

Temporary Event Notices Licensing Act 2003



Purpose of the Act

The overall aim is to modernise the legislation governing the sale and supply of alcohol, late night refreshment and public entertainment licensing so that:

- Various existing pieces of legislation are brought under a single act
- Licensing decisions are made according to *local* considerations
- Licensing hours are deregulated (i.e. the current restrictions on the hours when alcohol can be sold are to be removed)

Licensing objectives

The Act lays out four licensing objectives:

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

What do I need a licence for?

A licence is required for the following activities:

- To sell alcohol by retail
- To supply alcohol to a club member, or to sell alcohol to a guest of a club member in the case of a qualifying club
- To provide regulated entertainment
- To sell hot food or drink between 11.00pm and 5.00am for consumption on or off the premises.

What is a Temporary Event Notice?

A Temporary Event Notice (TEN) is a notification given by an individual to the Licensing Authority giving notice of an event that is to take place. TENs replace the existing 'occasional permissions' and 'occasional licences' systems and relate to temporary events with less than 500 attendees where 'licensable activities' are planned to take place.



A TEN can be used to:

- Authorise a licensed activity at a premises not currently licensed – e.g. selling alcohol at a school fete;
- Temporarily extend the hours for providing a licensed activity at an existing licensed premises;
- Provide licensable activities not authorised by the existing license.

Criteria for TENs

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

- The premises user must be over 18 years old
- Personal Licence holders may give up to 50 notices per year (see below)
- Non Personal Licence holders may only give up to 5 notices per year
- Each event may last no more than 168 hours (7 days) and there must be at least 24 hours between events.
- No premises may be used more than 12 times per calendar year.
- No premises may be used on more than 21 days per calendar year in total.
- Fewer than 500 persons can attend the event

A TEN is treated as being from the same premises user 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.

The police or local authority exercising environmental health functions may intervene to prevent such an event taking place or agree a modification of the proposed arrangements, and their intervention may in some cases result in the licensing authority imposing conditions on a temporary event notice. When giving a temporary event notice, consideration should be given to the four licensing objectives. The licensing authority only otherwise intervenes if the statutory permitted limits on temporary event notices would be exceeded.

In circumstances where the above criteria are not met, a full Premises Licence is required. Contact this office for further guidance and advice. If the above maximum number of applications is exceeded the Licensing Authority will serve a counter notice which states that further TENs are not permitted during the current calendar year.

How do I give a Temporary Event Notice?

The TEN must be given to the licensing authority in the form prescribed in regulations made under the 2003 Act. Unless it is sent electronically, it must be sent to the relevant licensing authority, to the police and local authority exercising environmental health functions at least ten working days before the event (although a premises user may give a limited number of TENs to the licensing authority less than 10 days before the event to which they relate). Calderdale Licensing Authority encourages premises users to give notice earlier than the ten working days limit to ensure there are no delays.

The notice will include:

- 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

The Licensing Authority will either acknowledge receipt of the notice or, in consideration of any Police or Environmental Health objection, will refer the matter to its Licensing Sub Committee for consideration.

Notice must be served on West Yorkshire Police and Environmental Health at the addresses below unless it is applied for online through our website www.calderdale.gov.uk:

Chief Officer of Police
West Yorkshire Police
Calderdale Division
Richmond Close Police Station
Richmond Close
Halifax
HX1 5TW
Tel: (01422) 337059

Calderdale Metropolitan Borough Council
Environmental Health Services
Northgate House
Northgate
Halifax
HX1 1UN
Tel: (01422) 392325

Standard and Late Temporary Event Notices

There are two types of TEN; a standard TEN and a late TEN. These are subject to different processes:

- a standard notice is given no later than 10 working days before the event to which it relates; and
- a late notice is given not before 9 and not later than 5 working days before the event

Standard Temporary Event Notices

“Ten working days” (and other periods of days which apply to other requirements in relation to TENs) exclude the day the notice is received and the first day of the event. Working days are Monday to Friday excluding Christmas Day, Good Friday and other Bank Holidays. A notice that is given less than 10 working days before the event to which it relates, when the premises user has already given the permitted number of late TENs in that calendar year, will be returned as void and the activities described in it will not be authorised.

The police and the local authority exercising environmental health functions have a period of three working days from when they are given the notice to object to it on the basis of any of the four licensing objectives.

Late Temporary Event Notices

Late TENs are intended to be used by premises users who are required for reasons outside their control to, for example, change the venue at short notice. They should not be used save in exceptional circumstances.

As for a standard TEN, the police and local authority exercising environmental health functions have a period of three working days from when they are given the notice to object to it on the basis of any of the four licensing objectives. If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead. In these circumstances there is no scope for a hearing or the application of existing conditions.

Late TENs can be given up to five working days but no earlier than nine working days before the event is scheduled and, unless given electronically to the licensing authority, must also be sent by the premises user to the police and local authority exercising environmental health functions. A late TEN given less than five days before the event to which it relates will be returned as void and the activities to which it relates will not be authorised. The number of late TENs that can be given in a calendar year is limited to ten for personal licence holders and two for non-personal licence holders. Late TENs count towards the total number of TENs (for example, the limit of five TENs per year for non-personal licence holders and 50 TENs for personal licence holders). Once these limits have been reached, the licensing authority should issue a counter notice (permitted limits) if any more are given.

Objections

If the licensing authority receives an objection notice from the police or local authority exercising environmental health functions that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection (unless all parties agree that this is unnecessary). The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions (a “notice (statement of conditions)”), and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and should not take place. In this case, the licensing authority must give a counter notice.

Licensing Sub Committee

Where an objection is received, the Licensing Authority will hold a meeting of its Licensing Sub Committee to consider whether to serve a Counter Notice prohibiting the event from going ahead. The Sub-Committee is comprised of elected Members of the Council. They will listen to representations from the Premises User and the Police before making their decision.

The Sub-Committee may decide to issue a Counter Notice prohibiting the event from going ahead, or decide the Licensing Authority has no objections.

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

Occasional Temporary Markets

If you are planning an event you must also take into account whether your event may be deemed a 'Market'. An example of this would be a farmers market, table top sale, fete or something similar.

A market is defined in law as a concourse of buyers and sellers.

The consent of the Council Markets Authority may be required. Please contact the Markets Section for advice on your specific event.

Street Trading

The Council have designated certain streets within Halifax as 'prohibited streets' where no street trading is allowed and others as 'consent streets' where street trading is permitted with the consent of the Council. If your event involves sales of goods and services you may require such consent.

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 5.00am into any premises operating under a TEN supplying alcohol for consumption.

TEN's for premises that already hold a Premises Licence

TEN's can be given for premises that already hold a Premises Licence or a Club Premises Certificate. For example, a TEN could allow use of the premises for a function with music, where the Premises Licence does not authorise the 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.

What happens if there are no objections?

If there are no objections, the event can go ahead.

Fee

A Temporary Event Notice is £21.00

The information herein is provided as guidance only and is not intended to be either a comprehensive nor exhaustive explanation of the requirements and obligations arising out of the Licensing Act 2003.

It is the responsibility of the applicant/licensee to become acquainted with and observe the statutory requirements in respect of all activities, entertainments and undertakings the subject of any licence application.

Calderdale Metropolitan Borough Council
Customer services and Communications
General Licensing Unit
Town Hall
Crossley Street
Halifax
HX1 1UJ
Tel: (01422) 288001
www.calderdale.gov.uk

If you would like this information in another format or language please contact: 01422 288001

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01422 393093 (Urdu)