



2004-2005
Supporting People
2006-2007
Waste and Recycling
2006-2007
Culture and Sport for
Hard to Reach Groups

LICENSING ACT 2003: GUIDANCE ON TEMPORARY EVENT NOTICES

Note: It is recommended that you ensure that your intended event meets the qualifying criteria for a TEN BEFORE you apply, as a refund of the statutory fee will not be given if your event can not be authorised under TEN arrangements.

1. GENERAL INFORMATION ABOUT TEMPORARY EVENT NOTICES (TENS):

1. A TEN is the authorisation required for the temporary carrying on of licensable activities, being:

- **the sale or supply of alcohol;**
- **the provision of regulated entertainment; and/or**
- **late night refreshment**

at premises that do NOT hold any other authorisation under the Licensing Act 2003 to conduct the licensable activities required.

2. The system for TENS involves the notification of an event, by the premises user, to the Licensing Authority and the Police. By law, the event **must** be notified to the Licensing Authority and Police a **minimum of 10 working days** before the day of the intended event and preferably 28 days beforehand. Out of time TENS can not be processed.

3. It should be noted that the giving of a TEN does not relieve the premises user from compliance with any planning requirements or obtaining appropriate planning consents (where required), nor is the premises user exempt from other legislative requirements (regarding health and safety, noise pollution, building of temporary structures etc).

4. It should also be noted by the premises user that section 145 of the Licensing Act 2003 restricts the access of children to premises being used under the authorisation of a TEN in certain circumstances. Non-compliance would constitute a criminal offence, and it is the responsibility of the premises user to ensure that all relevant legislation is complied with. For further information on offences see the general notes section at the end of the TEN form.

5. A TEN may be given for a premises already holding a premises licence or club premises certificate, where the temporary event seeks to put on an event involving licensable activities, or hours, not covered by the existing licence. Examples of this situation could be:

- a. A premises user wants to put on a temporary event involving live music in a pub which only has a premises licence authorising the supply of alcohol.
- b. A village hall holding a premises licence for sale of alcohol until midnight wishes to put on a temporary event where the sale of alcohol is extended until 1am.
- c. A qualifying club holding a club premises certificate, authorising supply of alcohol to members and their guests only, seeks to put on a temporary event at the club to allow the public to attend and be sold alcohol as well as providing regulated entertainment.

6. Central Government anticipate that where 'ad hoc' events are predictable and anticipated to occur with regularity, then these activities would normally be included as part of an application for (or variation of) a full premises licence.

2. WHO CAN GIVE A TEMPORARY EVENT NOTICE (TEN)?:

1. The 'premises user' for the event in question. This individual could be liable to prosecution if the statutory requirements for TENS were not observed (see section 3 of this guidance document).
2. A personal licence holder may give a maximum of 50 (fifty) TENS per calendar year, whilst any individual (aged 18 or over) who does not hold a personal licence can give a maximum of 5 (five) TENS per calendar year.
3. The police will be alert to notifications given by individuals in the area known to have a criminal background, and can also be expected to give particular attention to events staged primarily for children. Police have powers to intervene if they have concerns over an event taking place.
4. A notice is treated as being from the same premises user if it is given by a spouse, close family member or agent / employee.
5. The premises user must ensure that they are familiar with relevant offences under licensing law, including laws governing sale of alcohol to minors or a person who is drunk. (Please refer to the notes section at the end of the TEN form or 'Offences Factsheet' available upon request from Babergh District Council if in any doubt).

3. QUALIFYING CRITERIA FOR EVENT TO HAVE TEN AUTHORISATION:

Whilst the Temporary Event Notice system offers a 'light touch' system for authorising one-off licensable events, there are strict limitations on both the events themselves and the persons/premises involved with the serving of notices:

- **Event cannot last longer than 96 consecutive hours.**
- **Event cannot be attended by more than 499 persons at any one time.**
- **There must be a gap of at least 24 hours between authorised events.**
- **A single premises can only host a maximum of 12 TEN events per calendar year.**
- **A premises may not use TENS to exceed an aggregate of 15 days in a calendar year.**
- **A premises user, or their associate(s), must observe the personal limits for submission of TENS.**

If the event falls outside of these limits then a full premises licence is required.

4. WHO CAN OBJECT TO A TEN BEING AUTHORISED?:

- The Police have 48 hours from being notified to issue an objection notice, if they believe holding the event would undermine the crime prevention objective.
- If the Police object then this will generate a hearing of a sub-committee of Babergh's Licensing and Appeals Committee.
- Premises users are encouraged to contact local Police officers at the earliest opportunity concerning their proposals before submitting a TEN. It may also be prudent to liaise with other relevant authorities (such as Suffolk Fire & Rescue) if you require expert guidance or advice about your event.
- The Police may withdraw an objection they have made, or can reach an agreement with the premises user to modify the TEN, and thus avoid a hearing.
- No conditions or restrictions may be attached to a TEN. If there is no objection to the event from the Police then the Licensing Authority will simply issue an acknowledgement to the premises user.
- The Police also have powers to close down events with no notice on grounds of disorder, the likelihood of disorder or because of noise nuisance emanating from the premises.
- The Licensing Authority may also serve a Counter-Notice (section 107) to the premises user giving the notice, if the qualifying parameters for the TEN are not met.

5. FURTHER INFORMATION AND CONTACT DETAILS:

The contact details for Suffolk Constabulary (where you need to serve a copy of your notice) are shown below. You send ONE copy to the Police but TWO to the Licensing Authority:

Suffolk Constabulary
Attn: Helen Foster (Licensing)
Sudbury Police Station, Acton Lane
SUDBURY
Suffolk CO10 1QN
(☎ Tel: 01473 613500)

THE LICENSING ACT 2003, REGULATIONS & NATIONAL GUIDANCE:

The Act, Regulations and guidance are available via the relevant Government website www.culture.gov.uk or by contacting:

Department for Culture Media & Sport (DCMS)
2-4 Cockspur Street
LONDON SW1Y 5DH

For general enquiries call: 020 7211 6200

Please note: This document has been drafted for general guidance only. The Authority accept no liability for any error or omission. If you have any queries on licensing requirements you should contact the Licensing Authority or your own legal adviser for advice.



TEMPORARY EVENT NOTICES (TENS) - 10 POINT CHECKLIST

- (1) You need to serve three copies of your notice in total - two to the Licensing Authority and one to Suffolk Constabulary. You must serve your notice a **minimum of 10 working days** before the date of your intended event and preferable 28 days beforehand (refunds may NOT be given if you serve your notice too late). The postal details of where you need to give your notice are as follows:
 - **Suffolk Constabulary, Attn: Helen Foster (Licensing), Sudbury Police Station, Acton Lane, SUDBURY CO10 1QN**
 - **The Licensing Authority, Babergh District Council, Corks Lane, Hadleigh, IPSWICH IP7 6SJ**
- (2) The fee payable for your Temporary Event Notice is £21, and should be sent to the Licensing Authority with your Notice. The cheque should be payable to 'Babergh District Council'. Please note that acceptance of the fee does NOT indicate approval of the application.
- (3) A TEN must be given by an individual as the 'premises user', and NOT an organisation, club or business.
- (4) Please ensure that your planned event meets the requirements to give a TEN. Refunds shall not be given if a Notice is given and the Licensing Authority has to serve a Counter-Notice if the event does not fulfil the statutory qualifying criteria.
- (5) The premises user should ensure that they are aware of and comply with any other relevant legislative requirements or responsibilities (such as Health and Safety and Planning legislation). If in doubt please contact the relevant responsible authority in advance of submitting your TEN.
- (6) The Licensing Act 2003 contains various offences, and section 145 of the Act restricts the access of persons under 16 to premises carrying on certain activities. The 'premises user' must ensure that they are familiar with these provisions and could face prosecution for non-compliance. Please refer to the notes section of the Notice for further information. If in any doubt, seek advice.
- (7) Where a TEN authorises the supply of alcohol, it shall be subject to a mandatory condition that all supplies must be made by or under the authority of the named 'premises user'. Any breach of this condition would render the 'premises user' liable to prosecution.
- (8) Once authorised by the Licensing Authority, the Notice must be prominently displayed at the premises or else kept in the custody of the 'premises user' or another nominated person. Please refer to the notes section of the Notice for further information.
- (9) If you are in any doubt over whether an activity is licensable or not, then please refer to the Licensing Authority for advice, or view guidance via the government website at www.culture.gov.uk
- (10) If the premises is situated in two Licensing Authority areas (for example a field or building crossing a district council boundary), you will need to serve two copies of your TEN on each Licensing Authority, and a further copy to the second Police Authority if applicable. You would need to receive an acknowledgement from both Licensing Authorities before the event could go ahead.

It is strongly recommended that you read, and ensure that you understand, the content of the notes pages at the end of the Notice form prior to completion and submission of your TEN.