

TENDRING DISTRICT COUNCIL
LICENSING ACT 2003 - TEMPORARY EVENT NOTICES

Service of Temporary Event Notice

Once completed, the form should be submitted to this Licensing Authority and Essex Police with a minimum of 10 working days' before the event begins. **Please note that a Temporary Event Notice will not be deemed as being properly served if it is not served at the following addresses:-**

Licensing Authority [2 copies]

The Licensing Officer
Tendring District Council
Westleigh House
Carnarvon Road
Clacton on Sea
Essex CO15 6QF

Essex Police [1 copy]

Mr D Appleby
Divisional Licensing Officer
Essex Police
8 Beatrice Road
Clacton on Sea
Essex CO15 1ET

When accepting an application for a Temporary Event Notice, the Licensing Authority will assume that the applicant has ensured that all the necessary permissions and planning consents have been obtained to enable the particular event to take place.

GUIDANCE NOTES

If an event is to be held at a premises where the Premises Licence does not authorise the activity involved and/or for the times and days sought, an application should be made to the Licensing Authority for a Temporary Event Notice.

The main points to bear in mind are:-

- ❑ Anyone may apply to hold a Temporary Event [TEN] and, if the supply of alcohol is involved, they do not have to possess a Personal Licence.
- ❑ The applicant must be over 18 years old.
- ❑ The period of time over which the event is to be held must not exceed 96 hours.
- ❑ The maximum number of people attending the event, including staff, should not exceed 500 at any one time. If more than 500 people are to attend the event, then a Premises Licence would be required.
- ❑ There must be a minimum period 24 hours between one TEN and the next TEN.

The number of times that a premises may be used for a TEN or that an individual may apply for a TEN are restricted as follows:-

- ❑ The same premises cannot be used on more than 12 occasions in any calendar year. Also, each premises is subject to an overall aggregate of 15 days' use, irrespective of the number of individual occasions on which they have been used.
- ❑ The number of notices given by one individual within a given period of time is limited:-
 - (i) A Personal Licence Holder is limited to 50 notices in one calendar year, which is deemed to run from 1 January in each year.
 - (ii) Any other person to 5 notices in the same period.

N.B. This limitation applies to England and Wales, not just this Licensing Authority.

- ❑ There is also a limitation attached to 'Associated Persons' in order to prevent the above restrictions being exceeded. Generally, an Associated Person would be deemed to include the immediate family, down to child, parent, grandchild, brother or sister, an agent or employee of the original applicant and the agent's or employee's spouse.

IF YOU ARE IN ANY DOUBT WITH REGARD TO THE ABOVE, PLEASE CONTACT THE LICENSING SECTION FOR ADVICE.

APPLICATION PROCESS

The application form should be completed in accordance with the printed instructions accompanying the form. An application fee of £21.00 is required to accompany the application and the form should be submitted in duplicate to the Licensing Authority, one copy of which will be returned to you signed on behalf of the Licensing Authority and a copy of the application form should also be sent to the Police. You must give a full ten working days' notice prior to the event being held as, otherwise, your application will be rejected. Only the Police are permitted to object to the granting of a Temporary Event Notice, however if the granting of the application would exceed any of the limitations/conditions set out above, the Licensing Authority may issue a Counter Notice, which will cancel the Temporary Event Notice that has been submitted. The Licensing Authority is allowed to give advice on Noise, Nuisance or Health & Safety issues, etc., and applicants are advised to contact the Authority for such advice.

If the Police wish to object to the application, they must do so within 48 hours of the notification being received and in this case a Hearing will be convened unless all parties following discussions agree that this will not be necessary. If the Licensing Authority upholds the Police representation, then a Counter Notice will be issued giving the reasons for the decision and copies of the Notice will be given to the Police. However, if the Temporary Event noticed is in order and no Counter Notice is given, the Licensing Authority will record the event in the Licensing Register and the event will proceed.

Appeals

If, as a result of the Police lodging a representation, the Licensing Authority issues a Counter Notice, the premises user has the right of appeal. However, there is no right of appeal where the limits have been exceeded.

Similarly, if the Police lodge a representation and the Licensing Authority does not issue a Counter Notice, the Police may appeal against that decision.

In both cases the appeal is made to the Magistrates' Court within 21 days, commencing on the day which either party was notified of the decision either to issue - or not issue - a Counter Notice. However, no appeal may be brought later than 5 working days before the first day of the relevant event period.