

LICENSING ACT 2003 TEMPORARY EVENT NOTICES - GUIDANCE

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

Q. *What is a Temporary Event Notice?*

A. The Licensing Act 2003 ("the Act") allows a system for ad hoc, permitted temporary activities. A temporary event notice (TEN) is given by an individual (a premises user) and authorises the premises user to conduct one or more licensable activities:

1. the sale of alcohol
2. the supply of alcohol to members of a registered club
3. entertainment which is defined as:
 - (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 paragraphs (e), (f) or (g), where the entertainment takes place in the presence of an audience and is provided for the purpose, or for purposes which include the purpose, of entertaining that audience;
4. provision of late night refreshment - hot food or hot drink at any time after 23:00 or before 05:00

at premises for no more than 168 hours (7 days). TENs can be used to authorise relatively small-scale ad hoc events held in or on any premises involving no more than 499 people at any one time, subject to certain restrictions.

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

Q. *Are there restrictions on the use of Temporary Event Notices?*

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

- **A personal licence holder** may give a maximum of **50 standard TENs** or **10 late TENs**, (amounting to no more than 50 TENs in total in any calendar year).
- **Anyone who does not hold a personal licence** may give a maximum of **5 standard TENs** or **2 late TENs**, (amounting to no more than 5 TENs in total in any calendar year).
- No more than **15 TENs in respect of any particular premises**, subject to the number of days covered by TENs in one calendar year for those premises not exceeding an **aggregate of 21 days**.
- The length of time a temporary event may last **168 hours** (7 days); and

- The maximum number of people attending the event at any one time **may not exceed 499**.

Q. *Is there an age restriction to give a temporary event notice?*

A. An individual must be aged 18 or over to give a temporary event notice.

Q. *Who should the temporary event notice be given to?*

A. The premises user must give the TEN to the licensing authority in whose area the premises are situated and further copies given to the police and the council's environmental health service. The prescribed notice form can be obtained from the licensing authority's web site where online application can also be made – see www.southampton.gov.uk/tens .

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

A. There is a statutory fee payable of £21.00 for each temporary event notice which must accompany each temporary event notice. Payments can be made by card through the online application process or in person at the licensing office. Cheques should be made payable to Southampton City Council.

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

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

Q. *When should the temporary event notice be given?*

A. The premises user must, no later than 10 working days before the day on which the event is to start, give the TEN to the relevant licensing authority, together with the prescribed fee. A copy of the notice must also be given to the police and the environmental health service no later than 10 working days before the day on which the event is to start.

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

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

Please note that, as a matter of law, Saturdays, Sundays, bank or public holidays are NOT working days and that parts of days do not count.

In order to ensure prompt attention, it is requested that when TENs are copied to the police and environmental health, the envelope is clearly marked as containing a Temporary Event Notice.

Q. How can I give a TEN?

A. In person, by post, fax or email, but you should be aware that the licensing authority, environmental health and police can only accept service at addresses below and that such service will only be accepted during ordinary office hours. The TEN will only be valid when it has been served on the licensing authority and the £21.00 fee has been received by the licensing team.

If you are posting the documents, please ensure that the correct postage is prepaid - post with outstanding charges cannot be accepted. See the [Royal Mail](#) web site for further information.

Q. What information should be included in the temporary event notice?

A. The TEN must be in the prescribed form. It must state:

- The licensable activities to take place during the event
- The period (not exceeding 168 hours (7 days)) during which it is proposed to use the premises for licensable activities
- The times during the event period that the premises user proposes that the licensable activities shall take place
- The maximum number of persons (no more than 499 – including staff, performers etc.) which it is proposed should, during those times, be allowed on the premises at the same time whilst the TEN is in force
- Where the licensable activities include the supply of alcohol, whether the supplies are proposed to be for consumption on the premises or off the premises or both; and
- Any other matters prescribed by the Home Secretary.

Q. Are there extra restrictions when a temporary event notice includes the supply of alcohol?

A. Where the relevant licensable activities include the supply of alcohol, the notice must make it a condition of using the premises for such supplies, that all such supplies are made by or under the authority of the premises user (i.e. the person who applied for the TEN).

Q. Can a person give more than one temporary event notice at the same time?

A. Yes. There is nothing to prevent simultaneous notification of multiple events at a single time provided the restrictions on the use of TENs are observed.

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

A. No. The premises user is the individual who must give the temporary event notice.

Q. Can a temporary event notice be withdrawn?

A. Yes. A temporary event notice may be withdrawn by the premises user giving the licensing authority a notice to that effect no later than 24 hours before the beginning of the event period specified in the temporary event notice.

Q. Who can object to a temporary event notice?

A. Both the police and the environmental health service may intervene to prevent an event covered by a TEN taking place, agree a modification of the arrangements for such an event or request that conditions be imposed by the licensing authority on the TEN if a premises licence or club premises certificate is currently in force in

respect of the same premises to which the TEN applies. However the licensing authority will issue a counter notice if the limits on TENs would be exceeded.

Q. *What reasons can be given for the objection of a temporary event notice?*

A. An objection to a TEN can be made in respect of any of the four licensing objectives which are:

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

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

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

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

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

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

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

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

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

Q. *How long does the licensing authority have to give its decision on a hearing?*

A. The relevant licensing authority must make its decision and issue a notice no later than 24 hours before the beginning of the event period specified in the TEN.

- Q. Can a standard temporary event notice be modified if the police or environmental health object?**
- A. Yes. At any time before a hearing is held, the police or environmental health may, with the agreement of the premises user, modify the TEN to meet their concerns.
- Q. What is the procedure once the notice has been modified?**
- A. Once the TEN has been modified, the police or environmental health will send the licensing authority a copy of the modified notice.
- Q. What powers do the police have to stop a temporary event once it has started?**
- A. The 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. The police also have the power to close premises instantly for up to 24 hours, where a TEN has effect, and where there is disorder or noise nuisance, or, in the opinion of the police the premises are likely to become disorderly or noise nuisance will be caused by the premises.
- Q. What powers do licensing authorities have to stop a permitted temporary event once it has started?**
- A. The licensing authorities have no power under the Licensing Act 2003 to stop permitted temporary events once they have started. A local authority may have powers under other legislation for e.g. to deal with a statutory nuisance.
- Q. Does the premises user have to display the temporary event notice at the event?**
- A. The premises user must either
- secure that a copy of the TEN is prominently displayed at the premises being used for the permitted temporary activity
 - secure that the TEN is kept at the premises in his custody, or
 - secure that the TEN is kept at the premises in the custody of a person who is present and working at the premises and whom he has nominated for this purpose (and if this is the case, secure that a notice specifying this fact and the position held at the premises by that person is prominently displayed at the premises)
- Q. What happens if a premises user loses the temporary event notice?**
- A. Where a TEN is lost, stolen, damaged or destroyed, the premises user may apply to the licensing authority for a copy of the notice. No application may be made more than a month after the end of the event period specified in the notice. Any application for a copy of the notice must be accompanied by the prescribed fee of £10.50.

Q. How do I contact the licensing authority, police and environmental health?

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

Licensing Authority

Licensing Team
Southampton City Council,
Civic Centre, Southampton SO14 7LY
Or: PO Box 1767, Southampton
SO18 9LA

Email: licensing@southampton.gov.uk
'Phone: 023 8083 3002 (option 4, option 1)
Fax: 023 8083 4061
(in person at the Civic Centre, Southampton)

Members of the licensing team will normally be available at the Civic Centre to assist personal callers on weekdays between 09:00 and 12:00 and between 14:00 and 16:00. We may be available at other times by prior appointment

Police

Force Licensing Team,
Hampshire Constabulary,
Southampton Police Office,
Civic Centre,
Southampton SO14 7LY

Direct: 023 8047 8373
Switchboard: 0845 045 4545
Email: force.licensing@hampshire.pnn.police.uk
Internet: www.hampshire.police.uk

Environmental Health

Environmental Health
Services,
Southampton City Council,
Civic Centre
Southampton SO14 7LY

Email: food.safety@southampton.gov.uk
'Phone: 023 8083 2519
Fax: 023 8083 3079