

Licensing Team

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LICENSING ACT 2003

Temporary Event Notices (TENs)

Purpose of the Licensing Act 2003

The overall aim of the Licensing Act 2003 was to modernise the legislation governing the sale and supply of alcohol, late night refreshment and regulated entertainment licensing so that:

- Various outdated pieces of legislation were brought under a single act.
- Licensing decisions were made according to local considerations.
- Licensing hours were deregulated.

Licensing objectives

The Act lays out four licensing objectives:

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety
- Protection of children from harm

What do I need a licence or Temporary Event Notice for?

You need to obtain a licence or authorisation for the following activities:



- To sell alcohol by retail
- If you are a qualifying club, to supply alcohol to a club member, or to sell alcohol to a guest of a club member
- To provide regulated entertainment
- To sell hot food or drink between 11.00pm and 5.00am for consumption on or off the premises.

What is a Temporary Event Notice?

A Temporary Event Notice (TEN) is a notification given by an individual to the Council giving notice of an event that is to take place. TENs are often used to authorise relatively small-scale ad hoc events. The notice relates to temporary events with less than 500 attendees where 'licensable activities' are planned to take place.

You can use a TEN for:

- Authorising a licensed activity at a premises not currently licensed – e.g. selling alcohol at a school fete;
- Temporarily extending the hours you may provide a licensed activity at an existing licensed premises;
- Providing licensable activities not authorised by your existing licence.

During 2016/17 this Authority received 344 Temporary Event Notices.

The price for a Temporary Event Notice is £21.

Cheques should be made payable to East Lindsey District Council. Please note that we no longer accept cash payments for Temporary Event Notices.

The Licensing Team is able to provide facilities for payments by credit and debit cards. Further information on payment by credit or debit card is available by contacting the Licensing Team direct.

Criteria for TENs

The person giving the Temporary Event Notice is known as the Premises User.

- The premises user must be over 18 years old
- Personal Licence holders may give up to 50 notices per year
- Non Personal Licence holders may only give up to five notices per year
- Each event may last no more than 168 hours (7 days) and there must be at least 24 hours between events.
- No premises may be used more than 15 times per calendar year.
- No premises may be used on more than 21 days per calendar year in total.
- No more than 499 persons can attend the event

In circumstances where the above criteria are not met, a full Premises Licence is required. Contact the Licensing Team for further guidance and advice.

A TEN is treated as being from the same premises user if it is given by an associate. The Act defines an associate as being 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 criteria set out above are met, only the Police or the Council's Environment Section may intervene to prevent an event covered by a TEN taking place. Alternatively, the Police or the Environment Section may agree a modification of the arrangements for such an event on the grounds of the licensing objectives. In certain limited circumstances they may also agree that conditions should be attached to a particular TEN.

How do I give a Temporary Event Notice?

The premises user will be required to provide the Licensing Team, the Police and the Council's Environment Team with a notice at least ten working days prior to the event date. East Lindsey District Council strongly encourages premises users to give notice as soon as reasonably practicable to enable the Police and the Environment Team to work with them to identify and reduce the risk of any possible issues in relation to the licensing objectives.

The notice will include:

- 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

The Licensing Team will either acknowledge receipt of the notice or, in consideration of any Police or Environment Section objection, will refer the matter to its Licensing Act 2003 Sub-Committee for consideration.

You can submit the completed TEN form by email to: licensing@e-lindsey.gov.uk and pay the £21.00 by debit or credit card over the telephone (01507 601111 Extension 3010 or 3012). If you submit the TEN in this way then we will forward the copies to the Police and the Council's Environment Section.

The address of the local Police for the District is:

- Chief Officer of Lincolnshire Police, Licensing (Alcohol), Police Headquarters, PO Box 999, Lincoln, LN5 7PH.
- Telephone 01522 558437 Email: countylicensinggroup@lincs.pnn.police.uk

The address of the Environment Section is:

- Environment Section, Regulatory Services, East Lindsey District Council, Tedder Hall, Manby Park, Louth, LN11 8UP.
- Telephone 01507 601111 Email: environmental.protection@e-lindsey.gov.uk

Police and Environment Section Objections

If the Police or the Environment Team believe that allowing the event will undermine one or more of the licensing objectives, they must, no later than 72 working hours after being given a copy of the TEN, give the premises user and the Council an objection notice.

The Police or the Environment Team, with the agreement of the premises user, can modify the TEN in which case there will be no need for a Licensing Sub Committee hearing.

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

Where an objection is received in relation to a TEN, conditions may be applied to the event if the Council considers it appropriate for the promotion of the licensing objectives to do so. This can only be done if those conditions are also on a premises licence that has effect in respect of the same premises as the TEN. An example of such a condition would be a condition on a pub's licence that doors and windows must be kept closed during periods when regulated entertainment (e.g. live music) was taking place.

Licensing Act 2003 Sub-Committee

Where a Police objection is received, the Council will hold a meeting of its Licensing Act 2003 Sub-Committee to consider whether to serve a Counter Notice prohibiting the event from going ahead. The Committee is comprised of elected Members of the Council. They will listen to evidence from the Premises User and the party making the objection before making their decision.

The Committee may decide to issue a Counter Notice prohibiting the event from going ahead, or decide the Council has no objections.

What is a Late Temporary Event Notice?

As detailed earlier in this leaflet a TEN must normally be served on the Licensing Team, the Police and the Environment Team 10 working days before the first day of the event. However, there is in certain limited circumstances the possibility of submitting a 'late' TEN. The 'late' TEN may be submitted between 5 and 9 working days before the first day of the event.

However, if objections are received from the Police or the Environment Team to a late TEN then the event will not be permitted to go ahead - there will not be any right of appeal to the Magistrates Court against this decision. In order to ensure that the event does not go ahead the Licensing Team will issue a Counter Notice. There is no requirement for a Licensing Sub-Committee hearing (consisting of Councillors) to take place in order for the Counter Notice to be issued - this can be done without the need for a licensing hearing.

A personal licence holder is allowed to submit a maximum of 10 late TENs during a calendar year. A non-personal licence holder may only submit 2 late notices during a calendar year.

Late TENs will count towards your total number of permitted TENs.

Please Remember:

- The maximum of 5 TENs per year for a non-personal licence holder includes the 2 late TENs (if used).
- The maximum of 50 TENs per year for a personal licence holder includes the 10 late TENs (if used).

Further information in relation to late TENs is available by contacting the Licensing Team.

Planning Laws

The giving of a temporary event notice does not relieve the premises user from 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 5.00am 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 premises that already hold a Premises Licence

TENs can be given for premises that already hold a Premises Licence or a Club Premises Certificate. For example, a TEN could allow you to use a pub for a wedding with music, where the Premises Licence does not authorise the 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.

What happens if there are no Police or Environment Team objections?

If there are no objections, the event can go ahead.

What is a Personal Licence?

A Personal Licence is an authority to sell, or authorise the sale, of alcohol by retail. Personal Licence holders must be approved by the Council whose district they live in. If you are not an existing Personal Licence holder, you will have to undertake a training course prior to obtaining your licence.

Appeals

Appeals must be made to Skegness Magistrates Court within 21 days. However, an appeal may not be brought later than five working days from the day of the planned event (which is subject of the TEN).

If the Council decides not to issue a counter notice in relation to an objection notice the Police can appeal the decision. Again appeals must be made to Skegness Magistrates Court within 21 days. Also again, an appeal may not be brought later than five working days from the day of the planned event (which is subject of the TEN).

The information and guidance contained in this leaflet is provided for information purposes only. However, in attempting to simplify the law, certain requirements have been omitted. Full details of what you must do are in the legislation itself. Every reasonable effort is made to make the information and commentary accurate and up to date, but East Lindsey District Council assumes no responsibility for its accuracy and correctness, or for any consequences of relying on it. Laws can and do change. This information was accurate when produced, but may have changed since. We must advise that only the Courts can give an authoritative opinion on statute law.

The information and commentary does not, and is not intended to, amount to legal advice to any person on a specific case or matter. You are strongly advised to obtain specific personal advice from a solicitor or licensing consultant about your case or matter and not to rely entirely on the information or comments in this leaflet.

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