



# Walsall Council

## Temporary Event Notice – Guidance Notes

A temporary event notice (TEN) can be submitted to authorise licensable activities for small scale one-off events. 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
- The provision of late night refreshment.

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

- A performance of a play
- An exhibition of a film
- An indoor sporting event
- A boxing or wrestling entertainment
- A performance of live music
- Any playing of recorded music
- A performance of dance
- Entertainment of a similar description to that falling within the performance of live music, any playing of recorded music and the performance of dance.

The Legislative Reform (Entertainment Licensing) Order 2014 and Deregulation Act 2015 has deregulated some of the regulated entertainment activities under the Licensing Act 2003. If you wish to seek further information on this, please contact the Licensing Unit.

### **Who can submit a Temporary Event Notice?**

1. Any individual over the age of 18, but cannot be submitted by a business or organisation.

### **How much notice do I need to give?**

All TEN's must be submitted to licensing authority no later than 10 clear working days before the event. This **does not** include the day of submission or the day of the event.

In exceptional circumstances, it is possible for an premises user to give a late TEN. This must be submitted no later than 5 clear working days but no earlier than 9 clear working days before the event, again this **does not** include the day of submission or the day of the event. If a TEN is submitted later than the 5 clear working days, then the TEN will be deemed as void and the premises user will be notified accordingly.

### **How frequently can TENs be held?**

There must be a minimum period of 24 hours between TENs held on the same premises by the same premises user. This prevents individuals applying for TENs consecutively as a means of avoiding an application for a premises licence or club premises certificate.

## Limitations

There are limitations which restrict the use of TEN's. If the first, second, third and fifth limits set below are exceeded, then a counter notice will be served by the Licensing Authority.

1. The number of times a person may submit a temporary event notice
  - 50 times per calendar year for a personal licence holder
  - 10 times per calendar year for non-personal licence holder
2. The number of times a person may submit a late temporary event notice
  - 5 times per calendar year for a personal licence holder
  - 2 times per calendar year for non-personal licence holder
3. The number of times a temporary event notice may be given for a particular premises
  - 15 times in a calendar year
4. The length of time a temporary event may last
  - 186 hours (7 days)
5. The maximum duration an individual premises may be covered by a temporary event notice
  - 21 days per calendar year
6. The maximum number of people attending at any one time (including event staff, organisers, stewards and performers)
  - 499

For the purpose of determining the overall limit of the number of times a person may submit a TEN, any TEN's which are given by an associate count towards the total. An "associate" of the user is defined as:

- a) The spouse, civil or co-habiting partner of that person
- b) A child, parent, grandchild, grandparent, brother or sister of that person
- c) An agent or employee of that person
- d) The spouse or civil partner of a person within (b) or (c)

Provided that all of the criteria above are met, only the police or Environmental Health/Community Protection can intervene to prevent a TEN from taking place. They can also agree modifications of the TEN with the premises user.

## The Notice

All Temporary Event Notices must be submitted on the prescribed form. All sections should be completed and must include the following information:

- A detailed description of the event
- The licensable activities
- The length of the TEN
- The times in which the licensable activities will be carried out
- The maximum number of people allowed on the premises at any one time
- Whether alcohol sales will be made for consumption on or off the premises (or both)

Failure to complete all sections of the form may result in your notice being rejected.

Alongside the notice, the TEN should be submitted with the relevant fee of £21.00. Only cheques (made payable to Walsall Council) and card payment will be accepted. Fees will not be refunded for TENs that are rejected due to incomplete information, submitted in error or subsequently withdrawn.

A copy of the notice must be sent to West Midlands Police and Walsall Council's Environmental Health and Community Protection Officers (relevant persons) on the same day that the TEN is given. Notices given online will automatically be sent through to the relevant persons by the Licensing Unit; postal applications must be sent separately by the premises user.

### **What happens next?**

After a TEN has been received by the licensing authority, they will acknowledge receipt within 24 hours.

West Midlands Police and Walsall Council's Environmental Health and Community Protection Teams will have a full 3 working days to put forward any objections which they believe will undermine one or more of the licensing objectives. The four licensing objectives under the Licensing Act 2003 are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

When an objection is made, the relevant person may attempt to modify the TEN to reach an agreement with the premises user which satisfies both parties. Should mediation not be possible, the case will be taken to a Licensing & Safety Sub-Committee meeting within 7 working days to make a decision on the grant of the TEN.

If any relevant persons object to a **Late TEN**, the Licensing Authority must serve a counter notice on the premises user. As a result of this, the late TEN will be invalidated, and there is no right to a hearing or appeal.

### **During a Temporary Event**

While licensable activities are taking place during a temporary event, the premises user must ensure that a copy of the TEN is kept on the premises, which can easily be produced if questioned by constable or authorised person. There is no legal requirement for a copy of the TEN to be on display during an event, as long as it is in the custody of the premises user or nominated persons.

If the approved Temporary Event Notice has been lost or damaged prior to the event, a copy of the TEN can be applied for from the Licensing Authority. An administration charge of £10.50 will apply.

### **Please return your completed original notice form to:**

Licensing Unit  
Walsall Council  
Civic Centre  
Darwall Street  
Walsall  
WS1 1TP

Tel: 01922 653050