PERMITTED TEMPORARY EVENTS AND TEMPORARY EVENT NOTICES FACTSHEET

The following information is intended as a guide to the main provisions of the legislation. Event organisers should take their own professional and legal advice where appropriate.

Under the Licensing Act 2003 certain temporary events, which include licensable activities, are permitted under the Act if they are notified to the licensing authority, the police and the environmental health authority by serving a ‘Temporary Event Notice’ (in these notes referred to as a TEN).

What is a ‘permitted temporary event’?

Permitted temporary events are events that take place in any premises, open space or temporary structures where:

- the premises is to be used over a period of no longer than 168 hours;
- one or more licensable activities (please see below) will take place;
- no more than a total of 499 people at any one time (including organisers, staff and performers) will be present at the event;
- no premises licence or club premises certificate has been granted under the Licensing Act 2003;
- a premises licence or club premises certificate may have been granted but the licensable activities or timings of the proposed event are not covered by the existing licence; and
- a TEN is served on the licensing authority, police and environmental health authority in accordance with the legislation as detailed in this fact sheet.

Who can give a TEN?

You must be at least 18 years of age to serve a TEN.

What is a premises user?

The person who serves the TEN is defined in the Act as the ‘premises user’. This should be the person who will be responsible for all aspects of the event.

Who is an ‘associate’ of the premises user?

A TEN may also be served by an ‘associate’ of the premises user and such a notice is treated as a TEN that has been served by the premises user. An individual is an associate if they are:

- a spouse;
- an agent or employee; or
- a child, parent, grandchild, grandparent, brother or sister, or any agent or employee or spouse of any of these persons.

What are licensable activities?

Licensable activities are:

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- the provision of regulated entertainment (please see below); and
- the provision of late night refreshment, where hot food or drink is supplied between 23:00 and 05:00 hours.
What is regulated entertainment?

Regulated entertainment takes place in front of an audience for their entertainment, and includes:
- a performance of a play;
- an exhibition of a film;
- an indoor sporting event;
- boxing or wrestling entertainment;
- a performance of live music;
- any playing of recorded music;
- a dance performance; and
- facilities for making music, dancing and entertainment of a similar description.

Appendix 1 provides guidance as to what type of event activities fall under each of the licensable activity headings of the Licensing Act 2003.

Exemptions from the requirement for a TEN

The Licensing Act 2003 specifies the following as exempted forms of entertainment:
- a film exhibition solely to demonstrate a product, advertise any goods or services, or provide information, education or instruction;
- any film exhibition at a museum or art gallery;
- the performance of live or recorded music incidental to some other activity that is not itself a regulated entertainment;
- entertainment incidental to a religious service or meeting, or at a place of public religious worship;
- Morris dancing, whether performance or participation;
- entertainment from moving carnival floats;
- the supply of hot food or drink free of charge or from a vending machine between 23:00 and 05:00 hours.

Standard or late Tens for premises that already hold a premises licence

Standard or late TENs can be served for premises that already hold a premises licence or a club premises certificate, e.g. to use a premises for an event involving regulated entertainment such as for a wedding, where the existing licence or certificate does not authorise such provision of regulated entertainment.

A standard or late TEN could also be used where provision of regulated entertainment or sale or supply alcohol is required later than is specified on the premises licence or club premises certificate.

Personal limits on the number of TENs served in any year

A person who does not hold a personal licence may serve up to 5 TENs in any calendar year (1 January to 31 December) 2 of which can be late TENs.

Holders of personal licences issued under the Licensing Act 2003 are entitled to serve up to 50 TENs each calendar year, 10 of which can be late TENs.

If a TEN is served by an ‘associate’ of a premises user (see above) it is counted as being made by the premises user personally.

Restrictions at each premises

Events may be over different days, but only one TEN is required to be served if the same event is held on consecutive days and the total period of that event is not longer than the permitted 168 hours and is served in accordance with the restrictions prescribed under the Licensing Act 2003.
Any one premises can only have permitted temporary events for up to a total of 21 different days in any one calendar year. [Please note: if the event is over a period of 168 hours e.g. Monday to Thursday, and permitted activities take place on Monday and Thursday only, 4 days of the 21 day allowance would automatically be used up.]

No more than 12 TENs may be served relating to the same premises in any calendar year.

At least 24 hours must elapse between different events at the premises for which a TEN has been served.

No more than a total of 499 people at any one time (including organisers, staff and performers) may be present at the event.

If any of the above limits are, or are likely to be, exceeded a premises licence or club premises certificate must be applied for.

**When and how should standard and late TENs be served?**

The standard TEN should be served on the Licensing Authority at least 10 working days before the event begins.

The late TEN should be served on the Licensing Authority not before 9 and not later than 5 working days before the event.

Working days do not include public holidays and Section 193 of the Licensing Act 2003 defines 'working day' as any day other than a Saturday, Sunday, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales.

Ten working days notice means ten working days exclusive of the day on which the event is to start and exclusive of the day on which the notice is served.

Five working days notice means five working days exclusive of the day on which the event is to start and exclusive of the day on which the notice is served.

Premises users are encouraged to serve notice earlier than the 10 working days limit to ensure that there are no delays.

All copies of the TEN must be fully completed and signed by the person serving the notice.

Each event will require a separate TEN and the fee of £21 is payable for each TEN given.

Two copies of the TEN and the fee of £21 must be sent to:
The Licensing Authority East Cambridgeshire District Council The Grange Nutholt Lane Ely Cambridgeshire CB7 4EE.

At the same time, a copy of the TEN must be sent to the Licensing Section Ely Police Station Nutholt Lane Ely Cambridgeshire CB7 4PL and East Cambridgeshire District Council’s Principal Environmental Health Officer Domestic Section The Grange Nutholt Lane Ely Cambridgeshire CB7 4EE.

**On-line standard and late TEN notifications**

For on-line notifications, the licensing authority is responsible for copying the TEN to the police and the environmental health authority on the first working day after receipt of a valid TEN.

If any part of the TEN is submitted in writing, it will not be treated as an online notification and it will remain the responsible of the person notifying the TEN to copy it to the police and the environmental
health authority at the same time as the TEN is served on the licensing authority. In such cases, the notification will not be valid unless it is carried out in accordance with the Licensing Act 2003 and applicable Regulations.

**Discussions prior to submitting a TEN**

Where it is proposed to hold a major event, organisers are asked to contact East Cambridgeshire District Council at an early stage before serving a TEN. This will enable the licensing authority to consider and discuss the proposed event with organisers and other relevant organisations to ensure the event is run safely and to avoid any potential hold ups.

**Other legislation**

The notification of a TEN does not relieve the premises user from any requirements under planning, noise nuisance, food and safety and fire safety regulations and/or county highways regulations where it is required (see ‘useful contacts for safe events’ below).

**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.

**Validation of a TEN**

The licensing authority will validate the TEN to ensure that all information has been provided and a copy has been served on the police and environmental health authority.

The licensing authority will acknowledge the receipt of a TEN if it is not invalid or void (please see below) by returning a signed copy to the person who served the notice.

Once a TEN has been validated by the licensing authority it cannot be amended.

**Invalid or void TENs**

A TEN is invalid if:

- the forms are not received by the licensing authority, police and environmental health authority at least 10 working days for a standard TEN or between 9 and 5 working days for a late TEN before the event begins;
- the statutory form is not used;
- any details regarding the premises user or the event are not given;
- questions 1 to 9 on the form have not been fully completed; or
- the form is not signed and accompanied by the prescribed fee of £21.

A TEN is void if any of the limits for TENs have been exceeded.

If a TEN is void, the licensing authority will issue a counter notice to the person serving the TEN and the event will not be able to go ahead. There is no appeal against the counter notice in these circumstances.

An invalid or void TEN will not count towards the total allocation of TENs for the calendar year.

The statutory fee of £21 for a TEN is not refundable.
All care should be given to ensure that all necessary information has been provided and that allowance has been made for possible delays in the post.

**Objections by the police and environmental health authority**

The police and environmental health authority can object to the TEN on the basis of any of the four licensing objectives of the Licensing Act 2003.

The police and environmental health authority must serve the objection notice within three working days of their receipt of the TEN. Where a standard TEN was served, unless the TEN is modified (see below), the licensing authority must hold a Licensing Sub-Committee hearing to consider the objection notice. The person who served the TEN would be invited to attend the hearing.

If the licensing authority decides that the event should not be held the person who served the TEN will be issued with a counter notice at least 24 hours before the event is due to start. In practice this would be as soon as possible after the hearing.

If the police and/or environmental health authority serve an objection to a late TEN, the TEN will not be valid.

**Modification of a standard TEN before the event is held**

The police and environmental health authority may contact the premises user to discuss their objections to try to come to an agreement to allow the proposed licensable activities to proceed. If the TEN can be modified, the objection notice is treated as being withdrawn.

If there is no agreement, the licensing authority must hold a hearing to consider the TEN.

**When an event can go ahead**

If no objection notice or counter notice has been served the event may go ahead in accordance with the authorised TEN. The premises user must ensure that:

- a copy of the standard or late TEN is prominently displayed at the premises; or
- ensure that the standard or late TEN is kept at the premises in his/her custody, or in the custody of a person present and working at the premises who has been nominated for this purpose and in that case ensure that a notice specifying the name of the person and their position is prominently displayed.

It is an offence to fail without reasonable excuse to comply with these requirements.

Notwithstanding the above requirements, a police office or authorised officer of the Council may still require the premises user to produce the standard or late ten for examination.

**The event, once it has started, can be stopped even if a TEN has been accepted**

All events are subject to monitoring by the Licensing Authority and the police. The police have the power to immediately close any event by issuing a closure order if it is considered that there is, or is likely to be:

- disorder at or in the vicinity of the premises; and
- where it is necessary in the interests of public safety to do so: or
- if noise from the premises is causing a public nuisance.
Withdrawal of a TEN

A notice in writing to withdraw a TEN must be served on the Licensing Authority at least 24 hours before the start of the event. A withdrawn TEN will not count towards the allocation of TENs for a premises for that calendar year.

Responsibility of the premises user

Although premises users are not required to be on the premises for the entire duration of the event authorised by the TEN, they will remain liable to prosecution for certain offences that may be committed at the premises during the event period, such as the offence of the sale of alcohol to a person who is drunk, persistently selling alcohol to children and allowing disorderly conduct on licensed premises.

Failure to adhere to the requirements of the 2003 Act such as the limitation of no more than 499 people being present at any one time would mean that the event was unauthorized and would leave the premises user liable to prosecution.

Offences

An offence is committed if:

- a temporary event takes place involving a licensable activity other than in accordance with a valid TEN served on the Licensing Authority and the police;
- the event takes place after a counter notice has been issued;
- the event continues after a closure order has been given by the police;
- a copy of the TEN is not displayed or available at the event.

Offenders may face fines up to £20,000 or imprisonment.

Help and advice and where to download forms

Licensing Authority, Environmental Services, East Cambridgeshire District Council, The Grange, Nutholt Lane, Ely, Cambridgeshire, CB7 4EE

Telephone: 01353 665555
Fax: 01353 616223
Email: licensing@eastcambs.gov.uk
Website: www.eastcambs.gov.uk
LICENSABLE ACTIVITIES

The following information is intended as a guide to what type of event activities fall under each of the licensable activity headings of the Licensing Act 2003. The list below is not definitive and applicants should take their own professional and legal advice where appropriate.

‘Plays’ include:
Theatrical entertainment, plays, reviews, amateur dramatics, school drama productions, mime, punch and judy, book-reading events.

‘Films’ include:
Cinema entertainment, public film shows, race nights (if using a DVD recording), jukebox with DVD facility, wii tournaments, sky plus.

‘Indoor sporting events’ include:
Darts, pool, billiards, table tennis, five a side football, indoor bowls, bowling.

‘Boxing or wrestling entertainment’ includes:
Boxing and wrestling matches/events, amateur boxing matches, kick boxing and judo/karate events, fun events such as mud wrestling.

‘Live music’ includes:
Rock bands, brass bands, jazz bands, folk groups, piano recitals, school music events

‘Recorded music’ includes:
Discos, jukeboxes, CDs, piped music, background music.

‘Performance of dance’ includes:
Dance performed by entertainers, such as line dancing, flamenco, belly dancing, burlesque, country dancing, school productions.

‘Entertainment of a similar description’ includes:
Karaoke, wii tournaments.

‘Provision of late night refreshment’ includes:
Any sale of hot food and drink, including the sale of teas and coffees to customers between 23:00 and 05:00 hours.

‘Sale by retail of alcohol’ includes:
‘On sales’ allows consumption of alcohol only on the premises.

‘Off sales’ allows the sale of unopened bottles/cans of alcohol for customers to take away from the premises to consume elsewhere.