

## **Temporary Event Notices**

The following information describes when a Temporary Event Notice (TEN) is needed, guidance on giving a TEN and the process for dealing with an objection.

The information 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 ‘premises user’ to become acquainted with and observe the statutory requirements in respect of all activities, entertainments and undertakings the subject of any licensing application.

### 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 (if defined as a licensable activity - see below)
* 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 where it is proposed to use premises for one or more licensable activities during a period not exceeding 168 hours.

**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 licence.

### Criteria for a TEN

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
* Not more than 499 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, 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 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 applicants is exceeded the Licensing Authority will serve a counter notice which states that further TENs are not permitted during the current calendar year.

**Service of TEN**

The applicant must give the TEN to the licensing authority in which the premises is situated (**original signed copy plus fee**) and copy it to the **Police** and **Environmental Health**.

1. **Licensing Authority**

The Licensing Manager

Governance Directorate

Carlisle City Council

Civic Centre

Carlisle CA3 8QG

**2. Cumbria Police Constabulary**

**Carlisle City Area** **Carlisle Rural Area**

The Licensing Officer The Officer in Charge

Brunel Way Cumbria Constabulary

Carlisle Longtown Road

CA1 3NQ Brampton

CA8 1SJ

**3. Environmental Health**

Food Health & Safety Manager

Local Environment

Carlisle City Council

Civic Centre

Carlisle

CA3 8QG

**Regulated entertainment**

Schedule 1 of the 2003 Act sets out what activities are ‘regulated entertainment’ and when they are licensable as well as what activities **are not regulated entertainment** and so are therefore exempt from the Act.

The Act provides the description of entertainment as:

* a performance of play;
* an exhibition of a film;
* an indoor sporting event;
* a boxing or wrestling entertainment;
* a performance of live music;
* any playing of recorded music;
* a performance of dance; or
* entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.

The Licensing Act 2003 was later amended by **the Live Music Act 2012 and the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013,** which, as a result deregulated some aspects of activities so long as certain conditions are met.

**The Recent Changes**

The Legislative Reform (Entertainment Licensing) Order 2014 and Deregulation Act 2015 which further deregulated some of the regulated activities under the Licensing Act 2003, came into force on 6 April 2015.

**De-regulated activities that no longer require a licence are:**

* exhibitions of films where they are incidental to another activity which is exempt from licensing;
* ‘not-for-profit’ film exhibitions\* held in community premises provided that the audience does not exceed 500 and the organiser obtains consent to the screening from a person who is responsible for the premises and ensures that each such screening abides by age classification ratings;
* a performance of amplified live music or playing of recorded music\* on premises authorised to sell alcohol for consumption on the premises provided that the audience does not exceed 500 (subject to satisfying other conditions);
* a performance of amplified live music or playing of recorded music\* in a church hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that the audience does not exceed 500 and the organiser obtains consent for the performance from a person who is responsible for the premises;
* a performance of amplified live music or playing of recorded music\* at the non-residential premises of a local authority, a school or a hospital provided that the audience does not exceed 500 and the organiser obtains consent for the performance on the relevant premises from the local authority concerned or the school or the health care provider for the hospital;
* **\* between 08:00 and 23:00 on any day**

**Conclusion**

The deregulations lift the administrative and cost burden of applying for a licence from organisations who intend to organise certain entertainment activities, provided that the activities are not licensable. This is particularly welcomed by organisations that organise community entertainment activities which promote and encourage participation in religious, cultural or sporting events.

### 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) hold a hearing to consider the objection (unless all parties agree that 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.

### 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.