

**Temporary Event Notice (TEN) Guidance** (additional information is available at the back of the notice):

**Submitting a notice:**

- Fee: £21.00 (make cheques payable to 'SADC')
- Submit the notice a minimum of 10 working days before the event (this does not include Saturday, Sunday or bank holidays)
- Give 2 copies of the application (not including the notes/guidance) to the licensing authority: Licensing Authority, St Albans City and District Council, St Peters Street, St Albans, Herts AL1 3JE Tel: 01727 819541
- Give 1 copy to the police (not including the notes/guidance): Licensing Officer, Hertfordshire Constabulary, County Police Station, Victoria Street, St Albans, Herts AL1 3JL Tel: 01727 796046

**Acknowledged:**

- The Council will return one of the copies to you having completed the acknowledgement (section 10). The event can take place unless a counter notice is served by the police

**At the event you must:**

- have a copy of the acknowledged TEN displayed or
- display a notice stating who has the acknowledged copy of the TEN

**TENs are for the following:**

- Maximum of 499 people (including staff etc)
- An event can last up to 96hrs (4 days)
- The sale or supply of alcohol
- Provision of entertainment: plays, films, indoor sport, boxing or wrestling, live or recorded music, performance of dance, facilities for making music or dancing.
- Provision of late night refreshment (sale of hot food or drink between 23.00 and 05.00hrs)

**Who can give a notice:**

- A personal licence holder can give 50 a year
- Everyone else can give 5 a year

**How many events can one premises have:**

- 12 TENs a year (maximum of 15 days a year)
- There must be a 24hr gap between TENs

**You must:**

- Submit a separate TEN for each premises/venue
- Submit a separate TEN for different events

## 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/what\\_we\\_do/alcohol\\_and\\_entertainment/default.aspx](http://www.culture.gov.uk/what_we_do/alcohol_and_entertainment/default.aspx)) 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 (Licensing Authority, St Albans City and District Council, St Peters Street, St Albans, Herts AL1 3JE Tel: 01727 819541) and an additional copy must be sent to the chief officer of police for the area in which the premises are situated (Licensing Officer, Hertfordshire Constabulary, County Police Station, Victoria Street, St Albans, Herts AL1 3JL Tel: 01727 796 046) a minimum of 10 working days before the event. 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 – must be an individual, can't be a business or an organisation. This person is expected to be in control of the events and be present at the event. This person is liable for any activities or any unlawful activities which may take place at the event)			
1. Your name			
Title	Mr / Mrs / Miss / Ms / Other:		
Last name			
First names			
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary).			
Title	Mr / Mrs / Miss / Ms / Other:		
Last name			
First names			
3. Your date of birth	Day	Month	Year
4. Your place of birth			
5. National Insurance Number			
6. Your current residential address (We will use this address to correspond with you unless you complete the separate correspondence box below).			
7. Other contact details:			
Telephone numbers (Daytime / Evening / Mobile)			
Fax number			
Email address (may be used to serve a counter notice – see note 1)			

8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you).

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9. Alternative contact details:

Telephone numbers (Daytime / Evening / Mobile)	
Fax number	
Email address (may be used to serve a counter notice – see note 1)	

**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 – ‘premises may include, for example, public parks, recreation grounds and private land)

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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 – i.e. hall, canteen, marquee or top right corner or field (see map enclosed))

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Please describe the nature of the premises below (Please read note 4 - for example, a public house, a restaurant, an open field, a village hall or a beer tent)

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Please describe the nature of the event below (Please read note 5 - 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.)

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<b>3. The licensable activities</b>	
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	
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	
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 – maximum 96 hours)	
Please state the times during the event period that you propose to carry on the licensable activities (please give times in 24 hour clock). (Please read note 8 – i.e. all activities Monday 12.00-23.00; performance of dance only Tuesday 12.00-22.00 etc)	
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 (max 499) (Please read note 9)	
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 indicate) (Please read note 10)	On the premises only
	Off the premises only
	Both

<b>4. Personal licence holders (Please read note 11 – personal licence holders can give 50 TENS per year)</b>	
Do you currently hold a valid personal licence? Yes / No	
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 TEN you have given (Please read note 12 – personal licence holders may give 50 a year, non-holders may give 5 a year)		
Have you previously given a TEN in respect of any premises for events falling in the same calendar year as the event for which you are now giving this TEN	Yes	No
If the answer is 'yes', please state the number of TENs you have given for events in that same calendar year		
Have you already given a TEN 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?	Yes	No

6 Associates and business colleagues (Please read note 13 – i.e. spouse (including common law); family member; agent or employee; spouse of family member/agent/employee; civil partner)		
Has any association of yours given a TEN for an event in the same calendar year as the event for which you are now given a TEN	Yes	No
If the answer is 'yes', please state the total number of TENs your associate(s) have given for the events in the same calendar year		
Has any associate of yours already given a TEN for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours of less after the event proposed in this notice?	Yes	No
Has any person with whom you are in business (and that business involves the carrying on of licensable activities) given a TEN for an event in the same calendar year as the event for which you are now giving a TEN	Yes	No
If the answer is 'yes', please state the total number of TENs your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business (and that business involves the carrying on of licensable activities) already given a TEN for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours of less after the event proposed in this notice?	Yes	No

7. Checklist (Please read note 14)		
I shall:		
Send 2 copies of this notice (not including the notes/guidance) to the licensing authority for the area in which the premises are located (Licensing Authority, St Albans City and District Council, St Peters Street, St Albans, Herts AL1 3JE)		
Send 1 copy of this notice (not including the notes/guidance) to the chief officer of police for the area in which the premises are located (Licensing Officer, Hertfordshire Constabulary, County Police Station, Victoria Street, St Albans, Herts AL1 3JL)		
If the premises are situated in one or more licensing authority areas, send 2 copies (not including the notes/guidance) of this notice to each additional licensing authority		

If the premises are situation in one or more police areas, send a copy of the notice (not including the notes/guidance) to each additional chief officer of police	
Make or enclose payment of the fee for the application (£21.00 made payable to 'SADC')	
Sign the declaration in Section 9 below	

<b>8. Condition (Please read note 15 – 'premises user' completed section 1)</b>
It is a condition of this TEN 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.

<b>9. Declarations (Please read note 16)</b>	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence:	
a) to knowingly or recklessly make a false statement in connection with this TEN and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and	
b) 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 6 months, or to both.	
Signature	
Date	
Name of person signing	

**For completion by the Licensing Authority**

<b>10. Acknowledgement (Please read note 17)</b>	
I acknowledge receipt of this TEN	
Signature On behalf of the Licensing Authority	
Date	
Name of person signing	

## Notes

### General

In general, only the police may intervene on crime prevention grounds to prevent the occurrence of an event at which permitted TENs 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 or 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 TEN (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a TEN 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 TENs 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 TENs per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), TENs 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 TEN endorsed as acknowledged by the licensing authority is prominently displayed at the premises; or that
- the TEN 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 TEN 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 TEN 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 TEN for examination. Similarly, where the nominated person has the TEN in his custody, a constable or authorised person may require that person to produce it for examination. Failure to produce the TEN 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 TEN 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 email 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 purpose 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 TEN 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 the TEN 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 of the Licensing Act 2003 for fuller details of the definitions and exemptions relating to regulated entertainment and late night refreshment ([http://www.opsi.gov.uk/acts/acts2003/ukpga\\_20030017\\_en\\_1](http://www.opsi.gov.uk/acts/acts2003/ukpga_20030017_en_1)).

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 nature 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 TEN is 96 hours (4 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 08.00 hours and 23.00 hours on each of the 2 days.

**Note 9**

No more than 499 may be on the premises for a TEN at any 1 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 2 licensable activities listed in note 6 above (the sale by retail of alcohol and the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club).

**Note 11**

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 TENs 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 issued under the Licensing Act 2003 may give up to 50 TENs in any calendar year. An individual who does not hold a valid personal licence may only give 5 TENs 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 2 calendar years, it will count against the limits on TENs (12 for each premises, 15 days for each premises, 50 per personal licence holder and 5 for non-holders) for each year, however, only 1 notice needs to be given.

For the purposes of determining the overall limits of 50 TENs per personal licence holder (in a calendar year) and of 5 for non-personal licence holder (in a calendar year), a TEN 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 total. Note 13 below sets out the definition of an 'associate'.

If a TEN 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 TEN given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purpose of determining whether or not the required gap of 24 hours is upheld, TENs 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 a 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 5<sup>th</sup> December 2005.

### **Note 14**

It is a requirement that you send 2 copies of this notice to the licensing authority at least 10 working days before the commencement of the proposed licensable activities. The authority will endorse 1 of the 2 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 situation in 2 licensing authority areas, for example, where a building or field straddles the local authority boundary. Where this is the case, 2 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.

1 copy must be sent to the chief office of police for the area in which the premises is situated at least 10 working days before the commencement of the proposed licensable activities. Where the premises are situated in 2 police areas, a further copy will need to be sent to the second police force.

### **Note 15**

Under the Licensing Act 2003, all TENs 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 2 licensable activities listed in note 6 above (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)

### **Note 16**

It is an offence knowingly or recklessly to make a false statement in, or in connection with, a TEN (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 1 of the copies that you have sent to them as an acknowledgement of the notice you have given.