



## **TEMPORARY EVENT NOTICES**

- The Licensing Act 2003 introduced temporary event notices (TENs) to grant permission for short-term events or temporary extensions to existing licences involving the sale of alcohol or public entertainment. The new notices replace the old system of special orders of exemption and occasional licences.
- There are 3 main types of TENs :
  - those involving licensed premises
  - those involving premises which are not licensed and which involve a personal licence holder
  - those involving premises which are not licensed and which do not involve a personal licence holder.

This note focuses particularly on the detailed regulations governing the first of these, as being of most interest to operators. It sets out the legal requirements which must be met, recent clarifications by Government on their use and concludes by advising members on how to work with the legal constraints to their best advantage.

### **The Law**

- A TEN is a notice of intent to temporarily alter the conditions of your premises licence. It may be used not only to extend permitted hours for the sale of alcohol, but also to allow an outlet to offer other licensable activity not set out in its operating schedule. For example, to provide live music, for private parties or functions or to provide late night refreshment after a quiz evening.
- The benefit of a TEN is that it is not an application for permission but rather a notification of intent and it is characterised by a very light touch bureaucracy. No conditions or restrictions can be placed on the use of a TEN or on the event covered by it. It therefore allows retailers the flexibility to operate in ways which may have attracted objections if included within the operating schedule during transition.
- Government Guidance states that TENs should be used for genuinely ad hoc events and that events which can be anticipated eg. Christmas Eve party or which occur a number of times eg. a monthly live bands night would be expected to be included in the operating schedule. However, the licensing authority has no power to insist upon this and Government Guidance makes clear that multiple notices may be filed in advance.

### **How to apply**

- A TEN is submitted by the premises user. In the case of pubs and bars, this will normally be a company representative but it could equally be an outside event organiser in the context of functions. The notice must be submitted to the licensing authority and copied to the police.
- The licensing authority has no power to grant, reject or otherwise consider the event to be governed by a TEN. Its role is simply to ensure that the legal requirements regarding its use are met. These are:
  - **a minimum of 10 working days notice to be given:** many licensing authorities request more notice but cannot insist upon it. Here working days excludes Saturday, Sunday, Christmas Day, Good Friday, bank holidays and the day on which the event starts



- **no more than 12 notices per outlet per year:** this effectively limits the number of extensions a pub or bar can ask for and means that TEN use needs to be carefully considered. This restriction applies regardless of who applies
  - **who applies:** a personal licence holder can submit 50 TENs a year for a number of licensed or unlicensed premises. An unlicensed individual can submit 5 notices a year. These limits are in addition to the restrictions on the use of a particular venue
  - **duration of event:** each TEN can last up to 96 hours, but there is a maximum aggregate duration of events being held at an individual premises across the year of 15 days
  - **a minimum of 24 hours must elapse between events in respect of the same premises:** if you want events to exceed the restrictions on duration then you may need to apply for a temporary premises licence but this is open to conditions and restrictions
  - **the maximum number of attendees should not exceed 499:** this figure includes staff but does not refer to the capacity of the premises – it refers to the number of people at an event covered by a TEN
- Providing these criteria are met only the police may object to the notification of a TEN and then only in extreme circumstances if there is a risk to crime and disorder. Government Guidance makes clear that this is unlikely to be the case involving an event under the control of a personal licence holder. The police retain the power to close an event covered by a TEN if disorder occurs, however. This would lead to a review of a licence.
  - You can notify multiple events in advance but each one will attract a fee of £21.

#### **Implications for Licensed Retailers**

- **Who applies:** TENs can be submitted by either a personal licence holder or an unlicensed individual. For multiple operators, this means that submission of the notice and meeting the legal requirements – particularly the minimum notice period - need not be delegated and can be handled centrally.
- **Size of venue:** there has been an assumption that large venues would not be able to make use of TENs due to the restrictions on capacity. However, Government Guidance has recently confirmed earlier *ALMR* advice that a TEN can be used for a part of a premises for example a function room, a separate bar or a discrete roped off area within the premises. This is particularly helpful in respect of private functions. In order to benefit, larger premises should make sure that the notice submitted contains a precise description of the area covered by the TEN and details of how capacity will be restricted within it. It should also be remembered that the 499 figure refers to individuals at the event *at any one time*.
- **Private Entertainment:** premises which converted their existing licences during transition will have an automatic grandfather right to provide private entertainment 24 hours a day. If you can't use a TEN or there are less than 10 working days to the start of the event, it may be possible to construct the event to meet the restrictions on private entertainment. You should seek legal advice on this as it will depend on the precise details of the event in question. If sales are made before the end of permitted hours, it should mean alcohol can be consumed for the duration of the private event.

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