



GUIDANCE ON ISSUING TEMPORARY EVENT NOTICES UNDER THE LICENSING ACT 2003

This leaflet provides information to persons seeking to provide notice of a temporary event (TEN), or those that have successfully issued notice for such an event.

The Licensing Act 2003 allows individuals to carry out licensable activities (for example the sale or supply of alcohol, regulated entertainment or late night refreshment) on a temporary basis at premises which are not authorised by a Premises Licence or Club Premises Certificate. This is completed by way of issuing a Temporary Event Notice (TEN) to the Licensing Authority. Those premises with the benefit of a premises licence or club premises certificate may also apply for a TEN to cover an extension of licensable activities, hours etc.

The legislation with respect of TENs stipulates that:

- The maximum length of time a temporary event may last must not exceed **168 hours**.
- A minimum of **24 hours** between events must be notified by the premises user in respect of the same premises.
- The maximum number of people attending at any one time must not exceed **499**.

In any other circumstances, a premises licence or club premises certificate would be required for the period of the event.

An important consideration in relation to the above limits is in relation to the number of persons on your premises at any one time, this includes management, security, catering staff, performers etc, as well as guests. You should carefully consider how you will control numbers attending the premises concerned to ensure that you do not breach this limit.

Standard and late TENs

There are two types of TEN, a Standard TEN for which 10 working days notice is required, and a Late TEN which 5 working days notice is required.

Working days means working days exclusive of the day on which the event is to start, and exclusive of the day on which notice is given. A working day is classed as any day other than a Saturday, Sunday, Christmas Day, Good Friday or a day, which is a bank holiday in England and Wales.

Please ensure that you apply in good time because a TEN cannot be issued outside of this legal time-scale.

In making application for a TEN the premises user sends one copy to the Licensing Authority at North Devon Council (alongside a fee of £21), one to the Chief Officer of Police, one to the Council's Environmental Protection Team, and one to the Council's Health Food and Safety Team. For those applications made electronically there is no need to forward copies to the Police or Council's Environmental Protection Team or Health Food and Safety Team, this will be done by the Licensing Authority.

How many TENs can I apply for?

A person responsible for a temporary event may only give a set number of temporary event notices.

If the relevant premises user **holds a personal licence** the following limits apply:

- 50 standard temporary event notices, or 10 late temporary event notices, in respect of event periods wholly or partly within the same year as the event period specified in the temporary event notice.

If the relevant premises user **does not hold a personal licence** the following limits apply:

- 5 standard temporary event notices, or 2 late temporary event notices, in respect of event periods wholly or partly within the same year as the event period specified in the temporary event notice.

How many TENs can be held at a premises?

The same premises cannot be used more than 12 times or more than an aggregate total of 21 days in any calendar year (irrespective of the number of occasions on which TENs have actually been used).

Where above limits are exceeded the Licensing Authority will reject the application by issuing a Counter Notice.

Display of a TEN

On issue of a TEN the premises user must either:

- Secure that a copy of the TEN (and any conditions attached) is prominently displayed at the premises being used for the permitted temporary activity, or
- 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).

Noise Considerations

The provision of amplified or live music can at any venue, result in a Statutory Noise Nuisance.

The grant of a TEN does not exempt the holder from the service of notice and/or subsequent prosecution where a Statutory Noise Nuisance is substantiated.

Applicant's for a TEN that involves music or PA systems are strongly advised to risk assess their chosen venue/premises, to document how they prepare to minimise the possible impact of noise and to act upon their findings.

In particular careful consideration should be given to:-

- The overall noise levels
- The hours of operation
- The type of music to be played and its likely impact
- If a PA system is proposed, limitations should be placed on who uses the system, for what purpose, the volume and the duration of the event and
- Where the entertainment is to be inside a building, keeping all doors and windows closed.

Where noise will be generated and will be audible to neighbours, you are strongly advised to contact the Council's Environmental Protection Team before making an application for a TEN, via our Customer Services Call Centre on 01271 388870.

Health and Safety Advice (Particularly for Public Outdoor Events)

If you are organising a public outdoor event you will need to ensure that health and safety requirements are met. The following information is general advice, if you need more specific information contact a member of the Council's Health Food and Safety Team on 01271 388870.

Organisation

- Start organising several months before the event. This will allow time to carry out the risk assessments and obtain specialist advice where necessary.
- One person should be in overall charge of the event.
- Safety arrangements should be checked prior to opening and throughout the event.

Venue

- Decide on the venue. The site should be large enough for all the activities planned with adequate circulation space for the public expected to attend.
- If it is to take place on Council owned land, permission is required from Property and Technical Services (01271 388377).
- Prepare a sketch plan of the site showing the position of the activities, the entrance/exit routes, car parking, etc.

Risk Assessment

- Make a short written assessment of the event.
- Identify possible hazards that could occur and the control measures that need to be in place to prevent exposing people to danger. Pay particular attention to:
- Bouncy castles and children's amusement rides.
- Stands and stalls.
- Displays and parades, especially those involving animals, vehicles or special events.
- Marquees, stages and caterers stands/tents.
- Request risk assessments from third parties e.g. contractors and participants and, where appropriate, method statements for the activities they will carry out.

Emergency Plan

- In addition to risk assessing the event, also consider what could go wrong on the day and draw up a plan to deal with the emergency.
- The plan should include details of what to do in the event of a fire, accident, bomb alert, adverse weather or any need to evacuate the site.

Insurance

- Event organisers could be held legally liable for the costs or damages for injuries which may occur. Public liability insurance will cover this risk.
- If the event is being held on public open space or the highway, insurance with an indemnity of £5 million is required.
- When using specialist contractors, always check they have their own public liability insurance and obtain a copy.
- If something does go wrong, full details must be recorded and reported without delay.

Traffic Management/Street Events

- If the event is to take place on the highway, road closure and traffic diversions may be necessary. However, it is recommended that wherever possible events are held off the highway in order to avoid disruption to traffic.
- The closure process is administered by Devon County Council Highways Department. Full details are available on their website <https://www.devon.gov.uk/roadsandtransport/make-a-request/special-events/>. Alternatively, telephone them on 0845 155 1004 or email cscroads@devon.gov.uk
- Traffic direction on private land can be undertaken by anyone, but persons under 18 years of age should not be used.
- All traffic controllers on site should wear bright coloured, reflective clothing for their safety.

Temporary Structures

- These include marquees, stages, raised seating and sound towers.
- They must be erected by trained and competent persons and be capable of withstanding wind forces and bad weather conditions.
- Written certificates should always be obtained.
- Marquees should be sited at least 6 m apart and have adequate emergency lighting and escape routes. Fabrics used should be inherently flame retardant.
- Regular safety checks of all temporary structures should take place during the event.

Electrics

- The whole installation (temporary generated or connected to a permanent supply) must be installed in a safe manner by a competent person.
- Written certificates should always be obtained.
- Ensure electrical safety by provision of residual current devices (RCDs).
- Use cables of correct rating with no damage and appropriate connectors if used externally.
- All cabling positioned so as not to create a trip hazard or be liable to physical damage.
- Generators, switchgear etc should be placed behind a barrier to prevent unauthorised access.

Lighting

- Where events are planned to take place after dark, artificial lighting should be provided to all public areas such as vehicle and pedestrian access, car parks, refreshment tents and toilets.
- Some sites have particular hazards which should be lit appropriately.
- Also consider the need for emergency lighting to escape routes.

Communication

- Consider providing a public address system for announcements to the public and staff.
- Smaller events a portable loudhailer may suffice.
- Personal radio contact between stewards.
- Set up a control/information point for enquiries, lost children, etc.

First Aid

- The first aid provision needs to be adequate for the number of people expected to attend the event.
- In all but the smallest events, a qualified first aider should be present with sufficient first aid materials.

Food/Drink/Water

- When using outside caterers, ask to see written evidence of food safety procedures and staff training.
- Guidance notes and advice on all aspects of food hygiene can be obtained from the Council's Health, Food and Safety Team on 01271 388870.
- There are hazards associated with barbecues, naked flames, gas bottles and hot equipment. Safety barriers may be needed.
- Consider making free drinking water available on site.

Stewards

- Provide an appropriate number of stewards for control of the site and the public.
- Make sure they are fully briefed prior to the event and easily identifiable i.e. wearing high visibility clothing.
- Major events should have independent specialist security personnel to organise and maintain security of the site. Please gain further advice from the Security Industry Authority (SIA) via their website www.sia.homeoffice.gov.uk or by telephoning 0844 892 1025.

Special Attractions

- Including fireworks, laser displays, fairground rides, all-night music events and animal shows. These are usually 'one off' type events restricted to professional operators working to industry standards. Advice should always be sought from the public authorities.

Sanitary Accommodation

- Adequate provision should be made for the number of people, including the disabled, expected to attend the event. As a guide:
- Events of up to 6 hours duration:
Female – 1 wc per 120.
Male – 1 wc per 600 + 1 urinal per 175
- Events more than 6 hours duration:
Female – 1 wc per 100.
Male – 1 wc per 500 + 1 urinal per 150
- When using temporary units provide direction signs and lighting when the event continues after dark.
- It may be necessary to service the units to keep them clean and hygienic throughout the event.

Waste

- Provide an adequate number of rubbish receptacles around the site. Make arrangements to empty regularly and store/dispose of the rubbish and all litter after the event.
- Recycling should be carried out wherever possible.



Devon and Somerset Fire and Rescue Service - Advice

The Licensing Act does not require any consultation with the Fire and Rescue Service for events held under the benefit of a TEN, however the service wish to make persons holding such events clear of the potential dangers.

Many events held under the benefit of a TEN are held in tents, marquees, agricultural buildings and fields, public houses, clubs, village halls and community centres or churches and other religious centres which may pose a higher than normal danger from fire due to:

- their construction, which does not conform to regular building standards
- non-standard doorways and exit routes
- possible trip and obstruction hazards from the guy ropes and temporary utilities and services e.g. electric cables, water pipes etc
- temporary site locations with a lack of adequate lighting, access and egress routes

Because an event held under a TEN does not fall under a premises licence and conditions are not imposed, does not mean that liability for any incident is negated. Anyone intending to hold such an event has a duty of care to those attending, as well as any staff that may be employed to work as stewards, bar staff, waiters etc.

Although the Fire and Rescue Service are not able to undertake your risk assessment for you, they are able to discuss your findings with you and advise you on specific elements or actions that will result in you identifying and putting in place a satisfactory standard of fire precautions and management control at your venue.

Good management of fire safety is essential to ensure that fires are unlikely to occur; that if they do occur they are likely to be controlled or contained quickly, effectively and safely; or that, if a fire does occur and grow, everyone at the event is able to escape to a place of total safety easily and quickly.

Please note that any bonfires, stages, temporary structures require control 'BEFORE - DURING – AFTER' the event.

This safety advice is offered as guidance only. If in doubt, **Get out, Stay out and get the Fire and Rescue Service out!**



Devon & Cornwall Police
Building safer communities together

Devon and Cornwall Constabulary encourage applicants to contact them with regard any TEN they intend to submit which involves dancing, music and alcohol past 0100hrs.

Applicants should consider how their event is likely to undermine the licensing objective, 'Crime and Disorder' and what tangible steps they have taken to ensure they have addressed it.

If the Crime and Disorder provision is not adequately met the Constabulary can and are likely to object.

Examples of considerations which you may wish to make include:

- age of attendee's;
- consideration of a ticket only event;
- door steward provision;

- fencing;
- vehicular access;
- transport provision;
- first aid;
- neighbourhood consultation;
- adequate onsite facilities.

Gambling Act 2005

The use of Temporary Event Notices (TENs) has become a popular way of dealing with extensions of hours and for providing alternative events. Subject to limitations on the number and duration of such events, the conditions which would normally apply to an existing Premises Licence would not necessarily apply to an event held under a TEN. Although this may be of value to licensees, there are a number of limitations which apply, particularly in relation to the use of gaming machines and the offering of gaming within the premises.

The Gambling Act 2005 provides a system by which licensees of pubs and similar premises can provide gaming machines and other equal chance games, such as poker and bingo. This is either via a notification for up to 2 machines, or obtaining a Licensed Premises Gaming Machine Permit for more machines.

The use of machines in premises covered by a Licensed Premises Gaming Machine Permit is subject to compliance with a Code of Practice issued by the Gambling Commission. This requires, amongst other things, proper supervision of the machines and gaming to ensure that children do not become involved.

It will be of interest that when a premises is operating under a TEN there is no permission for the provision of any gaming machine or gaming during the time that the TEN is in effect. So, by way of example, if a Licence normally allows the sale of alcohol up to midnight, and a TEN is issued to extend this to 2am, the machines must be turned off at midnight.

Remember you should already be turning the machines off at the normal end of alcohol sales. If the public remain on the premises after this time. For example during what used to be called “drinking up time”, the machines may not be used.

Further Information

North Devon Council’s licensing web pages contain information, advice and application forms for licensed premises. Please refer to www.northdevon.gov.uk/licensing. Alternatively please contact the Licensing Team via the details below.

Useful Contacts:

North Devon Council Licensing Team

North Walk

Barnstaple

Devon

EX31 1EA

Tele: 01271 388870

licensing@northdevon.gov.uk

Devon and Cornwall Police Licensing Department

Devon and Cornwall Police HQ

Middlemoor

Exeter

Devon

EX2 7HQ

Tele: 01392 452225 Fax: 01392 452447

licensingeast@devonandcornwall.pnn.police.uk

Devon and Somerset Fire and Rescue Service

North Division

North Road

Barnstaple

Devon

EX31 1P

Tele: 01271 334400

Environmental Protection Team

Environmental Health and Housing Services

North Devon Council

Civic Centre

Barnstaple

Devon

EX31 1EA

Tele: 01271 388 870

Health Food and Safety Team

Environmental Health and Housing Services

North Devon Council

Civic Centre

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