



West Wiltshire District Council

Licensing Act 2003

Temporary Event Notices (TENS)

LL120

Issuing a Temporary Event Notice

This guidance contains an application form

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Licensing Team
Council Offices
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This document is dated 29 January 2008. Updated versions may be available on the Council's website

Issuing a Temporary Event Notice

Licensable activities

The following activities require authorisation:

- Sale of alcohol
- Supply of alcohol by or on behalf of a club to, or to the order of, a member of a club
- Provision of hot food or hot drink between 2300hrs and 0500hrs
- Provision of Regulated Entertainment that includes:
 - performance of a play
 - exhibition of a film
 - an indoor sporting event
 - boxing or wrestling entertainment
 - performance of live music
 - playing of recorded music
 - performance of dance
 - providing facilities for making music, dancing
 - similar activities to the above

These activities can be authorised either by a Premises Licence or a Temporary Event Notice (TENS)

Availability

TENS can be only used for:

- Events lasting up to 96 hours and;
- where 499 people or less are attending at any one time, with this number including staff and performers.

The following restrictions also apply:

- Only 12 TENS can be issued for any premises in any calendar year
- The total number of days in which a TENS is in force at any premises cannot exceed 15 in any calendar year
- There must be at least 24 hours between events for TENS issued by the same person at a premises.
- Person (and any associates) can only issue 5 TENS in any calendar year (50 for those who hold a Personal Licence issued under the Licensing Act 2003).
- The TENS must be received by both the Licensing Authority and the Police at least 10 clear working days before the event is to take place. **If a notification is made late it will be rejected, without exception.**

TENS can be used for one off events or as temporary variations to existing Premises Licences.

How it works

Persons intending to hold temporary events and have them authorised by the TENS method need to apply as shown below.

Once the application has been received:

- The Council's Customer Services Unit on behalf of the licensing authority will acknowledge receipt by sending you an endorsed copy of your application
- The Police have 48 hours to object to your application, and they can only do so on the grounds of crime and disorder.
- The Licensing Authority can object to your application on the grounds that the number of TENS issued in any year for the premises or by the person has been exceeded, or where the aggregate duration of events at the premises will exceed 15 days in the calendar year.
- If there are no objections from the Police or the Licensing Authority then the event can proceed
- If there are objections to your application then you will either need to resolve the objection or a hearing will take place to determine whether your event will be permitted, with or without conditions, or prohibited.
- If your event is permitted you will need to keep or display the copy of your application sent back to you (as a receipt) at the premises during the event

Note that we will also share the details of the TENS application with other regulatory authorities such as the Fire Brigade, Trading Standards, the enforcing authority for health and safety and the Council's noise team. This will enable them to be aware of the event, offer appropriate advice and, if necessary, take enforcement action using their own legislation. This does not affect the TENS application.

How to apply

- Firstly you are advised to read **all** the notes at the back of the application form
- Make sure you use **black ink** and write in **CAPITAL LETTERS**.
- Complete **all** the questions on the application form
- Where the applicant is aware that there may be crime and disorder issues that the Police will wish to consider, it is suggested that additional details are provided in addition to the minimal information that the application form requires
- Use additional sheets where necessary
- There is a fee of £21 per TENS. Cheques should be made payable to 'West Wiltshire District Council'.

Note that you can only apply for one event per TENS application. You can however apply, for instance, for a run of 4 consecutive nights of a play on a single TENS notification as in total, from the start of the first play to the end of the last play the 'event' period will last less than 96 hours.

Send **TWO** copies of the completed application and the payment of £21 to the Licensing Authority at:

West Wiltshire District Council
Customer Services Unit
Bradley Road
Trowbridge
Wiltshire
BA14 0RD

and

Send **ONE** copy of the completed application to the Police at:

Wiltshire Police
West Wiltshire Licensing Officer
Wiltshire Constabulary
Divisional Police Headquarters
Semington Road
Melksham
Wiltshire
SN12 6QQ

You **must** send the application at least 10 working days before the start of the event you are proposing.

In order to provide adequate time for consideration and prevent refusal on those grounds, it is suggested that applicants consider how much notice it is reasonable to give for their particular event. In some cases this may be more than 8 weeks. It is however appreciated that some events may need to take place at short notice and therefore only the statutory minimum notice of 10 working days will be possible. **The Police suggest that a minimum of 28 days notice would be helpful. Event organisers are encouraged, as a general principle, to give as much notice as possible, which will assist in consideration of the application.**

Keeping and sharing your personal information

We will keep and use your personal information in line with the requirements of the Data Protection Act 1998.

For the purpose of processing your application, we may pass information to other agencies and organisations.

We may check information that you have provided or that has been provided about you against relevant information that we already hold.

We may also get information about you from certain third parties, or give them information to:

- make sure the information is accurate;
- prevent or detect fraud or any other crime;
- support national fraud initiatives (this will include your information being used in data-matching exercises from time to time); and
- protect public funds.

These third parties include government departments, local authorities and private sector companies such as banks and organisations that may lend you money.

We will not give information about you to anyone else, or use information about you for other purposes, unless the law allows us to.

The Council is the data controller for the purposes of the Data Protection Act. If you want to know more about the information we have about you or the way we use the information, please ask us.

Further advice

The Council's Customer Services Unit can be contacted on 01225 776655 to discuss how applications are progressing.

The Licensing Officer for the Police can be contacted on 0845 4087000

Temporary Event Notices FAQs

Q. What is a Temporary Event Notice?

A. The Licensing Act 2003 ("the Act") will introduce a light touch system for ad hoc, permitted temporary activities. A **temporary event notice (TEN)** is given by an individual (a premises user) and authorises the premises user to conduct one or more licensable activities at premises for no more than 96 hours. TENs can be used to authorise relatively small-scale ad hoc events held in or on any premises involving less than 500 people at any one time, subject to certain restrictions.

Q. What restrictions are imposed on the use of Temporary Event Notices by the 2003 Act?

A. The limitations directly imposed on the use of TENs by the 2003 Act are:

- The number of times the 'premises user' may give a TEN (50 times a year for a personal licence holder and five times per year for a non personal licence holder)
- The number of times a TEN may be given in respect of any particular premises (12 times in a calendar year) but subject to a maximum aggregate duration of the periods covered by TENs at any individual premises (15 days)
- The length of time a temporary event may last (96 hours); and
- The scale of the event in terms of the maximum number of people attending at any one time (less than 500).

Q. Is there an age restriction to give a temporary event notice?

A. An individual must be aged 18 or over to give a temporary event notice.

Q. Who should the temporary event notice be given to?

A. The premises user must give the TEN to the licensing authority in which the premises is situated (in duplicate) and copy it to the police.

Q. Should licensing authorities and police acknowledge receipt of a temporary event notice?

A. The licensing authority is required to issue acknowledgement of the temporary event notice. No acknowledgement is required by the Act from the police.

Q. When should the temporary event notice be given?

A The premises user must, no later than 10 working days before the day on which the event is to start, give the TEN (in duplicate) to the relevant licensing authority, together with the prescribed fee. 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.

Q. What information should be included in the temporary event notice?

A. The TEN must be in the prescribed form. It must state:

- The licensable activities to take place during the event
- The period (not exceeding 96 hours) during which it is proposed to use the premises for licensable activities
- The times during the event period that the premises user proposes that the licensable activities shall take place
- The maximum number of persons (being less than 500) which it is proposed should, during those times, be allowed on the premises at the same time
- Where the licensable activities include the supply of alcohol, whether the supplies are proposed to be for consumption on the premises or off the premises or both; and
- Any other matters prescribed by the Secretary of State.

Q. Are there extra restrictions when a temporary event notice includes the supply of alcohol?

A. Where the relevant licensable activities include the supply of alcohol, the notice must make it a condition of using the premises for such supplies, that all such supplies are made by or under the authority of the premises user (i.e. the person who applied for the TEN).

Q. Can a person give more than one temporary event notice at the same time?

A. Yes. There is nothing to prevent simultaneous notification of multiple events at a single time provided the restrictions on the use of TEN's are observed.

Q. Can you give a Temporary Event Notice on behalf of someone else?

A. No. The 'premises user' is the individual who must give the temporary event notice.

Q. How many temporary event notices can each person give?

A. A personal licence holder will be able to give a TEN in relation to licensable activities on up to 50 occasions in each year, the limit is 5 occasions in each year if that person does not hold a personal licence. Both are subject to the limitation of 12 TENs in respect of the same premises.

Q. Can a temporary event notice be withdrawn?

A. Yes. A temporary event notice may be withdrawn by the 'premises user' giving the licensing authority a notice to that effect no later than 24 hours before the beginning of the event period specified in the temporary event notice.

Q. Who can object to a temporary event notice?

A. 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. However a licensing authority may issue a counter notice if the limits on TEN's will be exceeded.

Q. What reasons can be given for the objection of a temporary event notice?

A. The chief officer of police has to be satisfied that allowing the premises to be used in accordance with the notice would undermine the crime prevention objective and must give an objection notice explaining the reasons why

Q. How long do police have to object to a temporary event notice?

A. The objection notice must be given no later than 48 hours after the chief officer of police is given a copy of the temporary event notice.

Q. What is the procedure once the police object to a temporary event notice?

A. The relevant licensing authority must hold a hearing to consider the objection notice, unless the premises user, the chief officer of police who gave the objection notice and the licensing authority agree that a hearing is unnecessary.

At the hearing consideration by the licensing authority is confined to the crime prevention objective. If it considers it necessary for the promotion of the crime prevention objective the licensing authority may give the premises user a counter notice, stating the reasons for it's decision and copying it to the relevant chief officer of police. The effect of the counter notice is to stop the event from taking place. Where a licensing authority decides not to give a counter notice, it must give the premises user and the relevant chief officer of police notice of this decision and the event can take place as notified.

Q. How long does the licensing authority have to give its decision on a hearing?

A. The relevant licensing authority must make its decision and issue a notice no later than 24 hours before the beginning of the event period specified in the TEN.

Q. Can the temporary event notice be modified if the police object?

A. Yes. At any time before a hearing is held, the chief officer of police may, with the agreement of the premises user, modify the TEN to meet their concerns.

Q. What is the procedure once the notice has been modified?

A. Once the TEN has been modified the licensing authority will be sent or delivered a copy of the modified notice by the police.

Q. What powers do the police have to stop a temporary event once it has started?

A. Police have the power to seek court orders to close premises for up to 24 hours in a geographical area that is experiencing or likely to experience disorder. Police also have the power to close down instantly for up to 24 hours, premises in respect of which a temporary event notice has effect, that are disorderly, likely to become disorderly or are causing nuisance as a result of noise from the premises. Such orders may only be made where it is necessary in the interest of public safety in cases of disorder or to prevent nuisance in the case of noise coming from the premises.

Q. What powers do licensing authorities have to stop a permitted temporary event once it has started?

A. Licensing authorities have no power under the Licensing Act 2003 to stop permitted temporary events once they have started. A local authority may have powers under other legislation for e.g. to deal with a statutory nuisance.

Q. Does the premises user have to display the temporary event notice at the event?

A. The premises user must either

- secure that a copy of the TEN is prominently displayed at the premises being used for the permitted temporary activity
- secure that the TEN is kept at the premises in his custody, or
- secure 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, secure that a notice specifying this fact and the position held at the premises by that person is prominently displayed at the premises)

Q. What happens if a premises user loses the temporary event notice?

A. Where a TEN is lost, stolen, damaged or destroyed, the premises user may apply to the licensing authority for a copy of the notice. No application may be made more than a month after the end of the event period specified in the notice. Any application must be accompanied by the prescribed fee.

***** AT LEAST 10 WORKING DAYS NOTICE MUST BE GIVEN *****

Temporary Event Notice

Information on the Licensing Act 2003 is available on the website of the Department for Culture, Media and Sport (http://www.culture.gov.uk/alcohol_and_entertainment/default.htm) or from your local licensing authority.

Before completing this notice please read the guidance notes at the end of the notice. If you are completing this notice by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary.

You should keep a copy of the completed notice for your records. You must send two copies of this notice to the licensing authority and an additional copy must be sent to the chief officer of police for the area in which the premises are situated. The licensing authority will endorse one of the two copies and return it to you as an acknowledgement of receipt.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)			
1. YOUR NAME			
Title Surname Forenames	(delete as appropriate) Mr Mrs Miss Ms Other (please state)		
2. PREVIOUS NAMES (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title Surname Forenames	(delete as appropriate) Mr Mrs Miss Ms Other (please state)		
3. Your date of birth	Day	Mth	Yr
4. Your place of birth			
5. National Insurance Number			
6. YOUR CURRENT ADDRESS (We will use this address to correspond with you unless you complete the separate correspondence box below)			
Post town		Post code	
7. OTHER CONTACT DETAILS			
TELEPHONE NUMBERS Daytime			
Evening (optional)			
Mobile (optional)			
FAX NUMBER (optional)			
E-Mail Address (optional)			

8. ALTERNATIVE ADDRESS FOR CORRESPONDENCE (If you complete the details below, we will use this address to correspond with you)

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Post town	Post code
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9. ALTERNATIVE CONTACT DETAILS (IF APPLICABLE)

TELEPHONE NUMBERS	
Daytime	
Evening (optional)	
Mobile (optional)	
FAX NUMBER (optional)	
E-Mail Address (optional)	

2. The premises

Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references)
(Please read note 2)

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If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)

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Please describe the nature of the premises below. (Please read note 4)

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Please describe the nature of the event below. (Please read note 5)

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3. The licensable activities		
Please state the licensable activities that you intend to carry on at the premises (please mark an “X” next to the licensable activities you intend to carry on). (Please read note 6)		
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		
The provision of late night refreshment		
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 7)		
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 8)		
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 9)		
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an “X” next to the appropriate box). (Please read note 10)	On the premises only	
	Off the premises only	
	Both	

4. Personal licence holders (Please read note 11)		
Do you currently hold a valid personal licence? (Please mark an “X” in the box that applies to you)	Yes	No
If “Yes” please provide the details of your personal licence below.		
Issuing licensing authority		
Licence number		
Date of issue		
Date of expiry		
Any further relevant details		

5. Previous temporary event notices you have given (Please read note 12)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (Please mark an "X" in the box that applies to you)	Yes	No
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes	No

6. Associates and business colleagues (Please read note 13)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes	No
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes	No
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes	No
If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes	No

7. Checklist (Please read note 14)	
I shall (Please mark the appropriate boxes with an "X")	
Send two copies of this notice to the licensing authority for the area in which the premises are located	
Send a copy of this notice to the chief officer of police for the area in which the premises are located	
If the premises are situated in one or more licensing authority areas, send two copies of this notice to each additional licensing authority	
If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police	
Make or enclose payment of the fee for the application	
Sign the declaration in Section 9 below	

8. Condition (Please read note 15)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 16)			
The information contained in this form is correct to the best of my knowledge and belief.			
I understand that it is an offence:			
(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and			
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.			
SIGNATURE		DATE	
Name of Person signing			

For completion by the Licensing Authority

10. Acknowledgement (Please read note 17)			
I acknowledge receipt of this temporary event notice.			
SIGNATURE	On behalf of the Licensing Authority	DATE	
Name of Officer Signing			

NOTES

General

In general, only the police may intervene on crime prevention grounds to prevent the occurrence of an event at which permitted temporary activities are to take place or to agree a modification of the arrangements for such an event. However, the licensing authority may intervene of its own volition by issuing a counter notice if the first, second and fourth of the limits set out below would be exceeded. If any of the limits below are breached or if a counter notice has been issued, any licensable activities taking place would be unauthorised and the premises user would be liable to prosecution. The limitations apply to:

- the number of times a person (the “premises user”) may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (12 times in a calendar year);
- the length of time a temporary event may last for these purposes (96 hours);

- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (15 days per calendar year); and
- the scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499).

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 13 below explains the definition of an “associate”

When permitted temporary activities take place, a premises user must ensure that either:

- a copy of the temporary event notice endorsed as acknowledged by the licensing authority is prominently displayed at the premises; or that
- the temporary event notice endorsed as acknowledged by the licensing authority is kept at the premises either in his own custody or in the custody of a person present and working at the premises and whom he has nominated for that purpose.

Where the temporary event notice is in the custody of a nominated person, a notice specifying that fact and the position held by that person must be displayed prominently at the premises.

Where neither the temporary event notice nor a notice specifying the nominated person are displayed, a constable or an authorised person (for example, a licensing officer, fire officer or environmental health officer) may require the premises user to produce the temporary event notice for examination. Similarly, where the nominated person has the temporary event notice in his custody, a constable or authorised person may require that person to produce it for examination. Failure to produce the temporary event notice without reasonable excuse would be an offence.

It should also be noted that the following, among other things, are offences under the Licensing Act 2003:

- the sale or supply of alcohol to children under 18 years of age (maximum fine on conviction is a fine up to level 5 on the standard scale, currently £5,000);
- allowing the sale of alcohol to children under 18 (maximum fine on conviction is a fine up to level 5 on the standard scale, currently £5,000);
- knowingly allowing the consumption of alcohol on the premises by a person aged under 18 (maximum fine on conviction is a fine up to level 5 on the standard scale, currently £5,000);
- allowing disorderly behaviour on the premises (maximum fine on conviction is a fine up to level 3 on the standard scale, currently £1,000);
- the sale of alcohol to a person who is drunk (maximum fine on conviction is a fine up to level 3 on the standard scale, currently £1,000);
- obtaining alcohol for a person who is drunk (maximum fine on conviction is a fine up to level 3 on the standard scale, currently £1,000);
- knowingly allowing a person aged under 18 to make any sale or supply of alcohol unless the sale or supply has been specifically approved by the premises user or any individual aged 18 or over who has been authorised for this purpose by the premises user (maximum fine on conviction is a fine up to level 1 on the standard scale, currently £200); and
- knowingly keeping or allowing to be kept on the premises any smuggled goods which have been imported without payment of duty or which have otherwise been unlawfully imported (maximum fine on conviction is a fine up to level 3 on the standard scale, currently £1,000).

In addition, where the premises are to be used primarily or exclusively for the sale or supply of alcohol for consumption on the premises, it is an offence to allow children under 16 to be present when the premises are open for that purpose unless they are accompanied by an adult. In the case of any premises at which sales or supplies of alcohol are taking place at all, it is an offence for a child

under 16 to be present there between the hours of midnight and 5am unless accompanied by an adult. In both instances, the penalty on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000.

Note 1

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed “premises user”. Within businesses, clubs or organisations one individual will therefore need to be identified as the proposed premises user.

If you include an e-mail address in section 1(7) or 1(9) the licensing authority may use the address to send any counter notice it is required to give under section 107 of the Licensing Act 2003.

Note 2

For the purposes of the Licensing Act 2003, “premises” means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

Note 3

A temporary event notice can be given for part of a building, such as a single room or a plot within a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution.

In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500. If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

Note 4

A description of the nature of the premises assists the chief officer of police in deciding if any crime prevention issues are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

Note 5

A description of the nature of the event similarly assists the chief officer of police in making his decision whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers’ market, a discotheque, the performance of a string quartet, a folk group or a rock band.

Note 6

The 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 a club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

Please refer to Schedules 1 and 2 to the Licensing Act 2003 for fuller details of the definitions and exemptions relating to regulated entertainment and late night refreshment.

Regulated entertainment, subject to specified conditions and exemptions, includes:

- (a) a performance of a play;
- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;

- (e) a performance of live music;
- (f) any playing of recorded music;
- (g) a performance of dance;
- (h) entertainment of a similar description to that falling within (e), (f) or (g).

Regulated entertainment also includes the provision of “entertainment facilities” for:

- (a) making music;
- (b) dancing; and
- (c) entertainment of a similar description to that falling within (a) or (b).

If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

Note 7

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 96 hours (four days).

Note 8

You should state here the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you may not intend to carry on licensable activities throughout the entire 48 hour event period, and may intend to sell alcohol between 8.00 hrs and 23.00 hrs on each of the two days.

Note 9

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise you. The maximum figure of 499 does not just include the audience, spectators or consumers and includes, for example, staff, organisers, stewards and performers who will be present on the premises.

Note 10

If you indicate that alcohol will be supplied only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol supplied there. If such a supply takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol supplied is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies. For this purpose the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

Note 11

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

Note 12

As stated under Note 11 the holder of a valid personal licence holder issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year. An individual who does not hold a valid personal licence may only give 5 temporary event notices in England and Wales within a calendar year. A calendar year is the period between 1 January to 31 December, inclusive, in any year.

If an event straddles two calendar years, it will count against the limits on temporary event notices (12 for each premises, 15 days for each premises, 50 per personal licence holder and 5 for non-holders) for each year, however, only one notice needs to be given.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence

holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 13 below sets out the definition of an “associate”.

If a temporary event notice has been given for the same premises, by the same premises user, and would have effect within 24 hours before the start of the event period under the current proposal or within 24 hours after the end of that period, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count as if they had been given by the premises user himself. Note 13 below sets out the definition of an “associate”.

Note 13

An “associate” of the proposed premises user is:

- a. the spouse of that person;
- b. a child, parent, grandchild, grandparent, brother or sister of that person;
- c. an agent or employee of that person; or
- d. the spouse of a person within (b) or (c).

For these purposes, a person living with another as that person’s husband or wife is to be treated as that person’s spouse.

These provisions will be subject to amendment by the Civil Partnerships Act. These amendments are due to take effect from 5th December 2005.

Note 14

It is a requirement that you send two copies of this notice to the licensing authority at least ten working days before the commencement of the proposed licensable activities. The authority will endorse one of the two copies and return it to you as an acknowledgement. This will be important proof that you gave the notice and when you gave it for the purposes of the Act. Some premises may be situated in two licensing authority areas, for example, where a building or field straddles the local authority boundary. Where this is the case, two copies must be sent to each of the licensing authorities identified, together with the appropriate fee in each case. In such circumstances, you need to receive acknowledgements from all the relevant licensing authorities.

One copy must be sent to the chief officer of police for the area in which the premises is situated at least ten working days before the commencement of the proposed licensable activities. Where the premises are situated in two police areas, a further copy will need to be sent to the second police force.

Note 15

Under the Licensing Act 2003, all temporary event notices are given subject to a mandatory condition requiring that where the licensable activities involve the supply of alcohol, all such supplies must be made by or under the authority of the named premises user. If there is a breach of this condition, the premises user and the individual making the supply in question would be liable to prosecution. For this purpose the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

Note 16

It is an offence knowingly or recklessly to make a false statement in, or in connection with, a temporary event notice. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement). To do so could result in prosecution and a fine not exceeding level 5 on the standard scale.

Note 17

You should not complete section 10 of the notice, which is for use by the licensing authority. They will complete this section and return one of the copies that you have sent to them as an acknowledgement of the notice you have given.