

Licensing Act 2003 Guidance On Temporary Event Notices (TENS)

The Law states that you must give at least 10 working days notice of a Temporary Event Notice. This does not include the day of the event, the day the notice is received by the Licensing Authority or bank holidays and weekends. If you fail to comply with this timescale, the notice will be rejected and you will be unable to proceed with the event.

It is recommended that you ensure that your intended event meets the qualifying criteria for a TEN BEFORE you apply, as a refund of the statutory fee will not be given if your event cannot be authorised under TEN arrangements.

A TEN cannot be changed once acknowledged by the Licensing Authority. You can cancel a TEN up to 24 hours before the event is going to take place, this event will then not count towards your yearly allowance of temporary event notices. However, your applicant fee cannot be refunded.

Please note you can not apply for multiple events on one Notice, each event must be applied for separately.

General Information About Temporary Event Notices (TEN's):

Temporary Event Notices (TEN's) have replaced temporary permissions or occasional licences for events that require authorisation.

A TEN is the authorisation required for the carrying on of either the sale or supply of alcohol, the provision of regulated entertainment or late night refreshment, (or any combination of these Licensable Activities), at premises that do NOT hold an authorisation under the Licensing Act 2003 to conduct such activities.

The system for TEN's involves the notification of an event, by the premises user, to the Licensing Authority, Cleveland Police and the Environmental Health Department. The event must be notified to the Licensing Authority, the Police and the Environment Health Department with a minimum of 10 working days before the intended event and preferably at least 28 days beforehand. Late notices can be given no later than 5 working days but no earlier than 9 working days before the event. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised.

It should be noted that the giving of a TEN does not relieve the premises user from compliance with any planning requirements or obtaining appropriate planning consents (where required), nor is the premises user exempt from other legislative requirements (regarding health and safety, noise pollution, building of temporary structures etc).

It should also be noted by the premises user that section 145 of the Licensing Act 2003 restricts the access of children to premises being used under the authorisation of a TEN in certain circumstances. Non-compliance would constitute a criminal offence, and it is the responsibility of the premises user to ensure that all relevant legislation is complied with.

A TEN may be given for a premises already holding a premises licence or club premises certificate, where the temporary event seeks to put on an event involving licensable activities, or hours, not covered by the existing licence. Examples of this situation could be:

- i. A premises user wants to put on a temporary event involving live music in a pub, which only has a premises licence authorising the supply of alcohol.
- ii. A village hall holding a premises licence for sale of alcohol until midnight wishes to put on a temporary event where the sale of alcohol is extended until 2am.
- iii. A qualifying club holding a club premises certificate, authorising supply of alcohol to members and their guests only, seeks to put on a temporary event at the club to allow the public to attend and be sold alcohol as well as providing regulated entertainment.

Who Can Give A TEN?

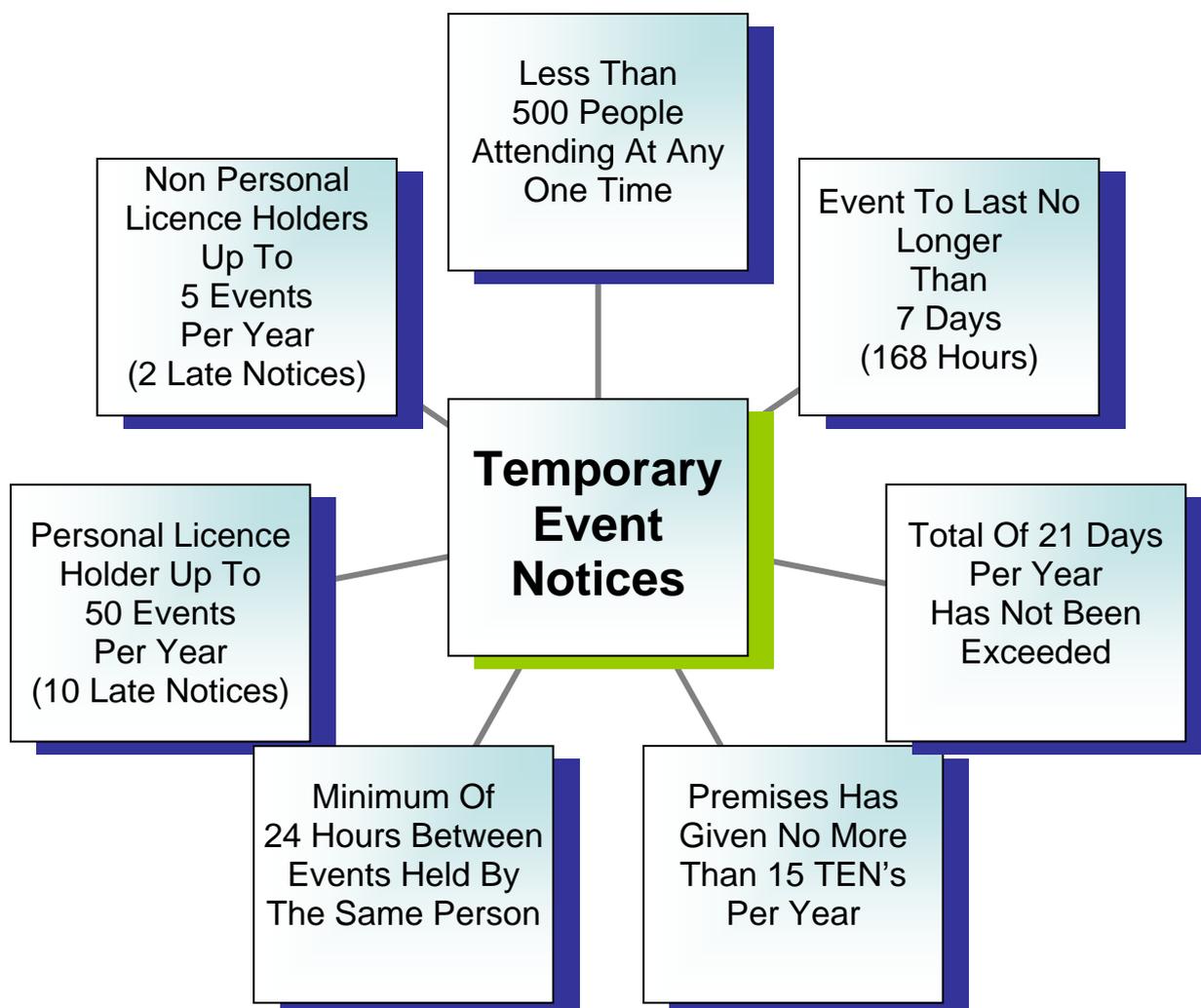
The premises user for the event in question. This individual could be liable to prosecution if the statutory requirements for TENs were not observed

A personal licence holder may give a maximum of 50 (fifty) TEN's per calendar year, whilst any individual (aged 18 or over) who does not hold a personal licence is restricted to a maximum of 5 (five) TEN's per calendar year. The number of times a person may give a late temporary event notice is 10 times per year for a personal licence holder and 2 times per year for non personal licence holders.

A notice is treated as being from the same premises user if it is given by a spouse, close family member or agent / employee.

The premises user must ensure that they are familiar with relevant offences under licensing law, including laws governing sale of alcohol to minors or a person who is drunk.

Criteria To Qualify For A TEN



- The event cannot last longer than 7 days (168 hours)
- Event cannot be attended by more than 499 persons at any one time
- There must be a gap of at least 24 hours between events held by the same person
- A single premise can only host a maximum of 15 TEN events per calendar year
- A single premise may not be used for more than 21 days per calendar year
- A premise user, or their associate(s) must observe the personal limits for submission of TEN's

Please note you can only apply for one event on each notice.

If the proposed event falls outside these limitations then a full premises licence may be required. Please contact a Licensing Officer to discuss.

Who Can Object To A TEN?

The Police and Environmental Health have 3 working days from being notified to issue an objection notice; if they believe holding the event would undermine licensing objectives.

If the Police and/or Environmental Health object then this will generate a hearing of the Licensing sub-committee

Premises users are encouraged to contact the Licensing Team at the earliest opportunity concerning their proposals before submitting a TEN.

The Police and/or Environmental Health may withdraw an objection they have made, or can reach an agreement with the premises user to modify the TEN, and thus avoid a hearing.

If there is no objection to the event from the Police or Environment Health then the Licensing Authority will simply issue an acknowledgement to the premises user.

The Police and/or Environmental Health also have powers to close down events with no notice on grounds of disorder, the likelihood of disorder or because of noise nuisance emanating from the premises.

The Licensing Authority may also serve a counter-notice to any TEN submitted if the qualifying criteria for TEN's are not met.

Contact Details:

The contact details for Cleveland Police and Environmental Health are shown below. You send ONE copy to the Police. ONE copy to Environmental Health and TWO to the Licensing Authority:

Cleveland Police
Licensing Unit
Middlesbrough Police Station
Bridge Street West
Middlesbrough
TS2 1AB

FAO Stephanie Landles
Environmental Health Department
Stockton on Tees Borough Council
PO Box 232, 16 Church Road
Stockton on Tees
TS18 1XD

Important Information

The endorsed Temporary Event Notice form acts as the Temporary Event Notice authorisation.

Duty to keep and produce temporary event notice

The premises user must either—

- (a) secure that a copy of the temporary event notice is prominently displayed at the premises, or
- (b) secure that the temporary event notice is kept at the premises in—
 - (i) his custody, or
 - (ii) in the custody of a person who is present and working at the premises and whom he has nominated for the purposes of this section,and where the temporary event notice is in the custody of a person so nominated, secure that a notice specifying that fact and the position held at the premises by that person is prominently displayed at the premises.

Where the temporary event notice is not displayed as mentioned in (a) above, and no notice is displayed as mentioned in (b) above a constable or authorised officer may require the premises user to produce the temporary event notice for examination.

Where a notice is displayed as mentioned in (b) above, a constable or authorised officer may require the person specified in that notice to produce the temporary event notice for examination.

A person commits an offence if he fails, without reasonable excuse, to produce a temporary event notice in accordance with the requirements above.

Temporary Event Notices (TEN's) - Checklist

- You need to serve four copies of your notice - two to the Licensing Authority, one to Cleveland Police and one to Environmental Health.
- You must serve your notice a minimum of 10 working days before the date of your intended event and preferable 28 days beforehand.
- Late notices can be given no later than 5 working days but no earlier than 9 working days before the event. (Personal licence holders may serve 10 late notices per year, non personal licence holders may serve 2 late notices per year)
- The postal details of where you need to give your notice are as follows:

Two Copies to:

Licensing Service, Municipal Buildings, Church Road, Stockton on Tees. TS18 1LD.

One copy to:

Cleveland Police, Licensing Unit, Middlesbrough Police Station, Bridge Street West, Middlesbrough TS2 1AB

One copy to:

Environmental Health Department, FAO Stephanie Landles, PO Box 232, 16 Church Road, Stockton on Tees TS18 1XD

- The fee payable for your Temporary Event Notice is £21, and should be sent to the Licensing Authority with your Notice. The cheque should be payable to 'Stockton on Tees Borough Council'.
- A TEN must be given by an individual as the 'premises user', and NOT an organisation, club or business.
- Please ensure that your planned event meets the requirements to give a TEN. Refunds will not be given.
- The premises user must ensure that they are aware of, and comply with, all relevant legislative requirements or responsibilities (such as Health and Safety and Planning legislation). If in doubt please contact the relevant responsible authority in advance of submitting your TEN.
- The Licensing Act 2003 contains various offences, and section 145 of the Act restricts the access of persons under 16 to premises carrying on certain activities. The 'premises user' must ensure that they are familiar with these provisions and could face prosecution for non-compliance. Please refer to the notes section of the Notice for further information. If in any doubt, seek advice.
- Where a TEN authorises the supply of alcohol, it shall be subject to a mandatory condition that all supplies must be made by or under the authority of the named 'premises user'. Any breach of this condition would render the 'premises user' liable to prosecution.
- Once authorised by the Licensing Authority, the Notice must be prominently displayed at the premises or else kept in the custody of the 'premises user' or another nominated person. Please refer to the notes section of the Notice for further information.
- If you are in any doubt over whether an activity is licensable or not, then please contact a Licensing Officer for advice.
- If the premises is situated in two Licensing Authority areas (for example a field or building crossing a district council boundary), you will need to serve two copies of your TEN on each Licensing Authority, and a further copy to the second Police Authority, if applicable. You would need to receive an acknowledgement from both Licensing Authorities before the event could go ahead.
- It is strongly recommended that you read, and ensure that you understand, the content of the notes pages at the end of the Notice form prior to completion and submission of your TEN.