106A or 107 of the Licensing Act 2003.

Note 2

For the purposes of the Licensing Act 2003, “premises” means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

If a premises licence or club premises certificate has effect in relation to the premises (or any part of the premises) which you want to use to carry on licensable activities, it is possible that any conditions which apply to the licence or certificate may be imposed on the temporary event notice if certain pre-conditions are met. These pre-conditions are that the police or the local authority exercising environmental health functions object to the notice and the licensing authority decides:

- not to give a counter notice under section 105 of the Licensing Act 2003;
- the conditions apply to the licence or certificate; and
- the imposition of the conditions on the notice would not be inconsistent with the carrying on of the licensable activities under the notice.

Note 3

A temporary event notice can be given for part of a building, such as a single room or a plot within a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution.

In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500. If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

Note 4

A description of the nature of the premises assists the chief officer of police and local authority exercising environmental health functions in deciding if any issues relating to the licensing objectives are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

Note 5

A description of the nature of the event similarly assists the chief officer of police and local authority exercising environmental health functions in making a decision as to whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers' market, a discotheque, the performance of a string quartet, a folk group or a rock band.

Note 6

The licensable activities are:

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

Please refer to Schedules 1 and 2 to the Licensing Act 2003 for fuller details of the definitions and exemptions relating to regulated entertainment and late night refreshment.

Regulated entertainment, subject to specified conditions and exemptions, includes:

- a performance of a play;
- an exhibition of a film;
- an indoor sporting event;
- a boxing or wrestling entertainment;
- a performance of live music;
- any playing of recorded music;
- a performance of dance;
- entertainment of a similar description to that falling within (e), (f) or (g).

Regulated entertainment also includes the provision of "entertainment facilities" for:

- making music;
- dancing; and
- entertainment of a similar description to that falling within (a) or (b).

If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

Note 7

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised.

The number of late notices that can be given in any one calendar year is limited to 5 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices (i.e. 50 temporary event notices per year for personal licence holders and 5 temporary event notices for non-personal licence holders).

If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead and a counter notice will be issued.

Note 8

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours (seven days).

Note 9

You should state here the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you may not intend to carry on licensable activities throughout the entire 48 hour event period, and may intend to sell alcohol between 8.00 hrs and 23.00 hrs on each of the two days.

Note 10

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise you. The maximum figure of 499 does not just include the audience, spectators or consumers and includes, for example, staff, organisers, stewards and performers who will be present on the premises.

Note 11

If you indicate that alcohol will be supplied only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol supplied there. If such a supply takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol supplied is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies. For this purpose the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

Note 12

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

Note 13

As stated under Note 12, a personal licence holder (issued under the Licensing Act 2003) may give up to 50 temporary event notices (including 5 late notices) in any calendar year. An individual who does not hold a personal licence may only give 5 temporary event notices (including 2 late notices) in England and Wales in any calendar year. A calendar year is the period between 1 January to 31 December inclusive in any year.

If an event straddles two calendar years, it will count against the limits on temporary event notices (12 for each premises, 21 days for each premises, 50 per personal licence holder and 5 for non-holders) for each year, however, only one notice needs to be given.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 14 below sets out the definition of an "associate".

If a temporary event notice has been given for the same premises, by the same premises user, and would have effect within 24 hours before the start of the event period under the current proposal or within 24 hours after the end of that period, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count as if they had been given by the premises user himself. Note 14 below sets out the definition of an "associate".

Note 14

An "associate" of the proposed premises user is:

- a. the spouse of that person;
- b. a child, parent, grandchild, grandparent, brother or sister of that person;
- c. an agent or employee of that person; or
- d. the spouse of a person within (b) or (c).

For these purposes, a person living with another as that person's husband or wife is to be treated as that person's spouse.

These provisions will be subject to amendment by the Civil Partnerships Act. These amendments are due to take effect from 5th December 2005.

Note 15

It is a requirement that you send at least one copy of this notice to the licensing authority at least ten working days (or five working days for a late notice) before the commencement of the proposed licensable activities. The authority will give you written acknowledgement of the receipt of the notice. This will be important proof that you gave the notice and when you gave it for the purposes of the Act. Some premises may be situated in two licensing authority areas, for example, where a building or field straddles the local authority boundary. Where this is the case, at least one copy of the notice must be sent to each of the licensing authorities identified, together with the appropriate fee in each case. In such circumstances, you will receive acknowledgements from all the relevant licensing authorities.

One copy must be sent to each of the chief officer of police and the local authority exercising environmental health functions for the area in which the premises is situated at least ten working days for a standard notice (or five working days for a late notice) before the commencement of the proposed licensable activities. Where the premises are situated in two police areas or environmental health areas, a further copy will need to be sent to the second police force and local authority exercising environmental health functions.

Note 16

Under the Licensing Act 2003, all temporary event notices are given subject to a mandatory condition requiring that where the licensable activities involve the supply of alcohol, all such supplies must be made by or under the authority of the named premises user. If there is a breach of this condition, the premises user and the individual making the supply in question would be liable to prosecution. For this purpose the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

Note 17

It is an offence knowingly or recklessly to make a false statement in, or in connection with, a temporary event notice. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement). To do so could result in prosecution and a fine not exceeding level 5 on the standard scale.

Note 18

You should not complete section 10 of the notice, which is for use by the licensing authority. It may complete this section as one means of giving you written acknowledgement of the receipt of the notice.