

The person who lodged the Notice with the Council and the Police (or his nominated representative) must be at the function and have the Notice in his possession.

Objecting to Notices

Only the Police can object to a Temporary Event Notice. Residents or local business people cannot object and neither can the Council itself. If the Police wish to object they must do so within 48 hours of receiving their copy of the Notice.

If the Police lodge an objection, the Council, as the Licensing Authority, must hold a licensing hearing unless the Police, the person who lodged the notice (the premises user) and the Licensing Authority agree a hearing is not needed, in which case the matter will be decided by the Licensing Authority without a hearing. The premises user will be notified of the Council's decision at least 24 hours before the beginning of the event. There is a right of appeal to the Magistrates' Courts against the Licensing Authority's decision.

Other controls

Giving a Temporary Event Notice does not mean that the event is exempt from other controls such as Health and Safety at Work, fire safety or noise pollution controls and an organiser must make sure that any other legal controls are complied with.

Other changes

The exemption that used to exist for liquor licensed premises to provide entertainment with two or less musicians will disappear. If a pub etc. which has a premises licence that does not include the provision of public entertainment, wishes to have a temporary music night or jazz weekend, etc., then it

must either apply to have its premises licence changed to include this, or else make use of the Temporary Event Notice procedure for each function.

Further information

If you would like further advice about an event that you are planning please contact us.

This leaflet represents the best advice available at the date of publication but this information may change with time. This leaflet is not an authoritative interpretation of the law.

For more information, please contact:

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The Council provides a large print version or cassette copy for blind and partially sighted residents and can offer help with interpreting. For more information on this or other Council services, call 01784 451499.



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Licensing Act 2003

Liquor and Entertainment Licensing Temporary events



**Environmental Health and Building Control
Services**

Licensing Act 2003

Temporary Events

Introduction

This leaflet gives advice on the new laws in relation to Temporary Events, the exemptions that exist under the Licensing Act for temporary events and how you can make use of those exemptions.

The Law has changed!

The Licensing Act 2003 has changed the law relating to the sale of alcohol and the provision of entertainment. The new provisions came into force fully on 24 November 2005.

The new system of licensing means that licences will now be granted by Licensing Authorities (the Borough Council) for premises involved in these Licensable activities. The Licensing Magistrates no longer grant occasional permissions for the sale of alcohol, and the old system for occasional entertainment licences will also change. We have a separate leaflet that describes the provisions of the Act in more detail including what activities are licensable.

Temporary or Occasional Events

Under the new law if the activity will last not more than 96 hours (4 days) and is for not more than 500 people, a full licence for a licensable activity is not required. All that is needed is for a Temporary Event Notice (TEN) to be sent to the Council (with the correct fee - currently £21) and to the Police at least 10 working days before the function. If the Police do not object, the function can go ahead. However, please do not leave it to 10 days before the event. We would ask that you send in your Notice at least four weeks before the event to allow the Police and the Council to make a sensible assessment.

How many Temporary Events can I have?

There are three rules about how many Temporary Events Notices you can make use of.

- No premises may be used for temporary events on more than a total of 15 days in any calendar year, and
- No premises (even public houses) may have more than 12 temporary events in any calendar year and
- Anyone who does not hold a Personal Licence to sell liquor can only submit five notices in any calendar year (Personal Licence holders are subject to a limit of 50 temporary events per calendar year but these would have to be spread over at least five different premises as each premises can only have 12 TENS per year).

So, for example, for any premises, where a Personal Licence holder is not involved there could be:

- a) five three day events (total of five events over 15 days) or
- b) 12 one day events (total of 12 events over 12 days) or
- c) other combinations such as 11 one day and one four day events (total of 12 events two day events (total of 12 events over 15 days).

The 15 days and 12 events rules must not be exceeded but all the available exemption does not have to be used, so there could be just two three day events in a year if desired. There must be at least 24 hours before the next temporary event at the same premises if it is organised by the same person, so the same person cannot submit two Notices and run the two events end on without a break. Once a Temporary Event Notice has been sent

to the Council it can be withdrawn up to 24 hours before the Event by the person who submitted it. A Notice that is submitted and withdrawn in time does not count against the maximum numbers listed above but the fee will not be returned.

How do I serve Temporary Event Notices?

To notify the Council of an event the person giving the Notice must:

- 1) Be aged 18 or over; and
- 2) Use the official form available from the Authority (or from another source); and
- 3) Send the notice (in duplicate), with the correct fee, to the Council in whose area the event will take place. It must be received by them at least ten days before the event. If the fee is incorrect or a cheque is not honoured the notice will be invalid.
- 4) Send a copy to the Police. They must receive it at least ten working days before the event.

One copy of the Notice will be officially stamped by the Council and returned within two working days. This is the Notice that must be displayed at the event.

The Notice must include certain information about the event and details of what is needed will be included with notes given out with the form. Anyone can serve such a notice not just the owner of the premises and the owner of the premises does not need to be notified that a Notice has been served.

During the events

The Police or the Council's Officers are entitled to visit and inspect the event and it is a criminal offence to obstruct them. A copy of the Notice must be prominently displayed at the event.