



Rotaract in Great Britain & Ireland

Guidance on applying for Temporary Event Notices

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Version 2



Guidance on applying for Temporary Event Notices

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1. Introduction

The following notes are intended to provide informal guidance on how to apply for a Temporary Event Notice (TEN) under the new licensing regulation (Licensing Act 2003), which came into force in November 2005.

The following information has been obtained by the author(s) while making two successful Temporary Event Notice (TEN) applications from Wycombe District Council.

No responsibility is accepted for the accuracy of this information with other councils however the general principles will be similar. In all cases up to date application forms should be obtained from your local council and they should be asked to assist with detailed questions and queries. For details of licensing laws in Scotland, Ireland and Channel Islands please consult the local councils and/or magistrates.

The author(s) accept no responsibility for the accuracy or otherwise of the information provided. No liability is accepted for loss, accident, damage or any other actions resulting from the use of the information provided. The information is provided solely in good faith. The relevant licensing authority should be consulted on all and every occasion.

2. Background

- The new licensing act replaces a number of previous acts of parliament.
- The new act requires Temporary Event Notices to be obtained for any licensable activity (i.e. the provision of regulated entertainment and/or the sale of alcohol), where the premises are not licensed by a Premises Licence or a Club Premises Certificate (e.g. pubs, night clubs, social clubs, sports clubs will normally have their own existing License or Certificate).
- The responsibility for assessing and approving Temporary Event Notice license applications has passed from the local magistrates' court to the local council.
- The new process is now simpler and quicker and there is no need to make a personal appearance at the magistrates' court.
- However the new act places new restrictions on the number of Temporary Event Notices that can be granted to an individual and/or a venue in a calendar year.
- The police retain the opportunity to object to a Temporary Event Notice application however, they can only object on crime prevention grounds.

3. New Restrictions and Rules

- At least 10 working days notice must be given of a Temporary Event, to both the Licensing Authority (usually the local council but this must be checked in each case) and the Police. Longer notice should be given where possible.
- Each Temporary Event must be notified on a separate Temporary Event Notice.
- Each Temporary Event carries a fee (per event).
- The fee level is determined by each individual local council (High Wycombe, 2006, £21).
- Only 12 Temporary Event Notices can be issued per year in respect of the same premises.
- Temporary Event Notices can be used for no more than 15 days in total per year per premises.
- No more than 499 people can attend the event covered by the notice at any given time.
- The maximum period of time that licensable activities can take place for on a single license is 96 hours.
- There must be an interval of at least 24 hours between events which have been notified by the same person for the same premises.
- Personal Licence holders can apply for up to 50 Temporary Event Notices per year.
- Anybody not holding a Personal Licence can only apply for up to 5 Temporary Event Notices per year (this applies to individuals in a club/organisation not the club/organisation itself).
- Clubs or organisations cannot apply for Temporary Event Notices. Applications can only be made by individuals.

4. Problems caused by the new regulations

The application process is much simpler and straight forward under the new regulations. For the type of events that Rotaract (and Rotary) organise, it is unlikely that an application will be rejected. In addition Temporary Event Notices are not limited to buildings, they can still be issued for outdoor events in temporary structures (marquees etc) or even in the open air.

The main problem relates to the **NUMBER** of Temporary Event Notices (TENs) that can be granted to a single venue in a calendar year.

If the venue does not have a Premises License then a TEN is required.

A TEN is required if licensable activities are to be undertaken. Licensable activities are defined as the sale of alcohol and/or the provision of regulated entertainment.

Regulated entertainment is defined as:

- (a) a performance of a play;
- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;
- (e) a performance of live music;
- (f) any playing of recorded and copyrighted music;
- (g) a performance of dance;
- (h) entertainment of a similar description to that falling within (e), (f) or (g).

Regulated entertainment also includes the provision of “entertainment facilities” for:

- (a) making music;
- (b) dancing; and
- (c) entertainment of a similar description to that falling within (a) or (b).

Summary:

- If alcohol is being sold – you need a TEN.
- If regulated entertainment is happening – you need a TEN.

As can be seen, TEN's are required for almost all of the types of fundraising activities that Rotaract (and Rotary) undertake. Hence TEN's will be required for almost all fundraising activities undertaken by all the other community and social organisations in the UK...!!

Therefore it is clear that the 12 TENs available to a single venue (i.e. village hall, community hall, church hall) will quickly be used up. The more popular the venue then the quicker the 12 TENs will be snapped up.

The licensing department of each council will keep records of the numbers of TENs granted per venue and when the 13th application arrives it will be rejected. The licensing department can do nothing else.

The responsibility to keep track of the number of TENs issued to an individual venue now passes to the venue owners/operators/booking coordinators. In most case this will be a voluntary person and record keeping will obviously vary from venue to venue.

The big risk to Rotaract (and Rotary) is that a venue is booked for an event but it is then discovered that the 12 TENs have already been issued.

An additional problem that has already been encountered is that some venues are refusing to hire their venue to organisations who are planning to apply for a TEN. The venues will only hire out their facilities on the condition that a TEN is not applied for. These venues have taken the decision to only allow wedding reception bookings to apply for TENs because these sorts of events earn the venue considerably more money than a charity event.

5. Recommendations

The main recommendations that can be given are:

- When booking a venue ensure that the venue also confirms that one of the 12 No Temporary Event Notices is available and that it is agreed that your event will apply for one.
- If the chosen venue does not have good records of the number of TEN's that have been issued for that venue during the calendar year, then the booking for the venue should be made subject to a successful application for a TEN. It should be agreed as a minimum, that the booking can be cancelled and any deposit returned if a TEN is not available or obtainable.
- If you can, use a venue with its own Premises License as no TEN is then required. However this may reduce your profits as such venues may insist that they run the bar and hence retain the bar takings.

It is also important to get the TEN application in as far in advance as possible. Wycombe Council recommend applying 3 months in advance. There is no time limit so it is actually allowable to make an application on 1st January for an event in December. This would certainly ensure that you get one of the 12 TENs for that calendar year, however this not the most feasible option in reality.

The other point to watch out for is that one individual (unless they hold a Personal License) can only apply for 5 TENs in a calendar year. This is unlikely to ever be a problem but should be remembered.

6. Example Documents contained in Appendices

- 6.1. A copy of the Wycombe Council License Department guidance letter is contained in Appendix A.
- 6.2. A copy of an example (Wycombe Council) Temporary Event Notice application form is contained in Appendix B.
- 6.3. A copy of an example TEN application letter to the Council Licensing Department is contained in Appendix C.
- 6.4. A copy of an example TEN application letter to the Police is contained in Appendix D.

7. Other Options

7.1. Premises License

If you use a venue which holds a Premise License then there is no need to apply for a Temporary Event Notice. However these sorts of venues (pubs, social clubs, sports clubs, banquet suits etc) will undoubtedly operate the bar themselves and hence retain the profits. That option for raising funds is therefore lost.

7.2. Personal License

Any individual can apply to become a Personal License holder as long as they possess the relevant licensing qualifications. These qualifications can be obtained by taking a one day course costing around £150. Details of course providers can be found on the internet or through the local licensing authority. The holder of a Personal License is allowed to supervise the sale of alcohol or regulated entertainment. A Personal License holder can apply for 50 TENS in a calendar year.

However the possession of a personal license does not overrule the limitation on 12No TENS per venue per year. Therefore if the venue has used up its 12No TENS then having a Personal License is of no benefit.

7.3. Private Parties – Alcohol

Under the previous legislation it was possible to hold a private party at which alcohol was not sold but provided as part of the ticket price. This allowed private parties (birthdays etc) to be held without the need for an alcohol license.

Under the new legislation it is not clear what the position is regarding the provision of alcohol and as such all questions and queries should be directed to the relevant licensing authority.

The author(s) do not provide any advice or recommendations and accepts no responsibility with regard to private parties.

7.4. Private Parties – Regulated Entertainment

Under the new legislation the following rules are applied for the provision of regulated entertainment at private parties:

- Private events, where the invited guests are charged, either with a view to private profit or to raise funds for charity, are also licensable.

Therefore an event which is intended to raise money for charity through a charge being made, is licensable but one at which no charge is made and no money is raised (ie wedding reception , birthday party) is not licensable.

In summary if the intention is to raise money for charity then a license is required. If no money is being raised then no license is required.

8. Other Relevant Information about the New Licensing Laws with respect to Regulated Entertainment only

The following information has been obtained from the HM Governments own websites and guidance documents. The author(s) accept no responsibility for the accuracy or otherwise of the information provided. Always refer to HM governments own websites for up to date details.

http://www.culture.gov.uk/alcohol_and_entertainment/licensing_act_2003/permitted_temporary_activities.htm

8.1. Does a charity event providing entertainment require a licence?

If regulated entertainment is being provided at a charitable event to which the public is invited, a premises licence or temporary event notice would be required.

Private events, where the invited guests are charged, either with a view to private profit or to raise funds for charity, are also licensable.

Such a charge could, for example, lead to greater risks being taken with regard to safety issues. For example, the number of people invited, seating arrangements and access to exits in an emergency.

However, entertainment provided at a private charitable event where the public is not invited (other than where the entertainment is provided exclusively for the members and their guests of a qualifying club) and where no charge is made (other than solely to cover costs) or there is no requirement for the guests to give any money to charity, would not be licensable.

Note: A Rotaract event to which only club members and guests are invited and no alcohol is being sold would not need a Regulated Entertainment licence.

8.2. What if I make a small profit by mistake at a private event?

"With a view to profit" means that you intend or have intended to make a profit. If you make a charge simply to cover costs and accidentally make a small profit owing to miscalculation, you need not worry. What matters is your intention at the outset.

8.3. Are there any exemptions from the requirement of a premises licence when providing entertainment?

Yes. But note that if alcohol is to be supplied, or late night refreshment provided, a licence will be required for those activities.

The main exemptions for the provision of entertainment and entertainment facilities from the requirement for a licence under the Licensing Act are as follows:

- **for the purposes of or purposes incidental to religious services or meetings or at places of public religious worship**
- **morris dancing or any dancing of a similar nature**, or a performance of unamplified live music as an integral part of such dancing
- **incidental music** – the performance of live music or the playing of recorded music if it is incidental to some other activity which is not itself regulated entertainment
- **garden fetes** – or functions or events of a similar nature if not being promoted or held for purposes of private gain
- **film exhibitions for the purposes of advertisement, information, education, etc.** – if the sole or main purpose of the exhibition of a film is (a) to demonstrate any product; (b) advertise any goods or services, or (c) provide information, education or instruction
- **film exhibitions: museums and art galleries** – where an entertainment consisting of the exhibition of a film, is, or forms part of, an exhibit put on show for any purposes of a museum or art gallery
- **use of television or radio receivers** – where entertainment consists of the simultaneous reception and playing of a programme included in a programme service within the meaning of the Broadcasting Act 1990 (however, showing pre-recorded entertainment would require a licence)
- **vehicles in motion** – i.e. where the provision of entertainment or entertainment facilities take place (a) on premises consisting of or forming part of a vehicle, and (b) at a time when the vehicle is not permanently or temporarily parked

8.4. Are church halls, chapel halls, or similar buildings also exempt from the requirement for a licence?

Church halls, chapel halls or other premises of a similar nature will require a licence for the provision of regulated entertainment (unless they come within one of the exemptions listed above) but there will be an exemption from having to pay the fee associated with that provision. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required for those activities.

8.5. Is a licence required to stage entertainment in a scout/guide hall?

If regulated entertainment is provided for the public in a scout hall or similar premises, or if a charge is made to a private audience with a view to profit, including for a charity, then the provision of regulated entertainment at such premises would require a premises licence or temporary event notice.

If the public is not invited and a charge is made to a private audience (like family and friends) just to cover costs – and not to make a profit - then this will not be the provision of regulated entertainment and a licence will not be required.

Similarly, if anyone invited to a private performance was not charged for attending the event but was free to make a voluntary donation to a charity at their own choice, no licence will be necessary.

However, if the performance is to any extent open to the public (whether the public are charged or not) a licence will be required

8.6. Does a village hall require a licence for regulated entertainment?

A licence will be required for the provision of public entertainment at such premises. However, as with church halls, there will be an exemption from the payment of fees in relation to the provision of regulated entertainment at village halls, parish or community halls or other premises of a similar nature.

If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required for those activities.

9. Appendix A – Letter from Wycombe Council Licensing Department

Dear Sir/Madam

Re: Licensing Act 2003 Application for a TEMPORARY EVENT NOTICE

Thank you for your enquiry in relation to Temporary Events. Please find attached an application form for a Temporary Event Notice with attached guidance notes. Temporary Event Notices are required for any licensable activity (regulated entertainment and / or sale or supply of alcohol), where the premises are not licensed by a Premises Licence authorising the activity at the relevant time.

Please take care to complete the form correctly. Any omission may render the Notice invalid and may result in the form having to be re-submitted.

Please also note the following:

- At least 10 working days notice must be given of a Temporary Event, to both the Licensing Authority and the Police. Longer notice should be given where possible
- Each Temporary Event must be notified on a separate Temporary Event Notice
- Each Temporary Event carries a fee of £21 (per event)
- Only 12 Temporary Event Notices can be issued per year in respect of the same premises
- Temporary Event Notices can be used for no more than 15 days in total per year per premises
- No more than 499 people can attend the event at any given time
- The event must last no longer than 96 hours
- There must be an interval of at least 24 hours between events which have been notified by the same person for the same premises
- Personal Licence holders can give up to 50 Temporary Event Notices per year
- Anybody not holding a Personal Licence can give up to 5 Temporary Event Notices per year

When you are ready to submit your Notice, you can either do so by post (addressed to the Licensing Unit at the Council Offices) or in person. Should you submit your application in person at the Council Offices you will first need to pay the fee of £21 at the Cashiers Section (**cheques should be made payable to Wycombe District Council**). Please take this letter with you so that the cashiers will know what you are paying for. Once you have obtained a receipt you will need to submit this, along with **two** copies of your completed application form, to the Customer Advice Centre at the Council Offices.

You must also submit, at the same time, **one** copy of the form to:

The Licensing Officer
High Wycombe Police Station
Queen Victoria Road
High Wycombe
Bucks
HP11 1BE

Following submission of the Notice, the police have 48 hours in which to object to the Notice. Should any objection be received from the police, the premises user will receive details of the police objection and a Hearing of the Licensing Sub Committee will be convened to determine the application within 7 days. Should the Notice fail to comply with any of the legal requirements in relation to limits, a Counter Notice will be issued with details of the non-compliance.

Should no objection be received from the police and the Notice comply with all other requirements, one copy of the Notice will be returned to the premises user, having been endorsed by the Licensing Authority. Once received, the premises user must then ensure that either:

- the endorsed copy is prominently displayed at the premises; or that
- the endorsed copy is kept at the premises either in his own custody or in the custody of a person present and working at the premises and whom he has nominated for that purpose.
- where the Temporary Event Notice is in the custody of a nominated person, a notice specifying that fact and the position held by that person must be displayed prominently at the premises.

Should you require any additional information please contact the Licensing Unit on 01494 421222.

Yours faithfully

Licensing Manager

10. Appendix B – Typical Temporary Event Notice Application

Temporary Event Notice

Information on the Licensing Act 2003 is available on the website of the Department for Culture, Media and Sport (http://www.culture.gov.uk/alcohol_and_entertainment/default.htm) or from your local licensing authority.

Before completing this notice please read the guidance notes at the end of the notice. If you are completing this notice by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary.

You should keep a copy of the completed notice for your records. You must send two copies of this notice to the licensing authority and an additional copy must be sent to the chief officer of police for the area in which the premises are situated. The licensing authority will endorse one of the two copies and return it to you as an acknowledgement of receipt.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)			
1. YOUR NAME			
Title	(delete as appropriate) Mr Mrs Miss Ms Other (please state)		
Surname	HUNTER		
Forenames	ADAM JOHN		
2. PREVIOUS NAMES (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	(delete as appropriate) Mr Mrs Miss Ms Other (please state)		
Surname			
Forenames			
3. Your date of birth	Day 20	Mth 09	Yr 1973
4. Your place of birth	HITCHIN, HERTS		
5. National Insurance Number			
6. YOUR CURRENT ADDRESS (We will use this address to correspond with you unless you complete the separate correspondence box below)			
6 FERNLEY COURT HARROW LANE MAIDENHEAD BERKS SL6 7NZ			
Post town	MAIDENHEAD	Post code	SL6 7NZ
7. OTHER CONTACT DETAILS			
TELEPHONE NUMBERS			
Daytime			
Evening (optional)			
Mobile (optional)			
FAX NUMBER (optional)			
E-Mail Address (optional)			
8. ALTERNATIVE ADDRESS FOR CORRESPONDENCE (If you complete the details below, we will use this address to correspond with you)			
Post town	Post code		

9. ALTERNATIVE CONTACT DETAILS (IF APPLICABLE)	
TELEPHONE NUMBERS Daytime	
Evening (optional)	
Mobile (optional)	
FAX NUMBER (optional)	
E-Mail Address (optional)	

2. The premises	
Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2)	
<p>Hughenden Village Hall Coombe Lane Hughenden High Wycombe Bucks HP14 4NX</p>	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
N/A	
Please describe the nature of the premises below. (Please read note 4)	
<p>Hughenden Village Hall is a large purpose built village hall facility in its own grounds with car parking. There is a main hall with stage, bar area and kitchen area. At the rear is an adjoining small hall with its own kitchen area. All of these areas will be used during the event.</p>	
Please describe the nature of the event below. (Please read note 5)	
<p>A fundraising event (a 50's style high school prom) organised by the Rotaract Club of High Wycombe for club members, friends and affiliated clubs. A meal will be provided which will be prepared on the premises. A live band and a pay bar will also be provided for the patrons.</p>	

3. The licensable activities	
Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on). (Please read note 6)	
The sale by retail of alcohol	X
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	
The provision of regulated entertainment	X
The provision of late night refreshment	
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 7)	
<p>SATURDAY 1st APRIL 2006</p>	

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 8)		
19:00 till 23:00 on Sat 1 st April (4hr period)		
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 9)	80	
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 10)	On the premises only	X
	Off the premises only	
	Both	

4. Personal licence holders (Please read note 11)		
Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you)	Yes	No X
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority		
Licence number		
Date of issue		
Date of expiry		
Any further relevant details		

5. Previous temporary event notices you have given (Please read note 12)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (Please mark an "X" in the box that applies to you)	Yes X	No
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year	One	
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes s	No X

6. Associates and business colleagues (Please read note 13)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes	No X
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes	No
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes	No X

If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes	No X

7. Checklist (Please read note 14)	
I shall (Please mark the appropriate boxes with an "X")	
Send two copies of this notice to the licensing authority for the area in which the premises are located	X
Send a copy of this notice to the chief officer of police for the area in which the premises are located	X
If the premises are situated in one or more licensing authority areas, send two copies of this notice to each additional licensing authority	
If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police	
Make or enclose payment of the fee for the application	X
Sign the declaration in Section 9 below	X

8. Condition (Please read note 15)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 16)	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence: (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.	
SIGNATURE	DATE
Name of Person signing	

For completion by the Licensing Authority

10. Acknowledgement (Please read note 17)	
I acknowledge receipt of this temporary event notice.	
SIGNATURE	DATE
On behalf of the Licensing Authority	
Name of Officer Signing	

NOTES

General

In general, only the police may intervene on crime prevention grounds to prevent the occurrence of an event at which permitted temporary activities are to take place or to agree a modification of the arrangements for such an event. However, the licensing authority may intervene of its own volition by issuing a counter notice if the first, second and fourth of the limits set out below would be exceeded. If any of the limits below are breached or if a counter notice has been issued, any licensable activities taking place would be unauthorised and the premises user would be liable to prosecution. The limitations apply to:

- the number of times a person (the “premises user”) may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (12 times in a calendar year);
- the length of time a temporary event may last for these purposes (96 hours);
- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (15 days per calendar year); and
- the scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499).

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 13 below explains the definition of an “associate”

When permitted temporary activities take place, a premises user must ensure that either:

- a copy of the temporary event notice endorsed as acknowledged by the licensing authority is prominently displayed at the premises; or that
- the temporary event notice endorsed as acknowledged by the licensing authority is kept at the premises either in his own custody or in the custody of a person present and working at the premises and whom he has nominated for that purpose.

Where the temporary event notice is in the custody of a nominated person, a notice specifying that fact and the position held by that person must be displayed prominently at the premises.

Where neither the temporary event notice nor a notice specifying the nominated person are displayed, a constable or an authorised person (for example, a licensing officer, fire officer or environmental health officer) may require the premises user to produce the temporary event notice for examination. Similarly, where the nominated person has the temporary event notice in his custody, a constable or authorised person may require that person to produce it for examination. Failure to produce the temporary event notice without reasonable excuse would be an offence.

It should also be noted that the following, among other things, are offences under the Licensing Act 2003:

- the sale or supply of alcohol to children under 18 years of age (maximum fine on conviction is a fine up to level 5 on the standard scale, currently £5,000);
- allowing the sale of alcohol to children under 18 (maximum fine on conviction is a fine up to level 5 on the standard scale, currently £5,000);
- knowingly allowing the consumption of alcohol on the premises by a person aged under 18 (maximum fine on conviction is a fine up to level 5 on the standard scale, currently £5,000);
- allowing disorderly behaviour on the premises (maximum fine on conviction is a fine up to level 3 on the standard scale, currently £1,000);
- the sale of alcohol to a person who is drunk (maximum fine on conviction is a fine up to level 3 on the standard scale, currently £1,000);
- obtaining alcohol for a person who is drunk (maximum fine on conviction is a fine up to level 3 on the standard scale, currently £1,000);
- knowingly allowing a person aged under 18 to make any sale or supply of alcohol unless the sale or supply has been specifically approved by the premises user or any individual aged 18 or over who has been authorised for this purpose by the premises user (maximum fine on conviction is a fine up to level 1 on the standard scale, currently £200); and
- knowingly keeping or allowing to be kept on the premises any smuggled goods which have been imported without payment of duty or which have otherwise been unlawfully imported (maximum fine on conviction is a fine up to level 3 on the standard scale, currently £1,000).

In addition, where the premises are to be used primarily or exclusively for the sale or supply of alcohol for consumption on the premises, it is an offence to allow children under 16 to be present when the premises are open for that purpose unless they are accompanied by an adult. In the case of any premises at which sales or supplies of alcohol are taking place at all, it is an offence for a child under 16 to be present there between the hours of midnight and 5am unless accompanied by an adult. In both instances, the penalty on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000.

Note 1

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed “premises user”. Within businesses, clubs or organisations one individual will therefore need to be identified as the proposed premises user.

If you include an e-mail address in section 1(7) or 1(9) the licensing authority may use the address to send any counter notice it is required to give under section 107 of the Licensing Act 2003.

Note 2

For the purposes of the Licensing Act 2003, “premises” means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

Note 3

A temporary event notice can be given for part of a building, such as a single room or a plot within a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution.

In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500. If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

Note 4

A description of the nature of the premises assists the chief officer of police in deciding if any crime prevention issues are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

Note 5

A description of the nature of the event similarly assists the chief officer of police in making his decision whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers’ market, a discotheque, the performance of a string quartet, a folk group or a rock band.

Note 6

The licensable activities are:

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

Please refer to Schedules 1 and 2 to the Licensing Act 2003 for fuller details of the definitions and exemptions relating to regulated entertainment and late night refreshment.

Regulated entertainment, subject to specified conditions and exemptions, includes:

- (a) a performance of a play;
- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;
- (e) a performance of live music;
- (f) any playing of recorded music;
- (g) a performance of dance;
- (h) entertainment of a similar description to that falling within (e), (f) or (g).

Regulated entertainment also includes the provision of “entertainment facilities” for:

- (a) making music;
- (b) dancing; and
- (c) entertainment of a similar description to that falling within (a) or (b).

If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

Note 7

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 96 hours (four days).

Note 8

You should state here the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you may not intend to carry on licensable activities throughout the entire 48 hour event period, and may intend to sell alcohol between 8.00 hrs and 23.00 hrs on each of the two days.

Note 9

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise you. The maximum figure of 499 does not just include the audience, spectators or consumers and includes, for example, staff, organisers, stewards and performers who will be present on the premises.

Note 10

If you indicate that alcohol will be supplied only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol supplied there. If such a supply takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol supplied is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies. For this purpose the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

Note 11

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

Note 12

As stated under Note 11 the holder of a valid personal licence holder issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year. An individual who does not hold a valid personal licence may only give 5 temporary event notices in England and Wales within a calendar year. A calendar year is the period between 1 January to 31 December, inclusive, in any year.

If an event straddles two calendar years, it will count against the limits on temporary event notices (12 for each premises, 15 days for each premises, 50 per personal license holder and 5 for non-holders) for each year, however, only one notice needs to be given.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 13 below sets out the definition of an “associate”.

If a temporary event notice has been given for the same premises, by the same premises user, and would have effect within 24 hours before the start of the event period under the current proposal or within 24 hours after the end of that period, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count as if they had been given by the premises user himself. Note 13 below sets out the definition of an “associate”.

Note 13

An “associate” of the proposed premises user is:

- a. the spouse of that person;
- b. a child, parent, grandchild, grandparent, brother or sister of that person;
- c. an agent or employee of that person; or
- d. the spouse of a person within (b) or (c).

For these purposes, a person living with another as that person’s husband or wife is to be treated as that person’s spouse.

These provisions will be subject to amendment by the Civil Partnerships Act. These amendments are due to take effect from 5th December 2005.

Note 14

It is a requirement that you send two copies of this notice to the licensing authority at least ten working days before the commencement of the proposed licensable activities. The authority will endorse one of the two copies and return it to you as an acknowledgement. This will be important proof that you gave the notice and when you gave it for the purposes of the Act. Some premises may be situated in two licensing authority areas, for example, where a building or field straddles the local authority boundary. Where this is the case, two copies must be sent to each of the licensing authorities identified, together with the appropriate fee in each case. In such circumstances, you need to receive acknowledgements from all the relevant licensing authorities.

One copy must be sent to the chief officer of police for the area in which the premises is situated at least ten working days before the commencement of the proposed licensable activities. Where the premises are situated in two police areas, a further copy will need to be sent to the second police force.

Note 15

Under the Licensing Act 2003, all temporary event notices are given subject to a mandatory condition requiring that where the licensable activities involve the supply of alcohol, all such supplies must be made by or under the authority of the named premises user. If there is a breach of this condition, the premises user and the individual making the supply in question would be liable to prosecution. For this purpose the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

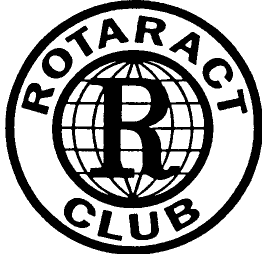
Note 16

It is an offence knowingly or recklessly to make a false statement in, or in connection with, a temporary event notice. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement). To do so could result in prosecution and a fine not exceeding level 5 on the standard scale.

Note 17

You should not complete section 10 of the notice, which is for use by the licensing authority. They will complete this section and return one of the copies that you have sent to them as an acknowledgement of the notice you have given.

11. Appendix C – Typical Letter to Council Licensing Department



The Rotaract Club of High Wycombe

Name: Adam Hunter

Address:

Tel:

email:

Date:

Dear Sir/Madam

Application for Temporary Event Notice

Please find enclosed 2No copies of my completed application form for a temporary event notice. Please also find enclosed a cheque for £21. In addition I have forwarded 1No copy of the completed application form to the Licensing Officer at High Wycombe Police Station.

The event is a charity 50's style dance night with buffet food to be held on Saturday 1st April 2006 between the hours of 7pm and 11pm. The license application is for a pay bar to provide alcohol for the event and to allow the playing of live music.

Entry to the event is by ticket only. Ticket sales are restricted to friends, family, guests and members of affiliated clubs only. Tickets will not be sold to the general public. No under 18's will be present at any time during the event.

The Rotaract Club of High Wycombe have been running similar events at this venue for over 10 years. No problems involving the police, licensing authorities or nuisance to neighbours have ever been encountered. Similarly no problems relating to the granting of a license have previously been encountered.

I am the "premises user" as defined by the regulations and I will be in attendance throughout the event. In the event of unexpected occurrences the "nominated person" will be **???? (name, address, tel number)** who is the **??????** of the Rotaract Club of High Wycombe, the organisation running the event.

If you have any questions or queries please contact me at the above address, by phone or by email

Thanks,

Adam Hunter
Past President, The Rotaract Club of High Wycombe

12. Appendix D – Typical Letter to Police



The Rotaract Club of High Wycombe

Name: Adam Hunter

Address:

Tel:

email:

Date:

Dear Sir/Madam

Application for Temporary Event Notice

As required by Wycombe District Council Licensing Department please find enclosed 1 No copy of my completed application form for a temporary event notice.

The event is a charity 50's style dance night with buffet food to be held on Saturday 1st April 2006 between the hours of 7pm and 11pm. The license application is for a pay bar to provide alcohol for the event and to allow the playing of live music.

Entry to the event is by ticket only. Ticket sales are restricted to friends, family, guests and members of affiliated clubs only. Tickets will not be sold to the general public. No under 18's will be present at any time during the event.

The Rotaract Club of High Wycombe have been running similar events at this venue for over 10 years. No problems involving the police, licensing authorities or nuisance to neighbours have ever been encountered. Similarly no problems relating to the granting of a license have previously been encountered.

I am the "premises user" as defined by the regulations and I will be in attendance throughout the event. In the event of unexpected occurrences the "nominated person" will be **???? (name, address, tel number)** who is the **??????** of the Rotaract Club of High Wycombe, the organisation running the event.

If you have any questions or queries please contact me at the above address, by phone or by email

Thanks,

Adam Hunter
Past President, The Rotaract Club of High Wycombe