

## Area Board Briefing Note – Temporary Events Notices

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| <b>Service:</b>              | <b>Place – Public Protection – Licensing</b>                                       |
| <b>Date prepared:</b>        | <b>7 September 2022</b>  |
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At a recent Licensing Committee meeting Members requested a briefing to note for Area Boards to raise member and public awareness around the use and control of Temporary Events Notices under the Licensing Act 2003.

### **What are Temporary Events Notices and how are they used:**

A Temporary Event Notice (TEN) is a standalone permission which permits licensable activities (sale of alcohol and regulated entertainment) for a short period of time., for a maximum of 168 hours (7 days) for any one event. They were introduced as part of the Government's light touch approach to the regulation of licensable events.

A Temporary Event Notice may be used to cover outside functions, extensions to licensed hours for licensed premises, charity events, weddings, off sales at market, etc.

A TEN is not an application for a licence and the Council as Licensing Authority does not approve the application it merely permits the event.

### **Who can apply for one ?**

Anyone over 18 years of age can apply for one, within certain restrictions

### **Temporary Event Notices are subject to following restrictions:**

- no more than 20 events or 26 days to be granted for any premises / location within a calendar year ( increased for 2022/2023 following Covid)
- a **personal licence holder** may apply for a maximum of 50 events in a calendar year
- a **non-personal licence** may only apply for a maximum of 5 events in a calendar year
- no two temporary event notices can be applied for the same premise without a break period of 24 hours between events
- no more than 499 persons may attend at any one time, including all staff and performers
- no temporary event notice can exceed 168 hours / 7 days in time.
- any associate, relative or business partner of the premise user is considered to be the same premises user in relation to the restrictions.

If any of the limitations are exceeded the application will be rejected by the Licensing Authority. If the applicant still wants to go ahead with the event and there is sufficient time for the required legal process, they can apply for a premises licence or club premises certificate.

## ***There are two types of Temporary Events Notice***

### **Standard temporary event notices**

Served on the Licensing Authority and responsible authorities a minimum of 10 working days prior to an event, with the required fee of £21.

The 10 working days' notice does not include bank holidays or weekends and does not count the day the application is received or the day that the event starts.

### **Late temporary event notices**

A late temporary event notice is one served 5 - 9 days working days before the event. With the required fee of £21.

The 5 working days' notice does not include the day the notice is given or the day of the event. The same working day restrictions apply, it does not include bank holidays or weekends.

### **Number restrictions apply to late temporary events notices**

A personal licence holder is limited to **10 late** temporary event notices each calendar year and a non-personal licence holder is limited to **2 late** temporary event notices each year.

### ***Who can object to a temporary events notice?***

Only Wiltshire Police and the council's Environmental Pollution and Control Team in Public Protection can object to a temporary event notice if they consider the event would undermine any of the 4 licensing objectives as follows:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of children from harm.

The Licensing Team, the public and other public bodies are **not** permitted by the Licensing Act to have a view or object to any Temporary Events Notice.

Once a temporary event notice is submitted, both responsible authorities have a maximum of 3 working days to submit an objection to the Licensing Authority.

On a standard temporary event notice if an objection is received then the Licensing Authority will arrange a Licensing Sub Committee hearing to determine the notice. A hearing will take place to decide to approve, add conditions or reject the notice.

On a late temporary event notice, if an objection is received the temporary event notice will be rejected and a counter notice issued, and the event will not be authorised.

## ***What powers does the Licensing Authority have to stop a permitted temporary event once it has started?***

Licensing authorities have no power under the Licensing Act 2003 to stop permitted temporary events once they have started. A local authority may have powers under other legislation for example: to deal with a statutory nuisance.

## ***How many temporary events notices does the council receive annually?***

| Year | Number | Explanation                     |
|------|--------|---------------------------------|
| 2018 | 2210   |                                 |
| 2019 | 2171   |                                 |
| 2020 | 427    | Impacted by Covid               |
| 2021 | 586    | Impacted by Covid               |
| 2022 | 1234   | Up to 7 <sup>th</sup> September |
|      |        |                                 |

### ***Useful links***

[Temporary event notices - Wiltshire Council](#)

[Temporary Events Notice \(England and Wales\) - GOV.UK \(www.gov.uk\)](#)