

Guidance notes



Temporary event notices

Updated June 2019

Temporary event notices

The Licensing Act 2003 allows individuals (over 18 years of age) to carry out licensable activities (for example, 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. 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.

Standard and late TENs

There are two types of TENs:

- standard TENs, which require 10 working days notice
- late TENs, which require five working days notice

(For details on how the number of working days is calculated, please see the section entitled 'Notice process' below).

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 temporary event notices (including 10 late 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:

Five temporary event notices (including two late 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 15 times or more than an aggregate total of 21 days in a 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.

Notice process

Standard temporary event notices

Giving notice for standard TENs should be made utilising the relevant application form. Standard TENs require 10 working days notice.

10 working days notice means 10 working days exclusive of the day on which the event is to start and exclusive of the day on which the 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.

For non electronic notices, the premises user gives notice of a TEN to the Licensing Authority at North Devon Council, one to the Police, one to the Council's Environmental Protection Team and one to the Council's Health Food and Safety Team at least 10 clear working days before the day of the event.

The same procedure applies for giving notice electronically, with the exception that the Licensing Authority will provide copies of the TEN to the police, the council's Environmental Protection team and the Health Food and Safety team on behalf of the applicant.

Late temporary event notices

Notices for late TENs should be made utilising one of the forms below. Late TENS require five working days notice.

Five working days notice means five working days exclusive of the day on which the event is to start and exclusive of the day on which the 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.

For non electronic notices, the premises user gives notice of a TEN to the Licensing Authority at North Devon Council, one to the Police, one to the Council's Environmental Protection Team and one to the Council's Health Food and Safety Teams at least five clear working days before the day of the event and no earlier than nine working days before the day of the event.

The same procedure applies for giving notice electronically, with the exception that the Licensing Authority will provide copies of the TEN to the police, the council's Environmental Protection team and the Health Food and Safety team on behalf of the applicant.

Objections to TENs

Where a relevant person (police, Environmental Protection team or Health Food and Safety team), who is given a TEN is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective, the relevant person must give a notice (an objection notice) stating the reasons for being so satisfied. An objection notice must be given no later than three working days after the relevant person is given the TEN.

What action is available to a licensing authority following an objection notice in respect of a late TEN?

Where an objection notice is given in respect of a late TEN, the licensing authority will give the premises user a Counter Notice, and a copy of that notice to each relevant person, no later than 24 hours before the beginning of the event period specified in the TEN. The Counter Notice stipulates that the event may not go ahead.

What action is available to a licensing authority following an objection notice in respect of a standard TEN?

When the licensing authority receives an Objection Notice for a standard TEN, arrangements will be made for the council's Licensing Sub-Committee to hear the

application within seven working days beginning the day after the period within which the relevant person has been given a notice.

Details of the date and time of the hearing together with details of the procedures to be followed will be sent to the premises user and relevant person at least two working days before the day of the hearing.

The premises user and a relevant person should give notice to North Devon Council before the start of the hearing stating:

- whether they will attend the hearing in person
- whether they will be represented by someone else (e.g. lawyer / councillor / MP)
- whether they think a hearing is unnecessary (if, for example an agreement has been reached before a formal hearing)
- any request for another person to attend the hearing, including how they may be able to assist the Licensing Authority in relation to the application

The above procedure will not take place if the premises user, or relevant person who gave the objection notice agree that a hearing is unnecessary.

When considering an objection notice, the Licensing Sub-Committee can either give the premises user and the relevant person a Counter Notice if it considers it necessary for the promotion of a licensing objective to do so (event not allowed to go ahead), together with a notice stating the reasons for its decision; **or** where it decides not to give a counter notice, give the premises user and the relevant person notice of the decision (event allowed).

The above requirements must be met at least 24 hours before the beginning of the event period specified in the TEN.

Conditions imposed on a standard TEN

Where a Counter Notice is not issued, the licensing authority may also impose one or more conditions on the standard TEN if:

- the authority considers it appropriate for the promotion of the licensing objectives to do so
- the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises or any part of the same premises as the temporary notice, and
- the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice

Where all parties agree a hearing is not necessary conditions may be imposed on a TEN without the need for a Licensing Sub-Committee to hear the application.

Where a licensing authority decides to impose one or more conditions, it must give the premises user and each relevant party a notice of the decision and a statement of conditions, which sets out the conditions that have been imposed on the TEN, no later than 24 hours before the beginning of the event.

Modification of a standard TEN following objections

At any time before a hearing is held or dispensed with, a relevant person may, with the agreement of the premises user, and each other relevant person, modify the TEN by making changes to it. The objection notice is therefore withdrawn from the time the TEN is modified.

Duty to keep and produce a TEN

Premises users must either prominently display a copy of a TEN (together with any statement of conditions) at the premises, or ensure that the notice (and conditions) is kept at the premises in their custody, or in the custody of a person who is present and working at the premises and whom they have nominated. Where the TEN and any statement of conditions are in the custody of a person so nominated, they must ensure that a notice specifying that fact and the position held at the premises by that person, are prominently displayed at the premises.

Appeals

Where a licensing authority gives a Counter Notice in respect of a standard TEN a premises user may appeal against that decision.

Where a licensing authority decides not to give a counter notice in respect of a standard TEN, a relevant person may appeal against that decision.

An appeal in the above circumstances must be made to the magistrate's court, and be commenced by notice of appeal given by the appellant to the Justice's Chief Executive for the magistrate's court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

Contact details

Notices should be sent to the Licensing Team – the contact details of which are on the council's website, along with the Health, Food and Safety team.

Contact details for Chief Officer of Police

Licensing Department
Devon and Cornwall Constabulary

Launceston Police Station
Moorland Road
Launceston
PL15 7HY

Telephone: 01566 771309

Email: licensing.team@devonandcornwall.pnn.police.uk

Fee

A completed application must be submitted with the relevant fee. This can be found on the council website.

Will tacit consent apply?

Yes. This means that you will be able to act as though your application is granted if you have not heard from the council after 10 working days following valid notification to the licensing authority (receipt of form), chief officer of police (receipt of form) and payment of the appropriate fee, as described above.

Public register

Current applications for TENs and those previously completed can be viewed on the Premises Licence public register, listed together with other 'events' held against a given premises.