

Temporary Event Notice

Temporary Event Notices involves an event organiser (the "premises user") giving two copies of a temporary event notice (TEN) to the **licensing authority**, one copy to the **relevant Environmental Protection team** responsible for noise and also a copy to the **relevant police authority for your area** (see below).

Licensing authority	West Kent Police (Sevenoaks District)
<p>Licensing Partnership PO Box 182 Sevenoaks Kent. TN13 1GP</p> <p>Telephone: 01732 227004 Fax: 01732 742339 Email: licensing@sevenoaks.gov.uk</p>	<p>Police Licensing and Drugs Officer PC Mark Beresford Divisional Licensing Coordinator Maidstone Police Station Palace Avenue Maidstone ME15 6NF</p> <p>Tel: 01732 379375 / Mobile: 07980 683610 Email: west.division.licensing@kent.pnn.police.uk</p>
Mid Kent Police (Maidstone District)	West Kent Police (Tunbridge Wells District)
<p>Mid Kent Police Licensing Officer PC Neil Barnes Divisional Licensing Coordinator Maidstone Police Station Palace Avenue Maidstone ME15 6NF</p> <p>Telephone: 01622 604403 Email: west.division.licensing@kent.pnn.police.uk</p>	<p>West Kent Licensing Officer PC Lee Oakley Divisional Licensing Coordinator Maidstone Police Station Palace Avenue Maidstone ME15 6NF</p> <p>Telephone 01892 502003 Email: west.division.licensing@kent.pnn.police.uk</p>
Environmental Protection for Sevenoaks District Council	Environmental Protection For Maidstone Borough Council
<p>Environmental Health Partnership Civic Centre Home Gardens Dartford Kent. DA1 1DR</p> <p>Telephone: 01322 343231 Email: eh.support@dartford.gov.uk</p>	<p>Maidstone Borough Council Maidstone House King Street Maidstone Kent ME15 6JQ</p> <p>Telephone: 01622 602202 Email: enforcementoperations@maidstone.gov.uk</p>
Environmental Protection for Tunbridge Wells Borough Council	
<p>Tunbridge Wells Borough Council Town Hall Royal Tunbridge Wells Kent TN1 1RS</p> <p>Telephone: 01892 526121 EXT 3235 Email: envprotection@tunbridgewells.gov.uk</p>	

- ❖ 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 give duplicate copies of the notice to the relevant licensing authority via the administration centre at Sevenoaks District Council, together with the fee of £21 (Cheques for all authorities should be made payable to Sevenoaks District Council.), no later than 10 clear working days before the day on which the event is to start.***
- ❖ A copy of the notice must also be given to the relevant chief officer of police no later than 10 clear working days before the day on which the event is to start. See above for the address details.
- ❖ There is now the ability to submit Temporary Event Notices later than the time frame stipulated above. 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.
- ❖ Anyone aged 18 or over can hold a maximum of five TENs per year.
- ❖ Personal licence holders can hold 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 (7days) and no more than twelve TENs can be granted in respect of any particular premises in any year.
- ❖ This is 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 and the Environmental Health team may intervene to prevent an event covered by a TEN notice taking place or agree a modification of the arrangements for such an event and then only on crime prevention grounds or public nuisance.

Frequently Asked Questions

❖ Can anyone apply for a TEN?

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

❖ Can you apply for a TEN on behalf of someone else?

No, the 'premises user' is the individual who must apply for the temporary event notice.

❖ How do I apply for a TEN?

You must give a notice in duplicate (one of which must be the originals), at least 10 clear working days prior to the day on which the event period begins (this mustn't include the day the Notice is received or the day of the event), to the relevant **licensing authority** (via the administration centre at Sevenoaks District Council) together with the **fee of £21**. Cheques for all authorities should be made payable to **Sevenoaks District Council**. There is now the possibility to give a notice with between 9 and 5 clear working days (see notes above).

You must also send a copy of the notice to the relevant chief officer of police and the Environmental Health team – see the contact details above.

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.

❖ What is the procedure once a TEN has been applied for?

If the TEN is within the permitted limits of permitted temporary activities, and the police/Environmental Health 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/Environmental Health 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 Health, preventing the event from taking place.

If the police/Environmental Health are satisfied that allowing the premises to be used in accordance with the TEN would undermine the licensing objectives on preventing crime and disorder and/or public notice they must, no later than 48 hours 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 crime prevention objective to do so. Again, this will mean that the event cannot go ahead.

The TEN can be modified by the police/Environmental Health 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.

❖ **What is the procedure once a TEN has been modified?**

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

❖ **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. There will be no refund of the fee.

❖ **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.

❖ **Will I be able to hold 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 (including the staff and event organisers). 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.

❖ **Can a TEN be held in respect of an outdoor event?**

Yes. A TEN can be granted 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.

❖ **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).

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

No. Only the police can intervene to prevent an event covered by a TEN taking place or agree a modification of the arrangements for such an event and then only on crime prevention grounds. 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.

❖ **Is there any scope to increase the limits on TENS?**

No not at the present time.

❖ **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.

❖ **Does the premises user have to display the TEN at the event?**

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
- 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)

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

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

- (a) making music;
- (b) dancing; and
- (c) 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.