

GUIDANCE ON TEMPORARY EVENT NOTICES (TENS)

These should be read in conjunction with the guidance notes on the application form

Temporary Event Notices can be used to authorise relatively small-scale ad hoc events held in or on any premises involving no more than 499 people at any one time. The premises user must, **NO LATER THAN 10 WORKING DAYS BEFORE THE DAY ON WHICH THE EVENT IS TO START**, give duplicate copies of the notice to the relevant licensing authority, together with the fee of £21. A copy of the notice must also be given to the relevant chief officer of police no later than 10 working days before the day on which the event is to start. Anyone aged 18 or over can give a maximum of five TENS per year. Personal licence holders can give a maximum of fifty TENS per year. TENS are subject to other maximum limits, as set out below.

Each event covered by a TEN can last up to 96 hours and no more than twelve TENS can be given in respect of any particular premises in any year, subject to a maximum aggregate duration of the periods covered by TENS at any individual premises of 15 days in any year. There must be a minimum of 24 hours between events notified by a premises user or associates of that premises user in respect of the same premises.

Provided that the criteria set out above 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 and then only on crime prevention grounds.

Q&A

Can anyone give a TEN?

Yes, as long as you are 18 or over you can give a maximum of 5 TENS a year. A personal licence holder can give a maximum of 50 TENS a year. There can be no more than 12 TENS per year per property.

TEN's given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals.

An "associate" of the proposed premises user is:

- a. the spouse of that person;
- b. a child, parent, grandchild, grandparent, brother or sister of that person;
- c. an agent or employee of that person; or
- d. the spouse of a person within (b) or (c).

Therefore if you are a committee and no one has a personal licence, this means that you can only hold 5 TEN's per year.

For these purposes, a person living with another as that person's husband or wife is to be treated as that person's spouse.

These provisions will be subject to amendment by the Civil Partnerships Act. These amendments are due to take effect from 5th December 2005.

Can a person give more than one TEN at the same time?

There is nothing to prevent simultaneous notification of multiple events at a single time provided the limits on the use of TEN's are observed. However, each event to which a notice relates will require a separate £21 fee.

Can you give a TEN on behalf of someone else?

The 'premises user' is the individual who must give the temporary event notice.

How do I give a TEN?

You must give a notice in duplicate, at least 10 working days prior to the day on which the event period begins, to Bracknell Forest Borough Council together with the fee of £21. You must also send a copy of the notice to the Chief Officer of Police at Bracknell Police Station, Broadway, Bracknell RG12 1AD, Telephone 01344 823483 or

Bracknell.licensing@thamesvalley.pnn.police.uk

(again at least 10 working days prior to the day on which the event period begins). The notice must contain a statement of:

- the licensable activities that will take place
- the period during which it is proposed to use the premises for those activities
- the times during the event period when licensable activities are to take place
- the maximum number of persons to be allowed on the premises at any one time (not exceeding 499)
- if the supply of alcohol is involved, whether the supplies will be for consumption on or off the premises or both
- where the licensable activities include the supply of alcohol, the condition that all such supplies are made by or under the authority of the premises user
- any other matters prescribed by the Secretary of State in regulations

What is the procedure once a TEN has been given?

If the TEN is within the permitted limits of permitted temporary activities, and the police have not intervened to prevent the event happening, or have agreed a modification of the arrangements for the event, Bracknell Forest Borough Council must issue acknowledgement of the TEN. There is no requirement for the police to acknowledge the notice as well.

If the temporary event notice exceeds the permitted limits then Bracknell Forest Borough Council must give the premises user a counter notice, copied to the police, preventing the event from taking place.

If the police are satisfied that allowing the premises to be used in accordance with the TEN would undermine the licensing objective on preventing crime and disorder, they must, no later than 48 hours after being given a copy of the TEN, give the premises user and Bracknell Forest Borough Council (BFBC) an objection notice. BFBC must then hold a hearing to consider the notice no later than 24 hours before the beginning of the event period specified in the TEN, unless all parties agree this is unnecessary and, having regard to the notice, will issue a counter notice if it considers it necessary for the promotion of the crime prevention objective to do so. Again, this will mean that the event cannot go ahead.

The TEN can be modified by the police with the agreement of the premises user prior to the consideration of the objection notice by BFBC, in which case the objection notice is to be treated as having been withdrawn and the 2003 Act will apply to the TEN as modified.

What is the procedure once a TEN has been modified?

Where the police have objected to a TEN and it has been modified with the agreement of the premises user, the police must give a copy of the modified notice to BFBC before a hearing is held.

Can a TEN be withdrawn?

A temporary event notice may be withdrawn by the 'premises user' giving BFBC a notice to that effect no later than 24 hours before the beginning of the event period specified in the temporary event notice.

Can I use a TEN in respect of premises that already hold a premises licence?

Yes. If you wish for example to use your pub for an event involving the provision of **regulated entertainment**, e.g. for a wedding, where your premises licence does not authorise such a provision of regulated entertainment, it may be authorised by a TEN. However do not forget that the limits in relation to permitted temporary activities will apply.

Will I be able to give a TEN if my premises can hold more than 499 people?

Yes, as long as you ensure that the number of people on the premises during the event period authorised by the TEN does not exceed 499 at any one time. If you think that more than 499 people will attend the event you will need to apply for a premises licence to cover the event. Otherwise, if this limit is exceeded, the event will be unauthorised and the premises user liable to prosecution.

Can a TEN be given in respect of an outdoor event?

Yes. A TEN can be given in respect of both indoor and outdoor events. "Premises" for the purposes of the Act means any place, whether indoors or outdoors. For example, it could cover a town square, part of a park, or a street. But remember the limits in relation to permitted temporary activities (for example the number of people who can be on the premises at any one time) will apply.

Are there any extra restrictions when a temporary event notice includes the supply of alcohol?

Where the relevant licensable activities include the supply of alcohol, the notice must make it a condition of using the premises for such supplies, that all such supplies are made by or under the authority of the premises user (i.e. the person who applied for the TEN).

Can I object to a TEN if I believe it could lead to public nuisance or crime?

No. Only the police can intervene to prevent an event covered by a TEN taking place or agree a modification of the arrangements for such an event and then only on crime prevention grounds. However only a limited number of TENs can be given in respect of any particular premises each year, and the powers given in the Act to the police to close premises in certain cases of disorder or noise nuisance extend to premises in respect of which a TEN has effect.

Is there any scope to increase the limits on TENs?

The Secretary of State has powers under the Act to increase or decrease by order, limits placed on TENs. The limits may therefore be amended if, in the light of experience, it proves that there needs to be an adjustment.

What powers do the police and licensing authorities have to stop a temporary event once it has started?

Police have the power to seek court orders to close premises for up to 24 hours in a geographical area that is experiencing or likely to experience disorder. Police also have the power to close down instantly for up to 24 hours, premises in respect of which a temporary event notice has effect, that are disorderly, likely to become disorderly or are causing nuisance as a result of noise from the premises. Such orders may only be made where it is necessary in the interest of public safety in cases of disorder or to prevent nuisance in the case of noise coming from the premises.

Licensing authorities have no power under the Licensing Act 2003 to stop permitted temporary events once they have started. A local authority may have powers under other legislation, such as powers to deal with a statutory nuisance.

Does the premises user have to display the TEN at the event?

The premises user must either

- secure that a copy of the TEN is prominently displayed at the premises being used for the permitted temporary activity
- secure that the TEN is kept at the premises in his custody
- secure that the TEN is kept at the premises in the custody of a person who is present and working at the premises and whom he has nominated for this purpose (and if this is the case, secure that a notice specifying this fact and the position held at the premises by that person is prominently displayed at the premises)

What happens if a premises user loses the TEN?

Where a TEN is lost, stolen, damaged or destroyed, the premises user may apply to BFBC for a copy of the notice. No application may be made more than a month after the end of the event period specified in the notice. Any application must be accompanied by the prescribed fee.