



Licensing Act 2003

Alcohol and Entertainment Licensing Temporary Events

Licensing Unit
Environmental Services

Temporary Events

Introduction

This leaflet gives advice on the exemptions that exist under the Licensing Act 2003 for temporary events and how you can make use of those exemptions.

The Law is Changing!

The Licensing Act 2003 will change the law relating to the sale of alcohol and the provision of public entertainment, although the new provisions won't come into force fully until about November 2005 (the precise date is still to be set by the Government)

A new system of licensing will start to be phased in from February 2005 with, eventually, in about November 2005, one licence being granted by Licensing Authorities (the District Council) for premises involved in these activities. When it is fully in force the Licensing Magistrates will no longer be involved in granting liquor licences or occasional permissions for the sale of alcohol and the existing system for entertainment licences will also change. So if you are planning an event to take place after November 2005 you will need to consider the new legislation. We have another 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 499 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) and, at the same time, 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. Send in your Notice at least six weeks before the event to allow time for any problems to be resolved.

How many Temporary Events can I have?

- * There are three basic 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 alcohol can only submit five TEN's in any calendar year (Personal Licence holders have a limit of 50 temporary events per calendar year but these would have to be spread over at least five different premises as only 12 TENS per year can be given for any one premises).

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) twelve 1 day events (total of **12 events** over 12 days) or
- c) other combinations such as eleven 1 day and one 4 day events (total of 12 events over 15 days) or nine 1 day events and three 2 day events (total of 12 events over 15 days).

These rules are set by Government and once the limits are reached any additional TEN's will be invalid.

There must be at least 24 hours before the next temporary event at the same premises.

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. Also note that a TEN for an event only lasting several hours still counts as one event, and one whole day (unless it spans midnight in which case it is two days).

Temporary Event Notices

The system of serving these Notices will not become available until sometime in 2005 but when it does, 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; 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 working days before the event. If the fee is incorrect or a cheque is not honoured the notice will be invalid (fees are set by Government, the current fee is £21 per event)
- 4) Send a copy to the Police. They must receive it at least ten 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 we will provide with the form. Anyone can serve a TEN - not just the owner of the premises: the owner of the premises does not need to be notified that a Notice has been served.

Temporary 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. 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. The Council itself cannot object to the function going ahead. If the Police wish to object, on grounds of crime or disorder, 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. Event organisers are responsible for complying with all relevant law. With our partners, we are happy to offer advice if needed.

Other Changes

The exemption that used to exist for liquor licensed premises to provide entertainment with two or less musicians or pre-recorded music 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 Advice

If you are in doubt as to your responsibilities you can contact us for advice.

This leaflet provides advice based on information available at the time of writing and this may change. It is intended for guidance only and does not provide authoritative legal advice.

We would welcome your comments on this or any other of our leaflets, so as to ensure that they meet the needs of the users of our services.

We can make this leaflet available as a large print version or on audio cassette. Please contact us to ask for either of these versions

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