

LICENSING ACT 2003 TEMPORARY EVENT NOTICES

GUIDANCE NOTES

A. GENERAL INFORMATION

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

Licensable activities 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.
- The provision of late night refreshment (*i.e. the provision of hot food or drink for consumption on or off premises between 11pm & 5am*).

B. 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.
- Non personal licence holders may only give up to five notices per year.
- Each event may last no more than 168 hours (7 days in total) and there must be at least 24 hours between events.
- No premises may be used more than twelve times per calendar year.
- No premises may be used for greater than 21 days per calendar year in total.
- No more than 499 persons attending the event.
- The application must be received no later than 10 working days before the event by the Police, Neighbourhood Services (at Forest of Dean District Council) and the Licensing Authority.

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.

C. PROCEDURE FOR GIVING A TEMPORARY EVENT NOTICE

Fee: The fee for a Temporary Event Notice is £21

The premises user is required to provide both the Forest of Dean District Council and the Police, with a notice **at least ten working days prior to the event** commencement date. Bank Holiday's are not classed as a 'working day' and should be taken into account before submitting an application. We would encourage premises users to give notice earlier than the 10 working days limit to ensure that there are no delays.

The notice must 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.
Forest of Dean District 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.

D. OBJECTIONS AND POWERS

If the Police or Operational Services (Environmental Health) believe that allowing the event will undermine the licensing objective of preventing crime and disorder or public nuisance they must, no later than 72 hours after being given a copy of the TEN, give the premises user and Forest of Dean District Council an objection notice.

The Police or Operational Services, with the agreement of the premises user, can modify the TEN, in which case the counter notice issued by the Forest of Dean District Council will be withdrawn. Otherwise, the Forest of Dean District Council must hold a hearing to consider the notice at least 24 hrs before the event.

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

E. LATE TEMPORARY EVENT NOTICES

If an event is less than 10 working days away, there are allowances for 'Late TENs'. We strongly advise against these as applicants are very limited in how many can be applied for each year. These also face the risk that the event can be objected to by one of the authorities, in which case there is no right to a hearing or appeal.

F. DISCUSSIONS PRIOR TO SUBMITTING A TEN

Where it is proposed to hold a major event, organisers are asked to contact the Forest of Dean District Council at an early stage before a formal notice is made. This will enable the Police to consider and discuss with organisers their operating schedule and avoid potential objections and hold ups.

G. 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.

H. 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.

I. 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 a wedding, 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.

For further information please contact the Council's Licensing Section:-

Telephone (01594) 810000

Email ers@2020partnership.uk

Address Licensing, Environmental and Regulatory Services, Forest of Dean District Council, Council Offices, High Street, Coleford GL16 8HG.