

Licensing Act 2003 Temporary Event Notices

This leaflet gives advice on the changes to the occasional permissions given for the sale of alcohol and entertainment.

Guidance notes 7



The law is changing!

The Licensing Act 2003 radically changes the law relating to the licensing of the sale of alcohol, the provision of entertainment and the provision of hot food late at night. This leaflet gives advice on the changes to the occasional permissions given for the sale of alcohol and entertainment, now known under the Act as 'Temporary Event Notices' (TENS).

What will need a licence?

Any retail sale or supply of alcohol (pubs, clubs, off licences, shops, restaurants, bars at any event, etc.), and/or the provision of regulated entertainment (theatres, cinemas, film shows, music or dancing), or the provision of hot food after 11.00pm (restaurants, take aways, shops, vans, etc).

When does the new system come into force?

Any temporary event planned for after the second appointed date (still to be confirmed by the Government) and beyond will need to comply under this new law.

Temporary Event Notices

Under the new law if the activity will last not more than 96 hours (four days) and is for less than 500 people, a full licence for a licensable activity is not required. Instead a Temporary Event Notice (TEN) must be sent to the council (with the correct fee) and to the police at least 10 working days before the function. If the police do not object, the function can then go ahead. However, please do not leave it to 10 working days before the event. Send in your TEN at least 28 days before the event.

How many temporary events can I have?

There are rules about how many Temporary Events notices you can use:

- No premises may be used for temporary events on more than a total of 15 days in any calendar year; and
- No premises (even public houses) may have more than 12 temporary events in any calendar year; and
- Anyone who does not hold a Personal Licence to sell liquor can only submit five notices in any calendar year (Personal Licence holders are subject to a limit of 50 temporary events per calendar year but these would have to be spread over at least five different premises as each premises can only have 12 TENS per year).
- There needs to be 24 hours between events.

Once a Temporary Event Notice has been sent to the council it can be withdrawn up to 24 hours before the Event by the person who submitted it. A notice that is submitted and withdrawn in time does not count against the maximum numbers listed above but the fee will not be returned.

Giving notice of a temporary event

The system of serving these notices will only be applicable for events that will take place from the second appointed date onwards (still to be announced by the Government). The current system of applying for occasional licences for the sale of alcohol (from the Magistrates Court) and entertainment (from the council) continues until second appointed date. When a notice is served on the council under the new law, the person giving the notice must:

1. Be aged 18 or over; and
2. Use the official form available from us or the Department of Culture Media and Sport (DCMS); and
3. Send the notice (in duplicate), with the correct fee, to the council in whose area the event will take place. It must be received at

least ten days before the event. If the fee is incorrect or a cheque is not honoured the notice will be invalid (the fee for a TEN is £21.00).

4. Send a copy to the police, contact details at the end of this guidance note. They must receive it at least ten days before the event.

One copy of the notice will be officially stamped by the council and returned within two working days. This is the notice that must be displayed at the event.

The notice must include certain information about the event, which includes:

- the licensable activity to take place during the event;
- the period (not exceeding 96 hours) during which the premises will be used for the licensable activity;
- the times during the event period that the licensable activities will take place;
- the maximum number of people (being less than 500) that will be allowed on the premises;
- if alcohol is to be supplied whether it will be on or off the premises, or both;

Right to inspect

The police or the council's officers are entitled to visit and inspect the event and it is a criminal offence to obstruct them. The applicant (or their representative) can either:

- display a copy of the notice at the premises; or
- have a notice in their possession and display a notice specifying the fact that the person holding the licence is present.

Objecting to notices

Only the police can object to a Temporary Event Notice. The council, residents or local business people cannot object to the function going ahead. If the police wish to object they must do so within 48 hours of receiving their copy of the notice.

If the police lodge an objection, the council, as the licensing authority, will hold a licensing hearing. The person giving the notice will be notified of the council's decision at least 24 hours before the beginning of the event. There is a right of appeal to the Magistrates' Courts against the licensing authority's decision.

Other controls

Giving a Temporary Event Notice does not mean that the event is exempt from other controls such as fire safety, noise pollution controls, health and safety or planning, etc. and an organiser must make sure that any other legal controls are complied with.

Other changes

The exemption that used to exist for liquor licensed premises to provide entertainment with two or less musicians or pre-recorded music will disappear. If a pub etc which has a premises licence that does not include the provision of public entertainment, wishes to have a temporary music night or jazz weekend, etc., then it must either apply to have its premises licence changed to include this, or else make use of the Temporary Event Notice procedure for each function.

Further information

We realise that this may be a confusing time for existing licensees but we are here to help you through this process. Licensees can contact us at any time for advice, or to request an application pack. This leaflet provides advice based on information available at the time of writing and this may change. It is intended for guidance only and does not provide authoritative legal advice. Only the courts can interpret legislation with definitive authority.

Applicants are advised to seek their own professional advice where they feel it is necessary.

We would welcome your comments on this or any other of our leaflets, so as to ensure that they meet the needs of the users of our services.

If you have difficulty understanding this leaflet for any reason please contact us to discuss other formats that we can provide.

How to contact us

London Borough of Hammersmith & Fulham

Licensing Section

Environmental Protection
5th Floor, Town Hall Extension
King Street, Hammersmith
London, W6 9JU.

Phone: 020 8753 1084

Fax: 020 8753 3922

Email: licensing@lbhf.gov.uk

Website: www.lbhf.gov.uk

Other useful contacts

Department for Culture, Media and Sport

204 Cockspur Street

London, SW17 5DH.

Phone: 020 7211 6200.

Website: www.culture.gov.uk

The Chief of Police

Metropolitan Police

FOA: Ron Brooke

Fulham Police Station

Heckfield Place

London, SW6 5NL.

Phone: 020 8246 2974

Fax: 020 8246 2881

Email: ron.brooke@met.police.uk

Or Hammersmithandfulham@met.police.uk

If you would like any part of this document interpreted into your own language, please phone 020 8753 4040.

Russian

Если вы хотите, чтобы какая-либо часть этого документа была устно переведена на ваш язык, пожалуйста, позвоните по телефону 020 8753 4040.

Polish

Jeśli chciałbś jakaolwiek część tego dokumentu przetłumaczyć na język ojczysty, to proszę zadzwonić pod numer 020 8753 4040.

French

Si vous souhaitez qu'une partie de ce document soit traduite dans votre langue, veuillez appeler le 020 8753 4040.

Spanish

Si desea alguna parte de este documento en su propio idioma, llame al 020 8753 4040.

Albanian

Nese do deshironi ndonje pjese te ketij dokumenti te perkthyer ne gjuhen tuaj, telefononi 020 8753 4040.

Amharic

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Portuguese

Se desejar qualquer parte deste documento interpretada no seu idioma, telefone por favor para 020 8753 4040.

Somali

Haddii aad jeclaan laheyd in qeyb dukumentigan ka mid ah luqaddaada ama afkaaga laguugu turjumo, fadlan teleefoon u soo dir 020 8753 4040.

Punjabi

ਜੇਕਰ ਤੁਹਾਨੂੰ ਇਸ ਦਸਤਾਵੇਜ਼ ਦੇ ਕਿਸੇ ਵੀ ਹਿੱਸੇ ਦਾ ਕੀਤਾ ਹੋਇਆ ਅਨੁਵਾਦ ਤੁਹਾਡੀ ਅਪਣੀ ਭਾਸ਼ਾ 'ਚ ਚਾਹੀਦਾ ਹੈ, ਤਾਂ ਕ੍ਰਿਪਾ ਕਰਕੇ ਟੈਲੀਫੋਨ ਕਰੋ 020 8753 4040.

Gujarati

જો તમને આ દસ્તાવેજના કોઈપણ ભાગનું કંઈક ભાષાંતર તમારી પોતાની ભાષામાં જોઈવું છે તો, મહેરબાની કરી ટેલિફોન કરો 020 8753 4040.

Hindi

यदि आपको इस दस्तावेज के किसी भी हिस्से का किया हुआ अनुवाद अपनी भाषा में चाहिए, तो कृपया टैलफोन करें 020 8753 4040.

Urdu

اگر اس دستاویز کے کسی بھی حصہ کا ترجمہ آپ کو اپنی زبان میں چاہیے تو براہ مہربانی ٹیلی فون کریں: 020 8753 4040

Farsi

اگر شما میخواهید هر بخشی از این سند به زبان شما برایتان ترجمه شفاهی بشود لطفا با شماره تلفن 020 8753 4040 تماس بگیرید.

Arabic

إذا كنت ترغب بالحصول على ترجمة فورية لأي جزء من هذه الوثيقة، فيرجى الاتصال بـ 020 8753 4040

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www.lbhf.gov.uk

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