



LICENSING ACT 2003

GUIDANCE NOTES RELATING TO TEMPORARY EVENTS

The current system of occasional licences and permissions has been replaced by a single “light touch” system for ad hoc temporary activities where licensable activities are planned to take place.

Types of Licensable Activities:-

- The sale of alcohol;
- 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, i.e. live and recorded music, dancing, production of a play etc;
- The provision of late night refreshment after 11.00 p.m. (i.e. the provision of hot food or drink for consumption on or off the premises between 11.00 pm and 5.00 am.)

Restrictions for Temporary Event Notices

To ensure that a Temporary Event Notice (TEN) benefits small events only, they are subject to the following limitations:-

- No more than 499 people (including staff/organizers) attending at any one time;
- The applicant must be over 18 years old;
- No specified section/room of any premises may have more than 12 temporary events in any calendar year, namely between 1st January and 31st December;
- Personal Licence holders may give up to 50 temporary events per year but these would need to be spread over at least 5 different premises (as only 12 TEN's per year can be given for any one premises);
- Non Personal Licence holders may only apply for 5 notices per calendar year;
- Each event may last no more than 96 hours and there must be at least 24 hours between events;
- No premises may be used for TEN's on more than a total of 15 days per calendar year.

These limitations mean that some events that have previously been permitted under the previous licensing laws may require a Premises Licence or Club Premises Certificate. For example, people wanting to organise weeklong events or events for more than 499 people will need to apply for a full Premises Licence for a specified period.

Procedure for giving a Temporary Event Notice

A TEN can be obtained by sending two copies of the application form (*Form Ref: Lic 19/05*) to the Licensing Section at Bromsgrove District Council, The Council House, Burcot Lane, Bromsgrove, Worcs., B60 1AA or the Council's Customer Service Centre, School Lane, Bromsgrove. This must be done at least 10 working days prior to the day on which the event period begins, together with the prescribed fee of £21.00 (cheques to be made payable to 'Bromsgrove District Council'). A copy of the application form must also be sent to the Police Authority, marked for the attention of PC Paul Bott, Bromsgrove Police Station, 17 The Crescent, Bromsgrove, Worcs., B60 2DF.

The Police and/or the Licensing Authority are entitled to visit and inspect the event and it is a criminal offence to obstruct them.

Police Objections

If the Police believe that allowing the event will undermine the crime prevention objective they must, no later than 48 hours after being given a copy of the TEN, give the premises user and the Licensing Authority an objection notice. (Only the Police can object to a TEN. Residents or local business people cannot object.)

Following a Police objection, the Licensing Authority must hold a hearing to consider the Objection Notice. However, if agreement between the premises users and the Police is reached, namely that the application is modified, the Objection Notice can be withdrawn. If the objection is not withdrawn the Council must hold a hearing to consider the Notice.

The premises user will be notified of the Licensing Authority'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.

Display of Notice

When permitted temporary activities take place, a premises user must ensure that:

- A copy of the TEN is prominently displayed at the premises; or that
- The TEN is kept at the premises either in the applicants' custody or in the custody of a person present and working at the premises and has been nominated for that purpose. Where the TEN is in the custody of a nominated person, a notice specifying that fact and the position held by that person must be displayed prominently at the premises.

Other Controls

Giving a TEN does not mean that the event is exempt from other controls such as Health and Safety at Work, fire safety, noise pollution or any requirements under planning law for appropriate planning permission where it is required.

Children

Under the Act it will be unlawful to allow any unaccompanied child under the age of 16 to be present on premises where the TEN is exclusively or primarily used for supply and consumption of alcohol. It will also be unlawful to permit children under 16 not accompanied by an adult between midnight and 5.00 am into any premises operating under a TEN supplying alcohol for consumption.

Offences

Please read page 6 of the application form for a list of offences associated with a TEN.

Further Information

If you require further information and or application forms please contact:

The Licensing Office, Bromsgrove District Council, The Council House, Burcot Lane, Bromsgrove, Worcs. B60 1AA. Telephone (01527) 881473 or 881626 or email the Licensing Section at licensing@bromsgrove.gov.uk

Application forms are also available by calling into the Council's Customer Service Centre, School Lane, Bromsgrove between 9am to 5pm Mon-Friday and 9am to 12noon on Saturday.

If you wish to speak in person with a member of the Licensing Team, please telephone (01527) 881473 to make arrangements to attend the next available Licensing Surgery.

These notes are intended to help applicants applying for Temporary Event Notices under the new regime. They are not comprehensive and do not form part of the Regulations issued by the Department of Culture, Media and Sport. The Regulations are available for viewing on the DCMS website at www.culture.gov.uk. Applicants may wish to seek their own legal advice.