

TEMPORARY EVENT NOTICES

GUIDANCE TO EVENT ORGANISERS

Licensing Act 2003

In offering this guidance Chelmsford City Council wishes to make it clear that:

The Licensing Authority's role in the Licensing System is primarily administrative and regulatory. The Licensing Authority is therefore only able to offer guidance as to the processes which need to be followed in giving a notice.

Legislation may change over time and the advice given is based on the information available at the time this guidance was published. Only the courts can interpret statutory legislation. This advice is not intended to be a definitive guide to, or substitute for relevant legislation. Independent legal advice should be sought where there is doubt.

When is a Temporary Event Notice Required?

A Temporary Event Notice (TEN) is required if you intend to hold an event involving up to 499 people (including organisers and participants), at which one or more licensable activities will take place and not already authorised by an existing premises licence or club premises certificate.

What are the Licensable Activities under the Licensing Act 2003?

- the sale by retail of alcohol
- the supply of alcohol in a club
- the provision of entertainment
 - A performance of a play
 - An exhibition of a film
 - An indoor sporting event
 - A boxing or wrestling entertainment (indoors or outdoors)
 - A performance of live music
 - Any playing of recorded music
 - A performance of a dance
 - Entertainment of similar description to that falling within the performance of live music, any playing of recorded music and the performance of dance.
- the provision of late night refreshments between 2300hrs (11pm) and 0500hrs (5am).

What entertainment is deregulated under the Licensing Act 2003?

The Legislative Reform (Entertainment Licensing) Order 2014 and Deregulation Act 2015 has deregulated some of the regulated activities under the Licensing Act 2003 and came into force on 6th April 2015. The activities that no longer require a licence are:

Plays:

no licence is required for performances between 08.00 and 23.00 on any day, provided that the **audience** does not exceed **500**.

Dance:

no licence is required for performances between 08.00 and 23.00 on any day, provided that the **audience** does not exceed **500**.

Films:

no licence is required for a 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed **500** and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each screening complies with age classification ratings.

Indoor sporting events:

no licence is required for an event between 08.00 and 23.00 on any day, provided that those present do not exceed **1000**.

Boxing or wrestling entertainment:

no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed **1000**.

Live music: no licence permission is required for:

a performance of **unamplified** live music between 08.00 and 23.00 on any day, on any premises.

a performance of amplified live music between 08.00 and 23.00 on any day where premises are authorised to sell alcohol for consumption **on** those premises and at a time when the premises are open for the purposes of being used for the supply of alcohol for consumption **on** the premises, provided that the **audience** does not exceed **500**.

a performance of amplified live music between 08.00 and 23.00 on any day, in a **workplace** that is not licensed to sell alcohol on those premises, provided that the **audience** does not exceed **500**.

a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is **not** licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed **500**, **and** (b) the organiser gets consent for the performance from a person who is responsible for the premises.

a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the **audience** does not exceed **500**, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

Recorded Music: no licence permission is required for:

any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption **on** those premises at a time when the premises are **open** for the purposes of being used for the supply of alcohol for consumption on the premises, provided that the **audience** does not exceed **500**.

any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the **audience** does not exceed **500**, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.

any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the **audience** does not exceed **500**, and (b) the organiser gets consent for the performance on the

relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:

any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;

any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;

any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and

any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a movable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

What is a TEN?

A TEN is a **notification** to the licensing authority that an individual intends to carry on licensable activities for a period not exceeding 168 hours or 7 days.

When a TEN is given in accordance with Part 5 of the Licensing Act 2003, a TEN constitutes an authorisation to carry on the licensable activities unless withdrawn or cancelled by a counter notice by the licensing authority.

Who can give a Temporary Event Notice?

- A TEN can be submitted by any person aged 18 or over, but cannot be submitted by a business or organisation.
- The person submitting the notice is 'the premises user'.
- Any person who holds a personal licence under the Licensing Act 2003 may submit up to **50** TENs in any calendar year, up to **10** of which may be 'late' TENs.
- Any person not holding a valid personal licence are restricted to submitting **5** TENs in any calendar year, up to **2** of which may be late TENs.
- Standard and late TENs, in any combination, count towards these overall total limits for TENs.
- A TEN which relates to an event taking place across 2 calendar years counts against the limits for that individual in respect of both calendar years.
- A maximum of **15** (or, for event periods (or part of those periods) occurring in 2022 or 2023, a maximum **20**) days can be given in relation to the same premises in any calendar year
- A premises can be used for activities authorised by TENs for no more than **21** days (or, for any event periods (or part of those periods) occurring in 2022 or 2023, **26** days) in any calendar year.

Please note that a spouse, civil partner, family member such as child, parent, grandchild, grandparent or sibling, an agent or employee are defined as associates for the purposes of the permitted number of TENs. A TEN submitted in the name of any of these associates will also count towards a notice providers permitted totals.

How much notice do I need to give?

TENs must be submitted no later than 10 clear **working** days **before** the event.

The 10 days do not include the day the notice is given, the first day of the event, Bank Holidays or weekends, therefore given with sufficient time needs to be allowed.

Late Temporary Event Notices

If you have not given the 10 clear working days deadline for a '*standard*' Temporary Event Notice, a premises user can give a '*late*' notice no later than 5 clear working days but no earlier than 9 clear working days before the event. If the notice is given with less than 5 clear working days before the event (not including the day given or day of the event) the licensing authority will return the Temporary Event Notice as void and the provisions of the licensable activities will not be authorised. There is no right to a hearing where an objection is made in respect of a 'late' TEN.

What information is required for a TEN to be considered as a valid authorisation?

- The prescribed form of TEN must be used and all required information provided.
- A TEN must include the following information: -
 - The licensable activities that are to be carried out.
 - The total length of the event (not over 168 hours).
 - The times during the event that the licensable activities are to be carried out.
 - The maximum number of people allowed on the premises at any one time (no more than 499) (please see definition of audience).
 - Whether any alcohol sales are to be made for consumption on or off the premises (or both). All sales of alcohol must be made by, or under the authority, of the person submitting the Notice.
- The fee of £21 is payable to Chelmsford City Council and is to be paid at the time of application - the application will not be considered as 'given' until the fee has been paid. Please see methods of payment below.
- Unless given electronically you must also send a copy of your application to the Police and The Council's Environmental Health Section (Noise)
- There can only be one Temporary Event Notice per form. Multiple notices on the same form cannot be considered.

In the case of an event taking place on a field or part of land, the notice must detail the exact OS reference. Failure to do so may result in the rejection of the notice.

What are the limitations on TENs?

Events proposed to be carried on under a TEN must also fall within the following limits:

- Event duration must not exceed 168 hours (seven days).
- There must be a minimum of 24 hours between event periods in relation to the same premises (not including any withdrawn TEN) by the same premises user.
- any associate, relative or business partner of the premises user is considered to be the same premises user in relation to this restriction.

How to submit a TEN

You can submit a TEN in the following ways:-

Apply online

<https://www.chelmsford.gov.uk/business/licensing/temporary-event-notice/>

Please note if you are submitting your TEN online you will need to pay for the application online.

By post:

Please post your completed TEN to the Licensing Section at the address below. A fee of £21.00 must accompany the TEN, cheques should be made payable to “Chelmsford City Council”. Cash must not be sent through the post.

- Licensing Authority – Public Places, Chelmsford City Council, Civic Centre, Duke Street, Chelmsford, Essex, CM1 1JE. E-mail licensing@chelmsford.gov.uk
You must also send a copy of your application to the Police and The Council’s Environmental Health Section (Noise) at the addresses below:
- The Licensing Department – Essex Police, Blythes Meadow, Braintree, Essex, CM7 3DJ. E-mail licensing.applications@essex.pnn.police.uk
- Principal Environmental Health Officer – Public Health & Protection Team, Public Places, Chelmsford City Council, Civic Centre, Duke Street, Chelmsford, Essex, CM1 1JE. E-mail environment.protection@chelmsford.gov.uk

Methods of Payment

There are several ways to pay.

- Applications made by hand - By post with cheques made payable to Chelmsford City Council - all cheques are forwarded to the council's cashiers for processing.
- Online – by completing the online application and making a card payment at the end of the application. An email receipt will be sent out to the email address provided

What happens after the Licensing Authority has received a TEN?

On receipt of a TEN, the licensing authority will acknowledge receipt of the notice

The endorsed notice will form the Temporary Event Notice and must be held securely, displayed prominently at the event and must be produced to authorised officers of the Licensing Authority and/or a Police constable upon request.

If the approved Temporary Event Notice is lost a copy can be applied for from the Licensing Authority, an administration charge of £10.50 will apply.

What if there is an Objection?

Essex Police and Chelmsford City Council Principal Environmental Health Officer have three working days to give an objection to a TEN where they consider that the proposed activities will undermine a licensing objective.

There are four licensing objectives under the Licensing Act 2003 which are:

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

The objection notice must give reasons for the objection and must be given to the licensing authority, other relevant persons and the premises user.

In the case of a standard TEN, where an objection is received, the Licensing Authority must hold a hearing to consider the objection notice, **unless all parties agree that no hearing is necessary**.

At the hearing, if the Licensing Sub-Committee considers it appropriate for the promotion of the licensing objectives it may:

- Give the premises user a Counter Notice, stating the reasons for its decision (and copied to the Police and Council's Environmental Health Section (Noise). The effect of the Counter Notice would be to stop the event from taking place; or
- Impose conditions on the standard Temporary Event Notice where it considers it appropriate for the promotion of the licensing objectives, and those conditions are already conditions on the existing premises licence or club premises certificate that is in effect for the same premises as the TEN.
- Prior to the hearing, the Police or Council's Environmental Health Officer can modify the TEN (with the agreement of the premises user). Where they do so, their objection notice is deemed withdrawn and the event may proceed in accordance with the modified notice.

The Licensing Authority will issue a hearing decision notice giving details of the reason for the decision made.

Late TENs - If the Police or Council's Environmental Health Officer object to a *'late'* TEN, the Licensing Authority **MUST** give the premises user a counter notice. As a consequence, this will mean that a late TEN will be ineffective, there is no right to a hearing or appeal.

Whatever the decision, the licensing authority must give notice of the decision (and any conditions imposed) to the relevant persons and the premises user at least 24 hours before the beginning of the event.

Where the licensing authority is satisfied that at least one of the statutory limits on a TEN has been exceeded, it must issue a counter notice to cancel the TEN and send a copy to the police and Council's Environmental Health Section (Noise).

The premises user is required to keep and produce the TEN, and any statement of conditions, on request by a relevant person or an authorised officer of the licensing authority. Where possible, a copy of the TEN should be displayed on the premises.

Can I appeal?

An appeal process is available to the premises user, the Police and Environmental Health Officer, if they are not satisfied with the decision of the Licensing Sub-committee.

Any appeal must be lodged at the local Magistrates' Court within 21 days of the date of the hearing decision was made. However, no appeal may be brought later than five working day before the first day of the event.

If you have a complaint about the way your temporary event notice was processed, please contact the Licensing Team in the first instance.

How frequently can TENs be held?

There must be a minimum period of 24 hours between TENs held on the same premises by the same premises user. This prevents an individual from holding numerous consecutive temporary events as means of avoiding an application for a premises licence or club premises certificate.

What is the offence for carrying out unauthorised activity?

Under section 136 of the Licensing Act 2003, a person commits an offence if he/she carries on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or if he knowingly allows a licensable activity to be so carried on. A person convicted of such an offence is liable to imprisonment for a term not exceeding six months or to an unlimited fine, or to both.

The Definition of Audience

For the purposes of regulated entertainment, the term "audience" refers to any person for whose entertainment (at least in part) any licensable activities are provided. An audience member need not be, or want to be, entertained: what matters is that an audience is present and that the purpose of the licensable activity is (at least in part) intended to entertain any person present. The audience will not include performers, together with any person who contributes technical skills in substantial

support of a performer (for example, a sound engineer or stage technician), during any associated activities. This includes setting up before the entertainment, reasonable breaks (including intervals) between activities and packing up thereafter. Similarly, security staff and bar workers will not form part of the audience while undertaking their duties, which include reasonable breaks.

Any person submitting a Temporary Event Notice must ensure that audiences do not grow or migrate so that the audience exceeds the relevant limit for any one performance or event at any time.

What about Large Scale Events?

Temporary event notices cannot be used for events for more than 500 people. If you are planning such an event, you will need to obtain a premises licence if the premises are not already licensed.

Where it is proposed to hold a major event, organisers are asked to contact the Licensing Section of Chelmsford City Council at an early stage before a formal notice is given. This will enable discussions to take place with organisers regarding their operating schedules and avoid potential objections and hold ups.

If you wish to discuss your application or need a member of the Licensing Team to pre-check the application before you submit it, please contact the Licensing Team on the contact details provided below.

Licensing Section

Public Places
Chelmsford City Council
Civic Centre
Duke Street
Chelmsford
Essex
CM1 1JE
Tel: 01245 606724
E-mail licensing@chelmsford.gov.uk
www.chelmsford.gov.uk

Produced on 20.01.2022

Disclaimer

Nothing in this guidance document can be considered as legal advice. Independent legal advice should be sought in the event of queries, advice and information can also be obtained from the Home Website: www.gov.uk/homeoffice