

# **Guidance Notes to Premises Users serving Temporary Event Notices.**

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## **Introduction**

This guidance is for premises users who want to serve Temporary Event Notices (TENs). It does not apply to service of Late TENs.

**These Guidance Notes are not comprehensive, or a substitute for reading the legislation. For more detailed, technical, or legal advice, you should consult professional advisors.**

Section 17 of the East Herts Council Statement of Licensing Policy (page 22) describes how the Council administers TENs, and gives additional advice.

The Statement of Licensing Policy for East Herts District Council is available on the Council's website;

[www.eastherts.gov.uk](http://www.eastherts.gov.uk),

or by contacting                      Community Safety and Licensing  
Wallfields, Pegs Lane, Hertford SG13 8EQ,

or by telephone                      01279 655261 ext 1467

or by email                              [community.protection@eastherts.gov.uk](mailto:community.protection@eastherts.gov.uk)

A Temporary Event Notice can be used instead of a licence to authorise regulated activities (supply of alcohol, regulated entertainment, and late night refreshment) at small-scale event of not more than 499 people, and lasting less than 168 hours.

## **Live music**

Live music is no longer regulated entertainment if;

It is unamplified between 8 a.m. and 11 p.m.;

If it is for audiences of under 200 at premises that are a workplace;

If it is on premises licensed to sell alcohol, and it is between 8 a.m. and 11 p.m. while alcohol is being sold, and it is either unamplified, or it is amplified but the audience is less than 200 people.

## **Entitlement**

You can serve up to 5 TENs in any 12 month period, or 50 TENs if you are a personal licence holder.

Each premises can have up to 12 TENs in a calendar year, subject to a maximum of 21 calendar days.

(An event of less than 24 hours that spans midnight counts as 2 calendar days. A 168 hour temporary event spans 7 calendar days, unless it starts at midnight. A TEN that spans two calendar years counts towards the total in both years).

TENs given by the same individual or their associate on the same premises must be at least 24 hours apart. (You cannot extend the 168 hour limit by serving 2 TENs).

Both the Police and Environmental Health can object to the issue of a Temporary Event Notice on the grounds of any of the 4 Licensing Objectives. These are;

Prevention of Crime and Disorder  
Prevention of Public Nuisance;  
Public Safety; and;  
Protection of Children from Harm.

For TENs served for Licensed Premises, the Police can request conditions that are attached to Premises Licences be attached to the TEN.

You must give at least 10 clear working days notice of any TEN.

**Please note that Government Guidance says that this 10 days does not include the date of service and the date of the event.** If you serve a TEN later than 10 working days before the day of the start of the event ('A Late TEN') it may be refused with no right of appeal.

A 'day' means a period of 24 hours, starting and ending at midnight. (e.g. 'Monday', 'Tuesday', etc.).

"working day" is defined in the Act to mean any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 (c. 80) in England and Wales.

## **Fees**

The fee to accompany a TEN is £21 for each temporary event. This fee was set by central government.

## **Service of the Notice**

The Notice must be served on East Herts Council (2 copies) and the Police (1 copy).

If you are not sure how to complete the notice, please refer to the next section of this guidance. After completing the Notice, you should make two further copies. Serve one copy on the Police by sending it by post or hand delivering to;

### **POLICE**

Broxbourne & East Herts Licensing CSU  
Hertford Police Station  
Hale Road  
Hertford  
SG13 8FL  
E-mail: [licensingeasthertsarea@herts.pnn.police.uk](mailto:licensingeasthertsarea@herts.pnn.police.uk)

Serve the Notice on us by sending the original Notice, one copy of the Notice, and the fee of £21 (cheque or postal order made payable to East Herts Council), to us by post or by hand delivery to;

### **Community Safety and Licensing**

East Herts Council  
Wallfields, Pegs Lane  
Hertford SG13 8 EQ

You do not need to serve a copy on Environmental Health. We will provide them with a copy.

If you are sending the TEN through the post we **strongly recommend** that either;

You send it by recorded delivery, and keep the proof of postage, or;

Make the payment of £21 by telephone on day of posting, write the 6 figure receipt number across the top of the TEN, and fax the TEN to us on 01992 531638, before posting it to us with a copy.

### **Completing the Notice**

The form is available on our website in Word and Portable Document Format (.pdf) at <http://www.eastherts.gov.uk/index.jsp?articleid=2416>

Section 1, Questions 1-9 are for your personal details.

Section 2 asks about the premises. This can be premises with an address, part of a premises, or an open space.

Where you are using part of a premises, or an open space, you must identify it clearly, e.g. with a plan of the building, or a map. An example might be a school Christmas fete where more than 499 people might attend, but the regulated activities take place in a specified hall or classroom.

Section 2 also asks you to describe the premises, e.g. 'pub', 'restaurant', 'school', 'village hall', 'recreation ground', 'beer tent', etc.

Section 2 also asks you to describe the event, e.g. 'pay bar at a wedding', 'supply of alcohol after normal licensed hours during festive season', 'sale of wine at a farmers market', etc.

Section 3 asks you to tick the boxes against the licensable activities you want to provide.

Section 3 then asks for, in separate boxes, the dates on which the event will take place, and the times at which the activities will be provided. There must be no more than 168 hours between the earliest time on the first date, and the latest time on the last date.

Section 3 also asks for the maximum number of people at any one time on the premises or the part of the premises where the licensable activity will take place, at the time it is taking place. This must not be more than 499 people.

If you are supplying alcohol under the TEN, you must tell us if it is for consumption **on** the premises (e.g. beer tents at fetes and pay bars at weddings), **off** the premises (e.g. bottles of cider sold at farmer's markets), or **both** (e.g. sales in pubs).

Section 4 asks if you are a Personal Licence holder. These are licences held by some people who work in the licensed alcohol trade. If you hold a personal licence you can give 50 TENs in your own name in a 12 month period. If you do not, you can only give 5 TENs in 12 months.

If you hold a personal licence, fill in the issuing authority, the licence number, and the expiry date, and any endorsements under 'further relevant details'. If not, tick 'no', and move on to Section 5.

Under sections 5 and 6, you need to complete the record of the temporary event notices you or your associates have served in the last 12 months.

If this is your first TEN, and you and your associates are not serving any more TENs that start within 24 hours of this one finishing, tick 'no' against all questions.

Section 9 is to be completed in all cases. You must sign, date, and print your name on the Notice in this section. The notice will not be valid and will be returned to you if it is not signed.

Do not complete Section 10. This is for us to complete before we return the notice to you.

### **Display of the Notice at the event.**

You must display a copy of the notice at the event, or a notice stating the position of a person on the premises who has custody of the Temporary Event Notice. It is an offence not to.

### **Hearings and Appeals**

If the Police or Environmental Health object to your TEN, we will hold a hearing in public of the council's Licensing Sub-committee to consider the notice and the objection to it, unless you agree with the Police or Environmental Health that the hearing is not necessary. You may be able to come to an agreement to meet the concerns e.g. by providing additional door supervisors, or by operating for shorter hours.

If the Licensing Sub-committee upholds the objections, we will issue a counter notice, and the event cannot take place. You have the right of appeal against a counter notice, provided you lodge the appeal within 21 days of the counter notice, and more than 5 working days before the start of the event. Obviously, you won't be able to do this if you have only given the minimum 10 working days notice.

### **Offences**

- To carry on or attempt to carry on a licensable activity on or from any premises other than under or in accordance with the authorisation provided by a premises licence, a club premises certificate or temporary event notice meeting the required conditions.
- To knowingly allow such an activity to be carried on.
- Where an unauthorised activity has taken place, any performer or participant does not commit an offence unless they are involved in the organisation or arrangement of the unauthorised activity.
- To expose alcohol for sale when not an authorised activity.
- To keep alcohol with the intention of selling it by retail or supplying it by or on behalf of a club or to the order of a member of a club where the sale or supply would be an unauthorised licensable activity.

Offences concerning children are as follows:

- Unaccompanied children are prohibited from certain premises such as premises at a time open for the purposes of being used for the supply of alcohol for consumption there and all relevant premises used for the supply of alcohol for the consumption there between the hours of midnight and 5am.
- Sale of alcohol by retail to an individual under the age of 18 is illegal.
- Clubs commit an offence if alcohol is supplied to a member or guest who is under the age of 18.
- To allow the supply of alcohol to children from your premises.
- For an individual aged under the age of 18 to buy or attempt to buy alcohol.
- To buy or attempt to buy alcohol on behalf of an individual who is under 18.

However, no offence is committed if a person over the age of 18 buys beer, wine or cider for an individual aged 16 or 17 if the purchase, or supply, is for consumption at a table meal on relevant premises and that the individual is accompanied at the meal by an individual aged 18 or over.

- An individual under the age of 18 commits an offence if he knowingly consumes alcohol on relevant premises.
- A person who works on relevant premises in any capacity, whether paid or unpaid commits an offence if he knowingly delivers to an individual aged under 18 alcohol sold on the premises, or alcohol supplied on the premises by or on behalf of a club to or to the order of a member of a club.
- A person commits an offence if he knowingly allows anyone else to deliver to an individual aged under 18 alcohol sold on relevant premises.
- Sending a child to obtain alcohol.

## **Contact Details**

You are encouraged to consult with ourselves, the Police, and/or Environmental Health as appropriate, before you serve your TEN.

Contact details:

### **Community Safety and Licensing**

EAST HERTS COUNCIL  
Wallfields, Pegs Lane  
Hertford SG13 8 EQ

Tel No. – 01279 655261 ext 1467

Email – ‘community.protection@eastherts.gov.uk’

### **Environmental Health**

EAST HERTS COUNCIL  
Wallfields, Pegs Lane  
Hertford SG13 8 EQ

Tel No. – 01279 655261 ext 1493

Email – ‘environmental.health@eastherts.gov.uk’

### **POLICE**

Broxbourne & East Herts Licensing CSU  
Hertford Police Station  
Hale Road  
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