

Licensing Act 2003

General Licensing Guidance-Temporary Event Notices

Introduction

The Licensing Act 2003 heralds a change in the way liquor licensing is administered moving control from the Magistrates' Courts to local authorities. Part of the change involves the amalgamation of the licensing of public entertainment events, theatres, cinemas and late night refreshment houses already carried out by local authorities with the new liquor licensing arrangements.

Part of the new regime allows for Temporary Event Notices (TEN's) to be used to notify the licensing authority about an individual event that is to going take place. TENs will replace the 'occasional permissions' and 'occasional licences' systems currently used by the Magistrates' Court and local authorities and relate to temporary events with less than 500 attendees where 'licensable activities' are planned to take place.

Licensable activities for Temporary Event Notices

These are:

- the sale of alcohol by retail;
- 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 (i.e. The provision of hot food or drink for consumption on or off premises between 11PM & 5AM.)

The person giving the Temporary Event Notice is known as the Premises User. A Premises User

- must be over 18 years old;
- and if also a personal licence holder may give up to 50 TEN's per year.
- Persons without a personal licence holders may only give up to five notices per year.
- Each event may last no more than 96 hours and there must be at least 24 hours between the events.
- No premises may be used more than twelve times per calendar year.
- No premises may be used for greater than 15 days per calendar year in total.
- No more than 499 persons should attend the event.

A TEN is treated as being from the same premises user even if it is given by an associate. The Act defines an associate as being a spouse, child, parent, grandchild, grandparent, brother or sister or their spouses or agent or employee of that person or their spouse.

Provided that the criteria set out above are met, only the police 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.

In circumstances where the above criteria are not met a full Premises Licence will be Required from the licensing authority.

Procedure for giving a Temporary Event Notice

The premises user will be required to provide both Gedling Borough Council and the Chief Officer of police, with a notice ideally three months in advance of the temporary event but no less than ten working days prior to the temporary event as an absolute minimum.

Gedling Borough Council will encourage premises users where possible to give at least three months notice to the Council to ensure that there are no delays. The fee for a Temporary Event Notice is £21 and it is expected that the Government will set out a standard form for the notice.

A Temporary Event Notice must contain the following information:

- Name and address of the person giving the Notice (the premises user)
- Address or location of the premises
- The licensable activities that will take place during the event
- The period during which it is proposed to use the premises for those activities (must be less than 96 hours)
- 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

Gedling Borough Council will either acknowledge receipt of the notice or, in consideration of any police objection, provide a counter notice saying that the event cannot go ahead.

Police Objections

If the police believe that allowing the event will undermine the licensing objective on preventing crime and disorder, they must, no later than 48 hours after being given a copy of the TEN, give the premises user and Gedling Borough Council an objection notice.

The police with the agreement of the premises user can modify the TEN in which case the counter notice issued by Gedling Borough Council will be withdrawn. Otherwise Gedling Borough Council must hold a hearing by a Licensing Panel to consider the notice at least 24 hrs before the event.

Discussions prior to submitting a TEN

Where it is proposed to hold a major event, organisers are asked to contact the Licensing Office at Gedling Borough Council at an early stage before a formal notice is made. This will enable the police to consider and discuss with organisers their operating plan and avoid potential objections and hold ups.

Planning Laws

The giving of a temporary event notice does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required.

Children

Under the Act it will be unlawful to allow any unaccompanied child under the age of 16 to be present on premises where the TEN is exclusively or primarily used for supply and consumption of alcohol.

It will also be unlawful to permit children under 16 not accompanied by an adult between midnight and 5 a.m. into any premises operating under a TEN supplying alcohol for consumption.

Police Powers

The police have the power to close down events with no notice on grounds of disorder, the likelihood of disorder or because of public nuisance caused by noise coming from the premises.

TENs for premises that already hold a Premises Licence

TENs can be given for premises that already hold a Premises Licence or a Club Premises Certificate. For example to use a pub for an event involving regulated entertainment such as for a wedding, where the premises licence does not authorise such a provision of regulated entertainment. Also it could be used where the premises wants to stay open later than is specified on their Premises Licence for a particular event.

Further help and information

Further licensing information is available on the Council's website at www.gedling.gov.uk and the Department for Culture Media and Sport at www.culture.gov.uk.

You may also wish to contact our Licensing Office by telephoning 0115 901 3895, by email:licensing@gedling.gov.uk

Our postal address is Licensing Office, Planning and Environment Department, Gedling Borough Council, Civic Centre, Arnot Hill Park, Arnold, Notts. NG5 6LU.

These notes are intended to help existing licence holders to apply to convert their existing licences under the new regime. They are not comprehensive and do not form part of the Regulations issued by the Department for Culture, Media and Sport (DCMS).

The Regulations can be viewed or downloaded on the DCMS website at the above address. Applicants are also advised to seek their own independent legal advice.