



## **LICENSING ACT 2003 – TEMPORARY EVENTS NOTICES**

### **October 2005**

DCMS has just finished consulting on the Regulations for TENs and this Brief is issued now in order for Members to be able to plan to use them as they see fit into December and beyond and on the basis that there will be few substantive changes.

The Licensing Act 2003 introduced a 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.

This system is primarily designed to license village halls and fetes etc, rather than the on-trade. It replaces the historical system of extending a local on-licence to cover an event in an unlicensed property. However some operators may not have wished to include occasional, special activity within their operating schedules and relied on the flexibility offered by the TENs alternative.

If you wish to use your pub or bar for an event involving the provision of regulated entertainment, e.g. for a wedding, where this is not permissible under the premises licence, it may be authorised by a TEN.

The following sets out the arrangements for those Members who might occasionally trade through such events:

- 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 working days before the day on which the event is to start, give duplicate copies of the notice to the relevant licensing authority, together with the fee of £21.
- A copy of the notice must also be given to the relevant chief officer of police no later than 10 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 96 hours and no more than 12 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 15 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 may 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.



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

The premises user must either

- ensure that a copy of the TEN is prominently displayed at the premises being used for the permitted temporary activity
- ensure that the TEN is kept at the premises in his custody
- ensure 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, ensure that a notice specifying this fact and the position held at the premises by that person is prominently displayed at the premises)
- The notice will be deemed to have effect from the time it is received by the recipient but if it is to be accompanied by a fee or plan or other documentation, then it is only deemed effective from the date on which those supporting documents are received.

**Note:**

Any updates will be separately advised to Members together with downloadable versions of the notice to be submitted - when eventually it is published.