

10. Permitted Temporary Activities

The following notice has been issued to Magistrates Courts for distribution to all applicants for "occasional licences" and "occasional permissions" and alert them to changes under the Licensing Act 2003:

December Court Notice on licensing changes (PDF 160k).

The **Licensing Act 2003** ("the Act") will introduce a light touch system of permitted temporary activities to replace the existing occasional licences and occasional permissions currently granted in connection with short-term alcohol and public entertainment licensing. The system involves an event organiser (the "premises user") giving a temporary event notice (TEN) to the **licensing authority** and copying this to the police.

TENs can be used to authorise relatively small-scale ad hoc events held in or on any premises involving no more than 499 people at any one time. The premises user must, no later than 10 working days before the day on which the event is to start, give duplicate copies of the notice to the relevant licensing authority, together with the proposed fee of £21. A copy of the notice must also be given to the relevant chief officer of police no later than 10 working days before the day on which the event is to start. Anyone aged 18 or over can give a maximum of five TENs per year. Personal licence holders can give a maximum of fifty TENs per year. TENs are subject to other maximum limits, as set out below.

Each event covered by a TEN can last up to 96 hours and no more than twelve TENs can be given in respect of any particular premises in any year, subject to a maximum aggregate duration of the periods covered by TENs at any individual premises of 15 days in any year. There must be a minimum of 24 hours between events notified by a premises user or associates of that premises user in respect of the same premises.

Provided that the criteria set out above are met, only the police may intervene to prevent an event covered by a TEN notice taking place or agree a modification of the arrangements for such an event and then only on crime prevention grounds.

Q&A

- 1. Can anyone give a TEN?**
- 2. How do I give a TEN?**
- 3. Can I use a TEN in respect of premises that already hold a premises licence?**
- 4. Will I be able to give a TEN if my premises can hold more than 499 people?**
- 5. Can a TEN be given in respect of an outdoor event?**
- 6. Can I object to a TEN if I believe it could lead to public nuisance or crime?**
- 7. Is there any scope to increase the limits on TENs?**
- 8. Further Information**

Answer

1. Can anyone give a TEN?

Yes, as long as you are 18 or over you can give a maximum of 5 TENs a year. A personal licence holder can give a maximum of 50 TENs a year.

2. How do I give a TEN?

You must give a notice in duplicate, at least 10 working days prior to the day on which the event period begins, to the relevant **licensing authority** together with the proposed fee of £21. You must also send a copy of the notice to the relevant chief officer of police (again at least 10 working days prior to the day on which the event period begins). The notice must contain a statement of:

- 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;
- any other matters prescribed by the Secretary of State in regulations.

Regulations made by the Secretary of State will prescribe the form of the temporary event notice and the **fee** to accompany it. Both sets of regulations may be viewed on this website.

If the temporary event notice exceeds the permitted limits as provided for in Part 5 of the 2003 Act you will be given a counter notice by the **licensing authority**. This will mean that the event cannot go ahead. If the police are satisfied that allowing the premises to be used in accordance with the TEN would undermine the licensing objective on preventing crime and disorder, they must, no later than 48 hours after being given a copy of the TEN, give the premises user and the licensing authority an objection notice. The authority must then hold a hearing to consider the notice unless all parties agree this is unnecessary and, having regard to the notice, will issue a counter notice if it considers it necessary for the promotion of the crime prevention objective to do so. Again, this will mean that the event cannot go ahead. The TEN can be modified by the police with the agreement of the premises user prior to the consideration of the objection notice by the licensing authority, in which case the objection notice is to be treated as having been withdrawn and the 2003 Act will apply to the TEN as modified.

3. Can I use a TEN in respect of premises that already hold a premises licence?

Yes. If you wish for example to use your pub for an event involving the provision of **regulated entertainment**, e.g. for a wedding, where your premises licence does not authorise such a provision of regulated entertainment, it may be authorised by a TEN. However do not forget that the limits in relation to permitted temporary activities will apply.

4. Will I be able to give a TEN if my premises can hold more than 499 people?

Yes, as long as you ensure that the number of people on the premises during the event period authorised by the TEN does not exceed 499 at any one time. If you think that more than 499 people will attend the event you will need to apply for a premises licence to cover the event. Otherwise, if this limit is exceeded, the event will be unauthorised and the premises user liable to prosecution.

5. Can a TEN be given in respect of an outdoor event?

Yes. A TEN can be given in respect of both indoor and outdoor events. "Premises" for the purposes of the Act means any place, whether indoors or outdoors. For example, it could cover a town square, part of a park, or a street. But remember the limits in relation to permitted temporary activities (for example the number of people who can be on the premises at any one time) will apply.

6. Can I object to a TEN if I believe it could lead to public nuisance or crime?

No. Only the police can 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 crime prevention grounds. However only a limited number of TENs can be given in respect of any particular premises each year, and the powers given in the Act to the police to close premises in certain cases of disorder or noise nuisance extend to premises in respect of which a TEN has effect.

7. Is there any scope to increase the limits on TENs?

The Secretary of State has powers under the Act to increase or decrease by order, limits placed on TENs. The limits may therefore be amended if, in the light of experience, it proves that there needs to be an adjustment.

Further information

Part 5 of the Licensing Act 2003

Part 8 of the **Guidance to Licensing Authorities and Police**