



Barrow Borough Council Licensing Authority

Temporary Event Notice Guidance

What is a Temporary Event Notice for?

A Temporary Event Notice (TEN) is a light touch system for ad hoc, permitted temporary activities. For small events where less than 500 people are to attend, and which last for less than 168 hours or 7 days. There must be a 24 hour break before a further TEN can be served on a premises.

How much does a Temporary Event Notice cost?

A cost of £21.00 is required for each notice.

What does activities does a Temporary Event Notice cover?

- Sale by retail of alcohol
- Supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- Provision of regulated entertainment
- Provision of late night refreshment

Is there an age restriction to give a temporary event notice?

An individual must be aged 18 or over to give a temporary event notice.

Limitations of Temporary Event Notices

The limitations directly imposed on the use of TENs by the 2003 Act are:

- the number of times a premises user may give a TEN is 50 times in a calendar year for a personal licence holder and five times in a calendar year for other people;
- the number of times a premises user may give a late TEN is limited to 10 times in a calendar year for a personal licence holder and twice for other people. Late TENs count towards the total number of permitted TENs (i.e. the limit of five TENs a year for non-personal licence holders and 50 TENs for personal licence holders). A notice that is given less than ten working days before the event to which it relates, when the premises user has already given the permitted number of late TENs in that calendar year, will be returned as void and the activities described in it will not be authorised.
- the number of times a TEN may be given for any particular premises is 15 times in a calendar year;
- the maximum duration of an event authorised by a TEN is 168 hours (seven days);
- the maximum total duration of the events authorised by TENs in relation to individual premises is 21 days in a calendar year;
- the maximum number of people attending at any one time is 499; and
- the minimum period between events authorised under separate TENs in relation to the same premises (not including withdrawn TENs) by the same premises user is 24 hours

Who should the temporary event notice be given to?

You can submit a TEN as a paper copy or electronically.

If you submit as a paper copy you must send one copy of the TEN accompanied with the fee of £21.00 (if cheque, made payable to Barrow Borough Council) to:-

Licensing Officer
Public Protection Services
Barrow Borough Council
Duke Street
Barrow in Furness
Cumbria LA14 2LD

And

One copy of the TEN to:-

Environmental Protection Officer
Public Protection Services
Barrow Borough Council
Duke Street
Barrow in Furness
Cumbria LA14 2LD

One copy of the TEN to:-

Chief Officer of the Police
(FAO Licensing Department)
Andrews Way
Barrow in Furness
Cumbria LA14 2UE

If a TEN is sent electronically via GOV.UK or to the licensing authority's email commercial@barrowbc.gov.uk the licensing authority must notify the police and Environmental Protection Officer as soon as possible and no later than the first working day after the TEN is given.

Should licensing authorities and police acknowledge receipt of a temporary event notice?

The licensing authority is required to issue acknowledgement of the temporary event notice. No acknowledgement is required by the Act from the police.

When should the temporary event notice be given?

There are two types of TEN: a standard TEN and a late TEN. These are subject to different processes: a standard notice is given no later than ten working days before the event to which it relates; and a late notice is given not before nine and not later than five working days before the event.

"Ten working days" (and other periods of days which apply to other requirements in relation to TENs) exclude the day the notice is received and the first day of the event.

A copy of the notice must also be given to the relevant chief officer of police and Environmental Protection Officer no later than 10 working days before the day on which the event is to start. "Working day" under the 2003 Act means any day other than a Saturday, Sunday, Christmas Day, Good Friday or Bank Holiday

Late TENs can be given up to five working days but no earlier than nine working days before the event is due to take place and, unless given electronically to the licensing authority, must also be sent by the premises user to the police and EHA. A late TEN given less than five days before the event to which it relates will be returned as void and the activities to which it relates will not be authorised.

What information should be included in the temporary event notice?

- The TEN must be in the prescribed form. It must state:
- The licensable activities to take place during the event
- The period (not exceeding 168 hours or 7 days) during which it is proposed to use the premises for licensable Activities
- The times during the event period that the premises user proposes that the licensable activities shall take place
- The maximum number of persons (being less than 500) which it is proposed should, during those times, be allowed on the premises at the same time
- Where the licensable activities include the supply of alcohol, whether the supplies are proposed to be for consumption on the premises or off the premises or both; and
- Any other matters prescribed by the Secretary of State.

Are there 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 a person give more than one temporary event notice at the same time?

Yes. There is nothing to prevent simultaneous notification of multiple events at a single time provided the restrictions on the use of TEN's are observed.

Can you give a Temporary Event Notice on behalf of someone else?

No. The 'premises user' is the individual who must give the temporary event notice.

Can a temporary event notice be withdrawn?

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

Who can object to a temporary event notice?

Only the police and Environmental Protection Officer may 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 grounds relating to the Licensing objectives. However a licensing authority may issue a counter notice if the limits on TEN's will be exceeded.

What reasons can be given for the objection of a temporary event notice?

The chief officer of police and Environmental Protection Officer has to be satisfied that allowing the premises to be used in accordance with the notice would undermine the Licensing objectives and must give an objection notice explaining the reasons why.

How long do police and Environmental Protection Officer have to object to a temporary event notice?

The objection notice must be given no later than 3 working days after the chief officer of police or Environmental Protection Officer is given a copy of the temporary event notice.

What is the procedure once the police or Environmental Protection Officer object to a temporary event notice?

The relevant licensing authority must hold a hearing to consider the objection notice, unless the premises user, the chief officer of police or Environmental Protection Officer who gave the objection notice and the licensing authority agree that a hearing is unnecessary.

At the hearing, consideration by the licensing authority is confined to the Licensing objectives. If it considers it necessary for the promotion of any of the Licensing objectives the licensing authority may give the premises user a counter notice, stating the reasons for its decision and copying it to the relevant chief officer of police or Environmental Protection Officer. The effect of the counter notice is to stop the event from taking place. Where a licensing authority decides not to give a counter notice, it must give the premises user and the relevant chief officer of police or Environmental Protection Officer notice of this decision and the event can take place as notified.

How long does the licensing authority have to give its decision on a hearing?

The relevant licensing authority must make its decision and issue a notice no later than 24 hours before the beginning of the event period specified in the TEN.

Can the temporary event notice be modified if the police or Environmental Protection Officer object?

Yes. At any time before a hearing is held, the chief officer of police or Environmental Protection Officer may, with the agreement of the premises user, modify the TEN to meet their concerns.

What is the procedure once the notice has been modified?

Once the TEN has been modified the licensing authority will be sent or delivered a copy of the modified notice by the police or Environmental Protection Officer.

What powers do the police 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.

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

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 for e.g. to deal with statutory nuisance e.g. noise, health and safety etc.

Does the premises user have to display the temporary event notice at the event?

Where a TEN is not prominently displayed at the premises, the police and licensing officers have the right under sections 109(5) and (6) of the 2003 Act to request the premises user (or relevant nominated person who has the TEN in their custody) to produce the TEN for examination. If the police do not intervene when a TEN is given, they will still be able to rely on their powers of closure under the Anti-social Behaviour, Crime and Policing Act 2014.

What happens if a premises user loses the temporary event notice?

Where a TEN is lost, stolen, damaged or destroyed, the premises user may apply to the licensing authority 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.

Late Temporary Events

Applications to be submitted between 5-9 days before the event – this should only be used by premises users who are required for reasons outside their control to, for example, change the venue at short notice.

A key difference between standard and late TENs is the process following an objection notice from the police or EHA. Where an objection notice is received in relation to a standard TEN the licensing authority must hold a hearing to consider the objection, unless all parties agree that a hearing is unnecessary. If the police, EHA or both give an objection to a late TEN, the notice will not be valid and the event will not go ahead as there is no scope for a hearing or the application of any existing licence conditions.

Note: Late TENs are limited to 10 for Personal Licence holders and 2 for non personal Licence holders. These figures are included in the total of TENs allowed.