

# **Burnley Borough Council**

## **LICENSING ACT 2003 TEMPORARY EVENT NOTICES**

The system involves an event organiser (the "premises user") giving a temporary event notice (TEN) to the licensing authority and copying this to the police and local authority exercising environmental health functions.

TENs can be used to authorise relatively small-scale ad hoc events held in or on any premises involving no more than 499 people at any one time. The premises user must, no later than 10 clear working days before the day on which the event is to start (or 5 clear working days if serving a late TEN). The applicant must give at least one copy of the notice to us, together with the prescribed fee. The "working days" exclude the day the notice is received and the first day of the event. So for example if the application is paid for and is accepted on Wednesday, the first working day is the following day Thursday.

A copy of the notice must also be given to the police and local authority exercising environmental health functions at the same time as serving upon us. Anyone aged 18 or over can give a maximum of five TENs per calendar year. Personal licence holders can give a maximum of fifty TENs per calendar year. TENs are subject to other maximum limits, as set out below.

Each event covered by a TEN can last up to 168 hours and no more than 15 TENs can be given in respect of any particular premises in any calendar year, (in the years 2022 and 2023 this is increased to 20). Also this is subject to a maximum aggregate duration of the periods covered by TENs at any individual premises of 21 days in any calendar year. (This is increased to 26 days in the years 2022 and 2023). There must be a minimum of 24 hours between events notified by a premises user or associates of that premises user in respect of the same premises.

Provided that the criteria set out above are met, only the police or the local authority exercising environmental health functions may intervene to prevent an event covered by a TEN notice taking place or agree a modification of the arrangements for such an event.

### **1. Can anyone give a TEN?**

Yes, as long as you are 18 or over you can give a maximum of 5 TENs per calendar year. A personal licence holder can give a maximum of 50 TENs per calendar year.

### **2. What is a "calendar year"**

From 1<sup>st</sup> January to 31<sup>st</sup> December.

### **3. How do I give a TEN?**

It is a requirement that you send at least one copy of the TEN to us at least 10 working days prior to the day on which the event period begins (or five working days for a late TEN see 4. below), together with the prescribed fee of £21. At the same time you must also send a copy of the notice to the relevant chief officer of police and to the local authority

exercising environmental health functions (see 9. below for address details).

The notice will contain a statement of:

The licensable activities that will take place; the period during which it is proposed to use the premises for those activities; the times during the event period when licensable activities are to take place; the maximum number of persons to be allowed on the premises at any one time (not exceeding 499); if the supply of alcohol is involved, whether the supplies will be for consumption on or off the premises or both; where the licensable activities include the supply of alcohol, the condition that all such supplies are made by or under the authority of the premises user; and any other matters which may from time to time be prescribed by the Secretary of State in regulations.

If the TEN exceeds the permitted limits as provided for in Part 5 of the 2003 Act you will be served a counter notice by us and this will mean that the event cannot go ahead.

If the police or the local authority exercising environmental health functions are satisfied that allowing the premises to be used in accordance with the TEN would undermine the licensing objectives, they must, no later than 48 hours after being given a copy of the TEN, give the premises user and us an objection notice. We must then hold a hearing to consider the notice and, having regard to the notice, we will issue a counter notice if we consider it necessary for the promotion of licensing objectives to do so.

This may mean that either:

- (a) The event cannot go ahead, or
- (b) The event can go ahead but with certain conditions attached for the duration of the event (however only in those circumstances where at least a part of the premises in relation to which the TEN is given is already subject to a premises licence or club premises certificate with any such conditions being consistent with the activity authorised by the TEN and any existing conditions attaching to the subsisting licence or certificate).

The police and the local authority exercising environmental health functions may object to a late TEN application (see 4. below for details) in which case you will be served a counter notice by us and this will mean that the event cannot go ahead.

#### **4. Can I give a TEN with less than 10 working days Notice?**

Yes. Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised.

The number of late notices that can be given in any one calendar year is limited to 10 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices (i.e. 50 temporary event notices per year for personal

licence holders and 5 temporary event notices for non-personal licence holders).

As indicated in 3. above, if there is an objection from either the police or the local authority exercising environmental health functions, a counter notice will be issued by us and this will mean that the event cannot go ahead (there is no hearing or appeal process in respect of these matters).

**5. Can I use a TEN in respect of premises that already hold a premises licence?**

Yes. If you wish for example to use your pub for an event involving the provision of regulated entertainment, e.g. for a wedding, where your premises licence does not authorise such a provision of regulated entertainment, it may be authorised by a TEN. However do not forget that the limits in relation to permitted temporary activities will apply (no more than 15 per premise per calendar year – increased to 20 in years 2022 and 2023)). See 3.(a) above for circumstances whereby existing conditions may be imposed onto a TEN.

**6. Will I be able to give a TEN if my premises can hold more than 499 people?**

Yes, as long as you ensure that the number of people on the premises during the event period authorised by the TEN does not exceed 499 at any one time. If you think that more than 499 people will attend the event you will need to apply for a premises licence to cover the event. Otherwise, if this limit is exceeded, the event will be unauthorised and the premises user liable to prosecution.

**7. Can a TEN be given in respect of an outdoor event?**

Yes. A TEN can be given in respect of both indoor and outdoor events. "Premises" for the purposes of the Act means any place, whether indoors or outdoors. For example, it could cover a town square, part of a park, or a street. But remember the limits in relation to permitted temporary activities (for example the number of people who can be on the premises at any one time) will apply. Assistance with the planning of outdoor events can be provided through the council's Event Safety Advisory Group.

**8. Can members of the public object to a TEN if they believe it could lead to public nuisance or crime?**

No. Only the police or local authority exercising environmental health functions can intervene to prevent an event covered by a TEN taking place (or agree a modification of the arrangements for such an event). However only a limited number of TENs can be given in respect of any particular premises each year, and the powers given in the Act to the police to close premises in certain cases of disorder or noise nuisance extend to premises in respect of which a TEN has effect.

## 9. What are the contact addresses for service of Notice?

Our address is as follows:

**Burnley Borough Council**  
**The Licensing Unit**  
**1<sup>st</sup> Floor, Parker Lane Offices**  
**Parker Lane**  
**Burnley**  
**BB11 2BY**  
Email [licensing@burnley.gov.uk](mailto:licensing@burnley.gov.uk)

Responsible Authorities

1. **Divisional Licensing Team,**  
**Burnley Police Station**  
**Parker Lane**  
**Burnley**  
**BB11 2BT**  
Email [EastPoliceLicensing@lancashire.pnn.police.uk](mailto:EastPoliceLicensing@lancashire.pnn.police.uk)
  
2. **Environmental Health,**  
**Burnley Borough Council,**  
**1<sup>st</sup> Floor, Parker Lane,**  
**Burnley,**  
**BB11 2DT.**  
Email [envhealth@burnley.gov.uk](mailto:envhealth@burnley.gov.uk)

## 10. Will there be a standard application form for me to complete?

Yes, these are prescribed in regulations by the Secretary of State and they can be downloaded from our website.

## 11. Once granted a TEN what must I do?

When a TEN is issued and temporary activities take place, the premises user must ensure that:

A copy of the TEN is prominently displayed at the premises; or, the TEN is kept at the premises either in his/her custody or in the custody of a person working at the premises who has been nominated for that purpose (in this case a notice specifying that fact and the position held by the person must be prominently displayed at the premises).

Where a TEN is issued and a counter notice has been issued with imposed conditions (see 3.(a) above for details), then those conditions have to be attached to the TEN and displayed as 1. above.

If you require further advice, please contact the Licensing Section via email on [licensing@burnley.gov.uk](mailto:licensing@burnley.gov.uk)