

LICENSING ACT 2003 GUIDANCE ON TEMPORARY EVENT NOTICES

Introduction

The following activities normally require a Premises Licence or Club Premises Certificate under the Licensing Act 2003:

- ✧ The sale of alcohol by retail;
- ✧ The supply of alcohol to members of a club;
- ✧ The provision of refreshment between 11pm and 5am; and
- ✧ The provision of entertainment by means of the performance of a play, exhibition of a film, an indoor sporting event, boxing or wrestling entertainment, performance of live music or a dance, playing of recorded music and the provision of facilities for making music or dancing.

'Premises' includes any building, part of a building or open space, a moveable structure such as a marquee or a parked vehicle.

Therefore, any such activity in the open air will normally require a licence.

Temporary Event Notices

The Licensing Act however, introduces a light touch system of permitted temporary activities to avoid the requirement for a full Premises Licence or Club Premises Certificate and replaces the existing occasional licences and occasional permissions which the Courts are no longer able to grant.

Temporary Event Notices can be used by non-profit making organisations to cater for annual events or by existing Premises Licence holders to extend their hours or to allow activities other than those that they are currently licensed for.

Temporary Event Notices are however, subject to certain limitations.

Limits on the use of a Temporary Event Notice

The Police Reform and Social Responsibility Act 2011 has amended the limits on temporary event notices and if you were familiar with the old limits, please note the new ones below.

- ✧ The number of people attending the event must not exceed 499 at any one time.
- ✧ There can be no more than 15 such notices in respect of the same premises in a calendar year.
- ✧ The total period of the 15 notices in respect of the same premises cannot exceed 21 days in a calendar year.
- ✧ No event can last for more than 7 days in total (168) hours.

- ✧ There must be a minimum period of 24 hours between any two Temporary Event Notices at the same premises.
- ✧ A holder of a Personal Licence cannot apply for more than 50 standard temporary event notices or 10 late notices in a calendar year throughout England and Wales.
- ✧ An individual who does not hold a Personal Licence cannot apply for more than 5 standard notices or 2 late notices in a calendar year throughout England and Wales.

Standard and Late Temporary Event Notices

The Police Reform and Social Responsibility Act 2011 has introduced two types of temporary event notices; standard and late notices.

A **standard** notice is one which is submitted ten working days before the day on which the event is to take place. This excludes the day on which you give the notice to the Licensing Authority and excludes the day of the event.

A **late** notice is one which is submitted no later than 5 working days and no earlier than 9 working days before the day on which the event is to take place. This excludes the day on which you give the notice to the Licensing Authority and excludes the day of the event.

This means that you can give a combination of either type of notice until you reach the maximum limit of either type. For an individual who does not hold a personal licence, this is either 5 or 2. For an individual who does hold a personal licence, this is either 50 or 10.

It should be noted that you can give a standard temporary event notice as early as you like and early notices are actively encouraged.

Giving a Temporary Event Notice

A person giving a Temporary Event Notice must be at least 18 years of age and the notice must be given by an individual. It cannot be given by a company or other body.

A “**standard**” notice must be given no later than 10 working days before the day on which the event is to take place. This period excludes the day on which the event is to take place and excludes the day on which you give the notice to the authority. You are therefore urged to allow sufficient delivery or postal time and we would recommend that you allow a minimum of an extra 3 working days for this. Please remember that official bank holidays and weekends are not classed as working days.

A “**late**” notice must be given no later than 5 working days and no earlier than 9 working days before the day on which the event is to take place. This period excludes the day on which the event is to take place and excludes the day on which you give the notice to the authority. Please remember that official bank holidays and weekends are not classed as working days.

The notice must be in the prescribed form, and in reality, an applicant will require 3 copies of the notice, excluding a copy for your own records should you wish to keep one. Applicants must send 1 copy of the completed notice to the Licensing Authority and one copy to the Police and another copy to the Environmental Health department.

Applicants must send the completed notice plus the statutory fee of £21 to:

Rossendale Borough Council, Licensing & Enforcement Unit, The Business Centre, Futures Park, Bacup, OL13 0BB (licensing@rossendalebc.gov.uk)

Applicants must also send one copy of the notice to the two authorities below:

1. Lancashire Constabulary, Pennine Divisional Headquarters, Burnley Police Station, Parker Lane, Burnley, BB11 2BT; (eastpolicelicensing@lancashire.pnn.police.uk) and
2. Rossendale Borough Council, Environmental Health, Futures Park, Newchurch Road, Bacup, OL13 0BB (envhealth@rossendalebc.gov.uk)

The notice is not considered given until the date upon which the notice is received AND payment is made. Payment can be made by debit/credit card by contacting the office on 01706 217 777.

Display of Notice

The premises user must either prominently display:

- ✧ either the notice itself, **OR**
- ✧ a notice stating who has possession of the notice

at the premises, during the whole time that the event is taking place.

Objections and Counter Notices

The Chief Constable or the Environmental Health team can issue an objection notice where they believe that the use of the premises for the purposes in the notice will undermine any one or more of the licensing objectives.

If this happens in the case of a standard notice, the Council, as the Licensing Authority must hold a Hearing where elected Councillors will decide whether the event should be allowed to go ahead.

If either responsible authority objects in the case of a late notice, the event cannot go ahead and no hearing is required to be held.

The Prescribed Temporary Event Notice

The form can be downloaded from https://www.rossendale.gov.uk/downloads/file/14087/temporary_event_notice.

Other Matters

The requirements of a Temporary Event Notice do not remove the requirements to ensure that:

- ✧ The owner of the premises has consented to the event;
- ✧ The public or other persons attending the event are safe and a risk assessment has been completed;
- ✧ All other legislation is complied with;
- ✧ The relevant planning permission is in place for the land to be used for the type of event or activity intended;
- ✧ There is public and employers' liability to cover the event as required;

Rossendale Borough Council
Public Protection Unit
The Business Centre
Futures Park
Newchurch Road
Bacup
OL13 0BB

Telephone: (01706) 217 777 (Option 7)

Email: licensing@rossendalebc.gov.uk

Web: www.rossendale.gov.uk