

Licensing Act 2003

A User-Friendly Guide



Temporary Event Notices (TENS)

The introduction of the Licensing Act 2003 sees a major alteration to the way liquor and entertainment are regulated.

As well as dealing with the administration of licences, the Act requires the production of a licensing policy which links to other key strategies covering community safety, cultural development and economic regeneration. A new system of Licensing Committee has also been established and a Central Administration Unit has been formed, serving the following Councils:

- **Kettering Borough Council**
- **East Northamptonshire Council**
- **Borough Council of Wellingborough**
- **Daventry District Council**
- **Corby Borough Council**

From 1st April 2008, all applications must be sent directly to the Central Administration Unit, the details of which are given at the end of this leaflet. Cheques should be made payable to East Northamptonshire Council

The Act will introduce a light touch system of permitted temporary activities to replace the existing occasional licences and occasional permissions currently granted in connection with short-term alcohol and public entertainment licensing. The system involves an event organiser giving a temporary event notice (TEN) to the licensing authority and copying this to the police.

TENS can be used to authorise relatively small-scale ad hoc events held in or on any premises involving no more than 499 people at any one time.

The premises user must, at least 10 clear working days before the day on which the event

is to start, give duplicate copies of the notice to the relevant licensing authority, together with the fee of £21. A copy of the notice must also be given to the relevant chief officer of police at least 10 clear working days before the day on which the event is to start. The day on which the application is submitted, and the day of the event, cannot be counted as part of the 10 days.

Anyone aged 18 or over can give a maximum of five TENS per year.

Personal licence holders can give a maximum of fifty TENS per year.

TENS are subject to other maximum limits, as set out below.

- Each event period covered by a TEN can last up to 96 hours.
- No more than twelve TENS can be given in respect of any particular premises in any year, up to a maximum duration of the periods covered by TENS at any individual premises of 15 days in any year.
- There must be a minimum of 24 hours between events in respect of the same premises.

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.

Frequently Asked Questions

What do I need to include with my application?

- 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;
- Whether the supply of alcohol will be for consumption on or off the premises or both;
- The maximum number of persons to be allowed on the premises at any one time (not exceeding 499);
- 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;
- The fee of £21 (payable to East Northamptonshire Council
- The original completed form plus one photocopy.

Can I use a TEN in respect of premises that already holds a premises licence?

Yes. If you wish for example to use your pub for an event involving the provision of regulated entertainment, e.g. for a wedding, where your premises licence does not authorise such a provision of regulated entertainment, it may be authorised by a TEN. However do not forget that the limits in relation to permitted temporary activities will apply.

Can a TEN be given in respect of an outdoor event?

Yes. A TEN can be given in respect of both indoor and outdoor events. "Premises" for the purposes of the Act means any place, whether indoors or outdoors. For example, it could cover a town square, part of a park, or a street. But remember the limits in relation to permitted temporary activities (for example the number of people who can be on the premises at any one time) will apply.

Can I object to a TEN if I believe it could lead to public nuisance or crime?

No. Only the police can 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 only a limited number of TENs can be given in respect of any particular premises each year, and the powers given in the Act to the police to close premises in certain cases of disorder or noise nuisance extends to these premises.

What happens if my application is refused?

If the temporary event notice exceeds the permitted limits as provided for in Part 5 of the 2003 Act you will be given a counter notice by the licensing authority. This will mean that the event cannot go ahead.

If the police are satisfied that allowing the premises to be used in accordance with the TEN would undermine the licensing objective on preventing crime and disorder, they must, no later than 48 hours after being given a copy of the TEN, give the premises user and the licensing authority an objection notice.

The authority must then hold a hearing to consider the notice unless all parties agree this is unnecessary and, having regard to the notice, will issue a counter notice if it considers it necessary for the promotion of the crime prevention objective to do so. Again, this will mean that the event cannot go ahead.

The TEN can be modified by the police with the agreement of the premises user prior to the consideration of the objection notice by the licensing authority, in which case the objection notice is to be treated as having been withdrawn and the 2003 Act will apply to the TEN as modified.

What about community premises?

TENs can be used for community premises but it will be necessary for the person looking after the premises to put in place a system to monitor the number and duration of TENs that have been used at the premises. This is to ensure that the limits previously outlined in this leaflet are not exceeded, which will result in refusal of the notice.

Will I be able to give a TEN if my premises can hold more than 499 people?

Yes, as long as you ensure that the number of people on the premises during the event period authorised by the TEN does not exceed 499 at any one time. If you think that more than 499 people will attend the event you will need to apply for a premises licence to cover the event. Otherwise, if this limit is exceeded, the event will be unauthorised and the premises user liable to prosecution.

“What is a ‘Short Term Premises Licence’?”

For events where 500+ people will be attending at any one time (and this includes staff, security, entertainment etc) a ‘short term premises licence’ must be applied for. The procedure for this is exactly the same as a standard premises licence. The applicant must ensure that they allow at least 56 days clear for the processing of the application, including a possible panel, or the licence may not be granted in time

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You can view a complete copy of the Act and associated guidance at www.culture.gov.uk