

## **Licensing Act 2003 - Guidance Fact Sheet**

### **Temporary Events Notices**

#### **What is a permitted temporary event?**

Temporary Event Notices (TENs) can be used to authorise small scale occasional events with less than 500 attendees where “licensable activities” are planned to take place.

You may need to submit a Temporary Event Notice for authorisation if you are hosting or organising any events that take place in any premises or open space.

#### **What activities need a licence?**

- The sale of alcohol – unless you are selling it by wholesale or the alcohol is being given away with no charge being made.
- The supply of alcohol at private members clubs.
- The supply of regulated entertainment (see below)
- The supply of late night refreshments, which is hot food or drink supplied to the public from 11pm to 5am (for consumption on or off the premises).

#### **What is regulated entertainment?**

Entertainment, which takes place in front of an audience, and includes:

- A performance of a play (for example, a pantomime or amateur dramatic production including a rehearsal).
- An exhibition of a film.
- An indoor sporting event.
- A boxing or wrestling event.
- A performance of live music (for example, karaoke, a band or a choir).

- Any playing of recorded music.
- A dance performance.
- Providing facilities for making music, dancing and entertainment of a similar nature.

## Exemptions

The Licensing Act 2003 specifies the following as **not** requiring a licence:

- Film exhibitions solely to demonstrate a product, advertise goods or services, or provide information, education or instruction.
- Any film exhibition at a museum or art gallery.
- Entertainment at a religious service or a place of public worship.
- Entertainment at a garden fete or similar event for charitable purposes.
- Morris dancing.
- Entertainment from carnival floats.
- Free food and drink between 11pm and 5am.

## Who can submit a TEN?

Any person over 18, who will be responsible for all aspects of the event, can submit a TEN.

- No more than **15 TENs** may be given relating to the same premises in any calendar year.
- At least 24 hours must lapse between events.
- No more than 499 people can attend.
- Your event may be over different days and only one TEN is required, provided the event does not exceed a total of **168 hours**.

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

Provided that the above criteria are met, only the Police may intervene to prevent an event covered by a TEN notice taking place or agree a modification of the arrangements for such an event. They can only do so on the grounds of crime prevention.

### **The limits set out above cannot be exceeded.**

If any of the above limits are, or are likely to be, exceeded you will need to apply for a Premises Licence under Section 17 of the Licensing Act 2003.

A TEN will only authorise you to provide the licensable activities specified on the application form and for the times you have given on the application form.

## When and how do I submit a TEN?

The easiest way to apply for a Temporary Event Notice is to apply online through our website at [www.staffordbc.gov.uk /temporary-event-notice](http://www.staffordbc.gov.uk/temporary-event-notice).

If you are applying with a hard copy of the application form, you will need three copies of the standard form.

Two copies of the form and the fee of £21 must be sent to the Licensing Team, and one copy to the Police at least **10 working days** before the event begins.

**Section 193 of the Act defines a “working day” as any day that does not include bank holidays, Christmas Day, Good Friday, Saturdays and Sundays.**

**The date of submission of the forms and the date of the event are also not included in the 10 days’ notice.**

**NB: Failure to serve the forms correctly will result in an invalid application.**

All sections of the TEN must be fully completed and signed.

**Only one event can be applied for on one form.**

A late Temporary Event Notice is a TEN given between 5 and 9 clear working days before an event, not counting the date of submission of the date of the event. You must tick the box on the application form to acknowledge your TEN is late.

There is nothing to prevent forms being submitted for several events at a single time so long as the above limits are not exceeded. However, each event to which a notice relates will require a separate application form and separate fee of £21 payable to Stafford Borough Council.

**Stafford Borough Council will either acknowledge receipt of the notice or, in consideration of any Police objection, provide a counter notice stating that the event cannot go ahead.**

## Police Objections

If the Police believe that allowing the event may lead to crime, they must, no later than **48 hours** after being given a copy of the TEN, give the premises user and Stafford Borough Council an objection notice under crime prevention grounds.

The Police, with the agreement of the premises user, can modify the TEN in which case the counter notice issued by Stafford Borough Council may be withdrawn.

Otherwise, Stafford Borough Council must hold a hearing to consider the notice at least 24 hours before the event.

## Discussions prior to submitting a TEN

Where it is proposed to hold a major event, organisers are asked to contact Stafford Borough Council, Environmental Health and the Police at an early stage before formal notice is made. This will enable the Police to consider and discuss with organisers their operating schedule and avoid potential objections and delays.

## Planning Laws

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

## Children

Under the Licensing Act 2003 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 5am into any premises operating under a TEN supplying alcohol for consumption.

## Police Powers

The Police have the power to close down events with no notice on grounds of disorder, the likelihood of disorder or because of public nuisance caused by noise coming from the premises.

## TENs for venues that hold a Premises Licence

TENs can be given for premises that already hold a Premises Licence or a Club Premises Certificate. For example, to use a pub for an event involving regulated entertainment such as for a wedding where the Premises Licence does not authorise such a provision of regulated entertainment. Also, it could be used where the premises wants to stay open later than is specified on their Premises Licence for a particular event.

## Contact Details

### 2 Applications and fee of £21:

The Licensing Team  
Environmental and Health Services  
Stafford Borough Council  
Civic Centre  
Riverside  
Stafford  
ST16 3AQ

Contact:  
01785 619745  
ehlicensing@staffordbc.gov.uk

### 1 Application:

Police Licensing Officer  
Southern Licensing Department  
Burton Police Station  
Horninglow Street  
Burton Upon Trent  
Staffordshire  
DE14 1PA

Contact:  
Tel: 01785 238222, Fax: 01785 233772  
Southern.licensing@staffordshire.pnn.police.uk

**Further information on The Licensing Act 2003 may be obtained from:**  
**Stafford Borough Council, The Licensing Section, Civic Centre, Riverside, Stafford, ST16 3AQ**

### How we use your personal information

Information you supply to us will be dealt with in line with data protection legislation.

We will only share your information with/ or on The Public Register, The Home Office, other Government agencies, Council departments and Enforcement agencies and the National Fraud Initiative when necessary or where the law otherwise requires or allows us to do so. For further information, please see [www.staffordbc.gov.uk/privacynotices](http://www.staffordbc.gov.uk/privacynotices)