



Hull

City Council

**TEMPORARY EVENT
NOTICES (TEN) & LATE
TEMPORARY EVENT NOTICE**

**A Guidance Booklet for
Applicants**



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Permitted Temporary Activities

The Licensing Act 2003 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 (the 'premises user') 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, no later than **10 clear working days before the day on which the event is to start, give a copy of the notice to the licensing authority in whose area the premises are situated, together with the fee of £21. A copy of the notice must also be given to the Chief Officer of Police for that area and to the Environmental Protection Officer, no later than **10 clear working days before the day on which the event is to start. 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 covered by a TEN can last up to 168 hours and no more than fifteen TENs can be given in respect of any particular premises in any year, subject to a maximum aggregate duration of the periods covered by TENs at any individual premises of 21 days in any year. There must be a minimum of 24 hours between events notified by a premises user or associates of that premises user in respect of the same premises.

Provided that the criteria set out above are met, only the Police or Environmental Protection Officer may intervene to prevent an event covered by a TEN notice taking place or agree a modification of the arrangements for such an event.

Late Temporary Event Notices

From 25th April 2012 changes to Government legislation means that in exceptional cases temporary event notices can be applied for with less notice, i.e. 5 working days but no earlier than 9 working days before the day on which the event is to start.

Anyone aged 18 or over can give a maximum of two Late TENs per year. Personal licence holders can give a maximum of ten Late TENs per year.

****Please Note: Working days means Monday-Friday and does not include weekends or Bank Holidays. Clear working days mean that the day on which the application is served and the actual day of the event cannot be counted.**

The Licensing Authority's Policy with regard to Temporary Event Notices

As previously mentioned, a TEN must be submitted to the Licensing Authority at least **10 clear working days prior to the day on which the event is to take place. However, the Licensing Authority recognises that many applicants giving TENs will have no commercial backgrounds or ready access to legal advice. These will include, for example, people acting on behalf of charities, community and voluntary groups, schools, churches and hospitals, all of which may stage public events to raise funding at which licensable activities will take place.

The Licensing Authority recommends that at least 30 working days notice be given to hold such events in order to allow the premises user assistance in planning events safely and with the intention of causing the minimum of nuisance to other members of the public.

The premises user must issue TEN or Late TEN to the Licensing Authority with a copy to both the Police and The Environmental Protection Officer. The Licensing Authority will, as a matter of protocol, advise other responsible authorities, such as the Fire Brigade, of these events. Should these responsible authorities then wish to offer advice in the planning of these events, it will be under their own respective legislation and not the Licensing Act 2003.

Please refer to page 4 for contact names and addresses.

****Please Note: Working days means Monday-Friday and does not include weekends or Bank Holidays. Clear working days mean that the day on which the application is served and the actual day of the event cannot be counted.**

Useful Contacts

To obtain and submit application forms and for advice on their completion:-

**Kingston upon Hull City Council
Licensing Section**

33 Witham
Kingston upon Hull
HU9 1DB

Telephone: (01482) 300300
Email: Liquor@hullcc.gov.uk

To submit copy applications and for advice on events:-

Humberside Police

Alcohol Licensing Department
Police Headquarters
Priory Road Police Station
Priory Road
Hull
HU5 5SF

Telephone: (01482) 976760 / 976758 / 976759 / 976761/ 676754
Email communitiesLicensing@humberside.pnn.police.uk

To submit copy applications and for advice on events:-

**Kingston upon Hull City Council
Environmental Protection Section**

33 Witham
Kingston upon Hull
HU9 1DB

Contact Officer: Mark Willoughby

Telephone: (01482) 300300
Fax: (01482) 615554
Email: environmentalprotection.jobrequests@hullcc.gov.uk

For advice on events:-

Health and Safety Section

(All premises where Hull City Council is the enforcing authority for Health and Safety legislation)

Hull City Council
33 Witham
Kingston upon Hull HU9 1DB

Contact Officer: Khaled Choudhury

Telephone: (01482) 300300

Fax: (01482) 615453

Email: khaled.choudhury@hullcc.gov.uk

For advice on events:-

Humberside Fire & Rescue Service

Public Safety Centre
Summergroves Way
Hessle
HU4 7BB

Telephone: (01482) 567133

Email: publicsafetycentre@humbersidefire.gov.uk

Frequently Asked Questions Regarding Temporary Event Notices (TENs)

Question: Can anyone give a TEN?

Yes, as long as you are 18 or over you can give a maximum of 5 TENs a year. A personal licence holder can give a maximum of 50 TENs a year.

Question: Can a person give more than one TEN at the same time?

There is nothing to prevent simultaneous notification of multiple events at a single time provided the limits on the use of TEN'S are observed. However, each event to which a notice relates will require a separate £21 fee.

Question: Can you give a TEN on behalf of someone else?

The 'premises user' is the individual who must give the temporary event notice.

Question: How do I give a TEN?

You must give a notice in duplicate, at least 10 working days prior to the day on which the event period begins, to the relevant licensing authority (provided that the premises are situated within the Kingston upon Hull boundary this will be to the address shown on page 4) together with the fee of £21. You must also send a copy of the notice to the relevant Chief Officer of Police and to the Environmental Protection Officer (again at least 10 working days prior to the day on which the event period begins). The notice must contain a statement of:

- 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;
- any other matters prescribed by the Secretary of State in regulations.

A copy of the prescribed application form is shown at end of this leaflet. Further copies can be obtained from the licensing section, the address of which is shown on page 4. Alternatively, the forms are available on the City Council's web site, following the A to Z links to Licensing, or from the Department for Culture, Media and Sport in pdf format (<http://www.culture.gov.uk/NR/rdonlyres/F6D21D19-A62A-4075-889A-41B408783AA3/0/TENform.pdf>) or in word format (<http://www.culture.gov.uk/NR/rdonlyres/A18D19D0-7BB4-42A2-A4CA-9160F2C27CCC/0/TENform.rtf>).

Question: What is the procedure once a TEN has been given?

If the TEN is within the permitted limits of permitted temporary activities, and the Police or Environmental Protection have not intervened to prevent the event happening, or have agreed a modification of the arrangements for the event, the licensing authority must issue acknowledgement of the TEN. There is no requirement for the Police or Environmental Protection Officer to acknowledge the notice as well.

If the temporary event notice exceeds the permitted limits the licensing authority must give the premises user a counter notice, copied to the Police and Environmental Protection Officer, preventing the event from taking place.

If the Police or Environmental Protection Officer are satisfied that allowing the premises to be used in accordance with the TEN would undermine the licensing objectives, they must, no later than 3 working days 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 no later than 24 hours before the beginning of the event period specified in the TEN, 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 licensing objectives to do so. Again, this will mean that the event cannot go ahead.

The TEN can be modified by the Police or Environmental Protection Officer 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.

Question: What is the procedure once a TEN has been modified?

Where the Police or Environmental Protection Officer have objected to a TEN and it has been modified with the agreement of the premises user, the Police or Environmental Protection Officer must give a copy of the modified notice to the licensing authority before a hearing is held.

Question: Can a TEN be withdrawn?

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.

Question: Can I use a TEN in respect of premises that already hold 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.

Question: 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.

Question: 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.

Question: Are there any extra restrictions when a temporary event notice includes the supply of alcohol?

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).

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

No. Only the Police or Environmental Protection Officer can intervene to prevent an event covered by a TEN taking place or agree a modification of the arrangements for such an event. 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 extend to premises in respect of which a TEN has effect.

Question: Is there any scope to increase the limits on TENs?

The Secretary of State has powers under the Act to increase or decrease by order, limits placed on TENs. The limits may therefore be amended if, in the light of experience, it proves that there needs to be an adjustment.

Question: What powers do the police and licensing authorities have to stop a temporary event once it has started?

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.

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, such as powers to deal with a statutory nuisance.

Question: Does the premises user have to display the TEN at the event?

The premises user must either:

- secure that the acknowledgment of the TEN is prominently displayed at the premises being used for the permitted temporary activity;
- secure that the acknowledgment of the TEN is kept at the premises in his custody;
- secure that the acknowledgment of 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).

Question: What happens if a premises user loses the TEN?

Where the acknowledgment of the 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 of £10.50

For further information see Part 5 of the Licensing Act 2003 and Part 8 of the Guidance to Licensing Authorities and Police. Both documents are available on the Department for Culture, Media and Sport's web site at

<http://www.opsi.gov.uk/acts/acts2003/20030017.htm>

and

http://www.culture.gov.uk/global/publications/archive_2004/guidance_issued_under_section_18_2_of_the_licensing_act_2003.htm

Frequently Asked Questions Regarding Late Temporary Event Notices

Question: Can anyone give a Late TEN?

Yes, as long as you are 18 or over you can give a maximum of 2 Late TENs a year. A personal licence holder can give a maximum of 10 Late TENs a year.

Question: How do I give a Late TEN?

You must give a notice, 5 working days but no earlier than 9 working days before the day on which the event is to start, to the relevant licensing authority (provided that the premises are situated within the Kingston upon Hull boundary this will be to the address shown on page 4) together with the fee of £21. You must also send a copy of the notice to the relevant chief officer of police and to the Environmental Protection Officer (again 5 working days but no earlier than 9 working days before the day on which the event is to start). The notice must contain a statement of:

- 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;
- any other matters prescribed by the Secretary of State in regulations.

Question: What is the procedure once a Late TEN has been given?

If the Late TEN is within the permitted limits of permitted temporary activities, and the Police or Environmental Protection Officer have not intervened to prevent the event happening, the licensing authority must issue acknowledgement of the TEN. There is no requirement for the Police or Environmental Protection Officer to acknowledge the notice as well.

If the temporary event notice exceeds the permitted limits the licensing authority must give the premises user a counter notice, copied to the Police and Environmental Protection Officer, preventing the event from taking place.

If the Police and Environmental Protection Officer are satisfied that allowing the premises to be used in accordance with the Late TEN would undermine the licensing objectives, the Licensing Authority must issue a counter notice no later than 24 hours before the beginning of the event. This will mean that the event cannot go ahead.

Question: Can a Late TEN be withdrawn?

A late 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.