

Information Sheet Licensing Act 2003 Temporary Events

Introduction

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

Temporary or Occasional Events

Under the above Act, if the licensable activity will last not more than 96 hours (4 days) and is for not more than 500 people at any one time, a full licence is not required. The correct permission can be given by a Temporary Event Notice (TEN) which must be sent to the Council (with the £21 fee) and to the Police at **least 10 working days before the function.** If the Police do not object, the function can then go ahead.

Definition of working days

The Act defines "working day" as any day other than a Saturday, a Sunday, Christmas Day, Good Friday, or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales. "Ten 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 received** by the Council and Police.

Please note that the notification period (10 working days) is the minimum that the legislation allows. Both the police and the Council would appreciate earlier notification where ever possible, for example at least six weeks before the event. Where late notifications are received, the Council will advise the applicant, retain the fee and the event will be deemed unauthorised. Any person that permits an unauthorised licensable activity to be carried out is liable on conviction to a fine not exceeding £20,000 or to imprisonment for a term not exceeding 6 months or both.

How many Temporary Events can I have?

There are two rules about how many Temporary Events Notices a location may have:

- 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.

There must be at least 24 hours between temporary events at the same premises, if they are organised by the same premises user. The same person (or their associate) will not be allowed consecutive Temporary Event Notices without a break of 24 hours in-between.

There are two rules about how many Temporary Events Notices a person may have:

- Anyone who does not hold a Personal Licence to sell liquor can only submit five notices in any calendar year
- Personal Licence holders are subject to a limit of 50 temporary events per calendar year. These would have to be spread over at least five different premises as each premises can only have 12 TENs per year.

Cancelled events

Once a Temporary Event Notice has been sent to the Council the person who submitted it could withdraw it up to 24 hours before the event. 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.

Temporary Event Notices

The person giving the notice must:

- 1) Be aged 18 or over;
- 2) Use the official form available from the Authority;

- 3) Send the notice with the correct fee (£21), to the Council in whose area the event will take place. They must receive it at least 10 working days before the event. If the fee is incorrect or a cheque is not honored the notice will be invalid.
- 4) Send a copy to the Police. They must receive it at least 10 working days before the event.

A 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 given out with the form. Anyone can serve such a notice not just the owner of the premises and 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 they must do so within 48 hours of receiving their copy of the Notice. (The period for objection is extended from October 2010 to 2 working days)

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

Granting 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 controls and an organiser must make sure that any other legal requirements are complied with.

Other Changes

The exemption that used to exist for liquor licensed premises to provide entertainment with two or less musicians or pre-recorded music has ceased. A pub etc with a premises licence that does not include the provision of public entertainment, wishing to have a music night or jazz weekend, etc., 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 would like further advice about an event that you are planning please contact the Licensing team on 01737 276238.

This leaflet represents the best advice available at the date of publication but this information may change with time. This leaflet is not authoritative legal advice.

There are a number of information leaflets available from the Licensing Team at the Town Hall

Email: licensing@reigate-banstead.gov.uk or via the Council's website at

http://www.reigate-banstead.gov.uk/business/licensing/the_licensing_act/the_licensing_act_advice_leaflets/index.asp

Leaflets available include: -

The Act Explained	Representations and Objections
Licensee's Responsibilities	Licensable Activities
Licensable Activities	Children and Alcohol
Late Night Refreshment	General Information