



Information Leaflet – Temporary Event Notices

Note: - This document is for guidance only. It is not intended to be a definitive guide to or substitute for the relevant law contained in Part 5 of the Licensing Act 2003 and the Regulations made thereunder. Independent legal advice should be sought if necessary.

Any person who wishes to carry on any 'licensable activity' (defined below) at any premises can only do so lawfully in accordance with a Premises Licence or Club Premises Certificate in force for the premises or in accordance with a **Temporary Event Notice** known as a 'TEN'.

Any person who carries on, attempts to carry on or knowingly allows a licensable activity to be carried on without the authority of a Premises Licence, Club Premises Certificate or Temporary Event Notice will face prosecution and, on conviction, may be imprisoned for up to 6 months and/or ordered to pay a fine.

A Temporary Event Notice is given by an individual (a premises user) and authorises the premises user to conduct one or more licensable activities at premises for no more than 168 hours. TENs can be used to authorise relatively small-scale ad hoc events held in or on any premises involving less than 500 people at any one time, subject to certain restrictions. In any other circumstances, a full premises licence or club premises certificate would be required for the period of the event involved.

Licensable activities are any of the following:

- The supply (subject to certain specific exemptions) of hot food or hot drink from any premises (including parked vehicles) between 11.00 pm and 5.00am
- The 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 to the public or club members or for consideration and with a view to making profit, including raising money for charity where the entertainment takes place for the purpose of entertaining an audience and involves:-
 - The performance of a play; *
 - An exhibition of a film;*
 - An indoor sporting event; *
 - A contest, exhibition or display which combines boxing or wrestling with one or more martial arts ("combined fighting sports")
 - A boxing or wrestling entertainment;

- A performance of live music;*
- Any playing of recorded music;*
- A performance of dance;*
- Entertainment of a similar description to live music, recorded music or performance of dance.

*** (see Exemptions for further information)**

EXEMPTIONS

Certain exemptions exist within the Act, regarding the provision of regulated entertainment and late night hot food or hot drinks, whereby a Temporary Event Notice may not be required and details of these can be found under Schedules 1 & 2 of the Act. Further information can also be found on the DCMS website www.culture.gov.uk

Examples of activities, which are not regulated entertainment, are as follows:

- Films which are solely or mainly to demonstrate a product, advertise goods or services, or provide information, education or instruction;
- Films as part of an exhibition in a museum or gallery;
- Pre-recorded films which are incidental to some other activity;
- TV and radio broadcasts, providing they are shown “live” and not recorded;
- Religious meetings or services;
- Entertainment in places of public religious worship;
- Garden fetes (unless held for private gain);
- Entertainment provided in a moving vehicle;
- Morris dancing, including the playing of live or recorded music as an integral part of the performance;
- Greco – Roman and freestyle wrestling between 8:00 a.m. and 11:00 p.m. on the same day before audiences of no more than 1000 people;
- Incidental entertainment where the entertainment is ‘incidental’ to another activity which itself is not regulated entertainment, such as music during a keep fit class or a pub jukebox playing in the background;
- Private events (not open to the public) unless those attending are charged for the entertainment with a view to making a profit.
- Performances, (excluding films, boxing or wrestling) by a traveling circus between 8:00 a.m and 11:00 p.m. on the same day;
- An indoor sporting event between 8:00 a.m. and 11:00 p.m. on the same day, before audiences of no more than 1000 people.
- A performance of unamplified live music; between 8:00 a.m. and 11:00 p.m. on the same day;
- The provision of entertainment by or on behalf of local authorities, healthcare providers or schools on their own defined premises; between 8:00 a.m and 11:00 p.m. on the same day

For audiences not exceeding 500 between 8:00 a.m and 11:00 p.m. on the same day, as follows:

- The performance of a play;
- Performances of dance (excluding exhibitions of dance of an adult nature);
- Amplified live music -
 - (i) At licensed premises, authorised to supply alcohol for consumption on the premises; or
 - (ii) At any workplace defined in regulation 2 (1) of the Workplace (Health, Safety and Welfare) Regulations 1992, not licensed under the Act, other than for the provision of late night refreshment. This could include anywhere that is made available to any person as a place of work and can include outdoor spaces.
- Recorded music at licensed premises, authorised to supply for consumption on the premises;
- The provision of live music or recorded music 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 the organiser gets consent for the performance from a person who is responsible for the premises.
- The provision of live music or recorded music at the non-residential premises of a local authority, school or hospital provided that the organiser gets consent for the performance from (i) the local authority concerned or (ii) the school proprietor or (iii) the healthcare provider for the hospital
- 'Not for profit' film exhibitions held in community premises, provided that the organiser gets consent from a person who is responsible for the premises and ensures that each such screening abides by age classification ratings

The following are examples of exemptions, which apply for the provision of late night hot food or hot drink:

- The supply of a hot drink by means from a vending machine, providing it is operated by members of the public without the involvement of staff on the premises;
- Supplies by a registered charity;
- Supplies from vehicles, other than when they are permanently or temporarily parked;
- Staff canteens
- Private events

Hypnotism Act 1952

The performance of hypnotism is not a licensable activity under the Licensing Act 2003, but is regulated under the Hypnotism Act 1952. An application for consent to conduct an exhibition, demonstration or performance of hypnotism must be made, in writing, to the Licensing Authority by the hypnotist or his/her agent, no less than 28 days in advance of the performance concerned.

There is no fee required for this application.

Are there any limits on Temporary Events?

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

- The scale of the event in terms of the maximum number of people attending at any one time (less than 500)
- The number of times a TEN may be given in respect of any particular premises (15 times in a calendar year) but subject to a maximum aggregate duration of the periods covered by TENs at any individual premises (21 days).
- The length of time a temporary event may last (168 hours); and
- There must be at least 24 hours between temporary events organised by the same person.
- Personal licence holders can give 50 TENs (made up of standard and late TENS) a year and 10 late TENs a year.
- Non-personal licence holders can only give 5 TENs (made up of standard and late TENS) a year and 2 late TENs per year.

How do I give a Temporary Event Notice (TEN)?

The application form may be obtained from the Licensing Section (see below) or the Council's website. There are two different types of temporary event notices, i.e. **standard and late**, which can be applied for. In both cases you must be aged 18 or over and the TEN must refer to **only one** temporary event. If you wish to hold more than one event you must, therefore, give a separate TEN for each individual event and the prescribed fee will be payable in respect of each TEN.

Persons wishing to submit a TEN, however, are strongly advised to submit a standard TEN. The Secretary of State's Guidance under the Licensing Act 2003, states that late TENS should not be used save in exceptional circumstances. Furthermore, if either the Police or Environmental Health object to a late TEN, the event will not go ahead.

The premises user must:

- Give at least one copy of the TEN to the Licensing Section, together with the fee, which is currently £21.00 (cheques should be made payable to Caerphilly County Borough Council)
- At the same time give a copy of the TEN to Heddlu Gwent Police and Environmental Health at:

The Chief Officer of Police
fao The Licensing Officer
Heddlu Gwent Police
'C' Divisional Headquarters
Blackwood Road
Pontllanfraith
Blackwood NP12 2XA
Tel: 01443 865522
Fax 01443 819963

Pollution Control
Caerphilly CBC
Penallta House
Tredomen Park
Ystrad Mynach
Hengoed CF82 7PG
Tel: 01495 235213

The premises user must by law give these notices no later than –

- (i) **Standard Ten - 10 clear working** days before the day on which the event period begins (that is, excluding the date when the notice is received by the Authority and the date the event is proposed to take place); and
- (ii) **Late Ten** - No more than 9 and no later than 5 working days before the day on which the event begins.

Please note that the minimum working days notice required for either a standard or late TEN, do not include a Saturday, Sunday or Bank Holiday, and you therefore need to allow sufficient time for this. The timescale is a legal requirement and cannot be altered under any circumstances. Failure to do so will result in rejection of the application.

The Council's Statement of Licensing Policy recognises however, that, in some instances, the statutory minimum notice does not allow sufficient time for consultation and, if necessary, a hearing to deal with any objections. The Council, therefore, considers a reasonable period for service of a TEN should be at least 21 days prior to the planned event.

Once the notice is received, the licensing authority will give written acknowledgement of receipt within 2 working days. Where the relevant limits have been exceeded, however, the licensing authority will issue a counter notice effectively preventing the temporary event from lawfully taking place.

If the notice has not been completed correctly or a copy has not been served correctly on the Police and/or Environmental Health, it will be rejected.

Please note a premises user can withdraw the notice but must notify the licensing authority no later than 24 hours before the intended start of the event. A notice that is submitted and withdrawn in time does not count against the maximum numbers listed in the attached document but the fee will not be returned.

Objecting to Notices

Both the Police and Environmental Health can object to a temporary event notice if they are satisfied that allowing it to go ahead would undermine one or more of the following four licensing objectives under the Licensing Act 2003:-

The prevention of crime and disorder;
Public safety;
The prevention of public nuisance;
The protection of children from harm

The Council itself nor residents or local businesses can object to the event going ahead. If the Police and/or Environmental Health wish to object, any such objection must be in the form of a written notice given to the Premises User and the Licensing Authority within **3 working days** following the day on which they receive the notice.

Standard TEN - In the event of an objection, the licensing authority will hold a hearing of the Licensing and Gambling Hearings Committee within 7 working days to determine whether the event may proceed and may decide to:-

- (i) allow the licensable activities to go ahead as stated in the notice; or
- (ii) if the notice is in connection with licensed premises, allow the licensing activities to go ahead but impose one or more of the existing licence conditions, if it considers that this is appropriate for the promotion of the licensing objectives; or
- (iii) refuse the application if it is satisfied that the event would undermine the licensing objectives.

The proposals for the temporary event, however, can be modified by the Premises User following contact by the Police and/or Environmental Health. This may avoid the need for a hearing if both/all parties agree.

The Premises User, Police or Environmental Health, may appeal against the Committee's decision within 21 days of receipt of written notice of the decision but no appeal may be brought later than 5 working days before the event period specified in the TEN.

Late Ten – In the event of an objection from either the Police or Environmental Health, the licensing authority must issue a counter notice, no later than 24 hours before the event, and the event will not go ahead. Copies of this notice will also be sent to the Police and Environmental Health. Unlike Standard TENS, there is no provision for a hearing, any opportunity for the premises user to modify the notice, or any right of appeal.

Display of Temporary Event Notice

Whenever the premises are being used in accordance with the TEN the Premises User must:

Either prominently display a copy of the TEN, together with a copy of any statement of conditions at the premises,
Or secure that it is kept at the premises in his/her custody,

Or secure that it is kept in the custody of a nominated person present and working at the premises and a notice specifying that fact and the position held by that person is prominently displayed at the premises.

The Premises User must make the TEN or any statement of conditions available for inspection by any constable or authorised officer who may require it to be produced. The person who lodged the notice with the Council, or his/her nominated representative, must be at the event and have the notice and any statement of conditions in his/her possession.

Where a TEN or statement of conditions 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.

Further Information

Any query relating to the above should be directed to:

The Licensing Authority
Caerphilly County Borough Council
Penallta House
Tredomen Park
Ystrad Mynach
Hengoed
Tel : 01443 866750

E-mail: licensing@caerphilly.gov.uk