

LONDON BOROUGH OF WALTHAM FOREST GUIDANCE NOTE 12 - LICENSING ACT 2003

GUIDANCE ON TEMPORARY EVENT NOTICES

Introduction

The Licensing Act 2003 relates to the licensing of the sale of alcohol, the provision of regulated entertainment and late night refreshment.

Where an event organiser wishes to provide alcohol or certain types of entertainment, they must apply for a Temporary Event Notice.

Temporary Event Notices are intended for one-off events, for example school activities, charitable and community events.

This note gives general guidance on the requirements of the amendments to the Licensing Act 2003 under the Police Reform Social Responsibility Act 2011 that came into force 25th April 2012 and the use of temporary event notices. It does not provide authoritative legal advice.

Temporary Event Notice (TEN)

The system of permitted temporary activities involves sending notification of a licensable activity or event, in the form of a temporary event notice (TEN).

There are two types of TENs:

- a standard TEN, which is given no later than 10 working days before the event to which it relates
- a late TEN, which is given not before 9 and not later than 5 working days before the event.

If you have a personal licence, you can give 10 late TENs a year; if you don't have a personal licence you can only give 2 late TENs.

The notice is sent to the relevant licensing authority, the police and environmental health, letting them know about the planned event. Only the police and environmental health may issue an objection notice on grounds of any of the four licensing objectives: prevention of crime and disorder; prevention of public nuisance; public safety; protection of children from harm. Otherwise, the licensing authority is only required to issue a timely acknowledgement.

Licensable Activities

The following are the licensable activities under the Act:

- The sale of alcohol by retail (which includes off licences, pubs, shops, restaurants, bars at fund raising events);
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- The provision of regulated entertainment (which includes theatres, cinemas, film shows, music and dancing);

- The provision of late night refreshment (which includes restaurants, takeaways, shops, garages, vans who provide hot food or drink for consumption on or off the premises between 11pm and 5am). Note 6 on the TEN application form gives further information on licensable activities.

Conditions For The Use Of TENS

To ensure TENS benefit small events only, they are subject to certain limitations. These are

- The person giving the TEN (known as the premises user) must be over 18 years old.
- No more than 499 people attending at any time.
- An individual is limited to giving 5 TENS in a calendar year, unless they are a personal licence holder for the sale of alcohol, in which case they can give 50.
- If you have a personal licence, you can give 10 late TENS a year; if you don't have a personal licence you can only give 2 late TENS.
- A limit of 15 temporary event notices may be given in respect of a particular premises in a calendar year.
- An event may last for no longer than 168 hours.
- The maximum aggregate duration of the periods covered by temporary event notices at any individual premises is 21 days.
- There must be a minimum of 24 hours between events notified by the premises user in respect of the same premises.

These limitations mean that some events that have previously been permitted under occasional public entertainment licences may require a premises licence or club premises certificate once the new regime is in force. For example, week long events or events for more than 499 people will need to apply for a premises licence.

A TEN is treated as being from the same premises user even it is given by an associate. The Act defines an associate as being a spouse, child, parent, grandchild, grandparent, brother or sister or their spouses or agent or employee of that person or their spouse.

Procedure for Giving A TEN

The premises user is required to give formal notice to the relevant licensing authority, environmental health and the police at least 10 working days before the day on which the event will begin to be accepted as a Standard TEN.

Where the TEN is in order, the fee has been paid, the event falls within the limitations of the Act, and there have been no objections from the environmental health team or the police on the grounds of any of the four licensing objectives: prevention of crime and disorder; prevention of public nuisance; public safety; protection of children from harm, the licensing authority will record the notice in its register and send an acknowledgement to the premises user.

Where the TEN is not within the limitations set out above, the licensing authority will issue a counter notice to the premises user.

Premises users are encouraged to give notice earlier than the 10 working days to ensure that there are no delays. For major events, organisers are asked to contact the Licensing Authority at an early stage before a formal notice is made. This will enable the police and other agencies, for example health and safety officers, environmental health officers to discuss the event with the organisers to ensure that any other legal controls (including fire safety, noise and safety) will be complied with.

TENS For Premises That Already Hold A Premises Licence Or Club Certificate

TENS can be given in respect of premises that already hold a premises licence or club premises certificate.

Planning Law

The giving of a TEN does not relieve the premises user from any requirements under planning law for the appropriate planning permission where it is required.

Temporary Event Notice Fee

Temporary Event Notice	£21.00
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Please be advised that you will no longer be able to pay for services by cash, postal order or cheque at Council offices.

Please visit our website <http://www.walthamforest.gov.uk/pay> to make any future payments relating to Licensing. All online communication is sent over a secure connection, so you can rest assured your personal and payment details remain safe.

To submit your notice or if you require further information and assistance please contact

Licensing Service
Town Hall Complex
Fellowship Square
Walthamstow
London E17 4JF

Tel: 0208 496 3000

Email licensing@walthamforest.gov.uk

Internet www.walthamforest.gov.uk

Please send the Police copy to:

Metropolitan Police Licensing Service
2nd Floor, Room 205
Chingford Police Station
Kings Head Hill
Chingford
London E4 7EA
Tel: 0208 345 3186
Internet www.met.police.uk/walthamforest/

Please send the Noise Team copy to:

Noise Team
Environmental Health
Town Hall Complex
Fellowship Square
Walthamstow
London E17 4JF

Tel: 0208 496 3000
Email EnvironmentalHealth@walthamforest.gov.uk
Internet www.walthamforest.gov.uk

In addition to this guidance note, further information on licensing can be obtained from

- Her Majesty's Stationary Office
website www.legislation.hmso.gov.uk/acts/acts2003/20030017
- The Home Office
website <http://www.homeoffice.gov.uk>