

BRISTOL CITY COUNCIL

Licensing Team

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A Guide to the Licensing Act 2003

Temporary Event Notices (TEN)

This guidance relates to permitted temporary activities that require a Temporary Event Notice (TEN).

When do I need a TEN?

A Temporary Event Notice allows you to hold a licensable activity on premises that are not currently licensed, or to hold activities existing licences or club certificates do not permit. This would include for example:

- Selling alcohol at a school fete
- Providing regulated entertainment in a pub (please note there are some exemptions please see below)
- Staying open to sell hot food in to the night on a special occasion (e.g. New Years Eve)
- Selling alcohol after the hours your normal licence permits, e.g. for a special occasion
- An amateur dramatics group putting on a play in unlicensed premises
- A club hiring out a function room for an event attended by the public

You can hold your event by submitting a Temporary Event Notice (TEN) to the Licensing Authority if the licensable activity falls in to one of the following categories:

- That not more than 499 people will be in attendance
- Lasting for not more than 168 hours (7 days)

What are licensable activities?

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to a member or to the order of a member
- Provision of regulated entertainment
- Provision of late night refreshment

What is regulated entertainment?

- Performance of a play
- Exhibition of a film
- Indoor sporting event
- Boxing or wrestling entertainment
- Performance of live music
- Any playing of recorded music
- Performance of dance

Are there any exemptions to regulated entertainment?

The following are regulated entertainment regardless of timings or audience size these include boxing and wrestling (with exception for Greco-Roman and freestyle forms of wrestling) , combined fighting sports and adult entertainment.

A number of exemptions have recently been introduced these include:

Live music in licensed venues

- Live music is no longer considered to be regulated entertainment in venues licensed for the sale of alcohol for consumption on the premises in the following situations:
- when it is unamplified and takes place between 8am and 11pm; and
- when it is amplified and takes place in the presence of an audience of 200 persons or less and is provided between 8am and 11pm.

The premises must be open for the sale of alcohol during the time that the live music is provided for the exemption(s) to take effect.

Any condition attached to the Premises Licence relating to live music will cease to have effect in respect of the live music when offered between 8am and 11pm, unless such conditions have been reinstated by the Licensing Authority as part of a Review Hearing.

Live music in venues which are not licensed

Unamplified, live music has been deregulated between 8am and 11pm in all non-licensed venues. However, unamplified, live music after 11pm and amplified live music in non-licensed venues will still require formal authorisation from the Licensing Authority by way of a Premises Licence, Club Premises Certificate or Temporary Event Notice.

Live music in workplaces

When it takes place between 8am and 11pm and in the presence of an audience of 200 persons or less.

Incidental music

Performance of live music or the playing or recorded music that is incidental to some other activity which is itself not an entertainment or the provision of entertainment facilities. For example recorded music played in a supermarket.

Theatrical performances and performance of dance

When it takes place between 8am and 11pm and in the presence of an audience of 500 persons or less.

Indoor sports

When it takes place between 8am and 11pm and in the presence of an audience of 1000 persons or less.

Film Exhibitions

Where the purpose is to demonstrate any product, advertise any goods or services, or to provide information, education or instruction, or is part of an exhibit at a museum or art gallery.

Television or Radio

The simultaneous reception and playing of a programme does not constitute regulated entertainment.

Religious Services and Places of Worship

Entertainment or entertainment facilities for or incidental to a religious meeting or service or at a place of religious worship does not constitute regulated entertainment.

Garden Fetes, etc

Garden fetes or functions or events of a similar nature do not constitute regulated entertainment provided that they are not conducted for private gain.

Morris Dancing, etc.

A performance of Morris dancing or any dancing of a similar nature or a performance of un-amplified, live music as an integral part of such a performance, or facilities enabling people to take part shall not constitute regulated entertainment.

Vehicles in Motion

The provision of entertainment or facilities for entertainment on premises consisting of or forming part of a vehicle at a time when the vehicle is not permanently or temporarily parked is not the provision of regulated entertainment.

What is Late Night Refreshment?

The provision of hot food or hot drinks between 11.00 pm at night and 5.00 am in the morning for consumption on or off the premises are a licensable activity.

The following supplies are exempt from being considered as a licensable activity.

- Hot drink which consists of or contains alcohol (This is covered by other licensable activities)
- Supply of hot drink by means of a vending machine
- Hot food or hot drink that is free of charge
- Supply of hot food or drink by a registered charity
- Supply of hot food or drink on a vehicle that is not permanently or temporarily parked.

Are there any restrictions on TENs?

Standard Temporary Event Notices are those notices which are served at least 10 working days before the event and **Late Temporary Event Notices** allow event organisers to apply with between 5 and 9 working days before the event.

There are a number of limits in respect of TENs these include

- A Personal Licence Holder may apply for up to 50 Standard TENs or 10 Late TENs per calendar year
- If you do not have a Personal Licence you may apply for up to 5 Standard TENs or 2 Late TENs per calendar year
- The above limits also include any TENs given by an “associated person” of someone who has already given a TEN e.g. spouse
- 15 TENs per calendar year may be given per premises **or** TENs which cover a maximum of 21 days. E.g. a TEN running from 23:00 to 01:00 would count as 2 of 21 days but only one TEN
- The TENs premises user must be over the age of 18
- There must be at least a 24 hour gap between the end of a TEN and start time of another TEN for the same premises

If your event/activity falls outside these restrictions, you will require a full premises licence.

If the number of TENs you seek in a year exceeds the limits above, the Council must serve a counter notice prohibiting the event from going ahead.

What about outdoor events?

An outdoor space is still regarded as “premises” under the Act and you must obtain consent for any licensable activities you hold in the open air. You may wish to submit some supporting documents in respect of your notice for the outdoor event for example an event management plan, landowner permission etc.

Why are TENs frequently rejected?

- Failure to submit notice sufficiently in advance of the event, please note that the day the Licensing Authority receive the notice is not included as one of the working days and neither is the day the event commences
- No payment (The notice is not correctly served until the fee has been paid)
- Incomplete notices (Proposed premises users may not amend a TEN once it has been submitted)

What happens after I serve a TEN?

If your TEN is valid the Licensing Authority will acknowledge it.

The police and environmental health may object to a notice if they believe that the event would undermine any of the licensing objectives. Objections must be served on the premises user and the licensing authority before the end of the third working day following the day on which they were given the temporary event notice.

If an objection is received in respect of a late TEN a counter notice will be served by the Licensing Authority and the event cannot go ahead.

If the objection relates to a notice for a Standard TEN the Licensing Authority would arrange for a hearing where you would be given the opportunity to advise why the TEN should be allowed. If there is a premises licence/club premises certificate in force for the area (or part of the area) where the TEN is to take place the Licensing Authority may attach conditions from this licence/certificate which promotes the licensing objectives. If the Licensing Authority feels that their concerns cannot be mitigated they will issue a counter notice.

At any time before a hearing the police and environmental health may modify a TEN with the consent of the premises user. In such a case an objection notice will be deemed to have been withdrawn.

The information in this guidance was accurate when produced, but you are always advised to seek your own legal advice should you have any queries and you should note that the Council cannot be liable in any way for the contents of this guidance.