

7. Temporary event notices

7.1 This Chapter describes best practice in administering the arrangements in the 2003 Act for the temporary carrying on of licensed activities at premises which are not authorised by a premises licence or club premises certificate.

GENERAL

7.2 The most important aspect of the system of permitted temporary activities is that events do not have to be authorised as such by the licensing authority. Instead the premises user notifies the event to the licensing authority and the police, subject to fulfilling certain conditions.

7.3 In general, only the police may intervene to prevent such an event taking place or to agree a modification of the arrangements; and it is characterised by an exceptionally light touch bureaucracy. The licensing authority may only ever intervene of its own volition if the statutory limits on the number of temporary event notices that may be given in various circumstances would be exceeded. Otherwise, the licensing authority is only required to issue a timely acknowledgement.

7.4 It should be noted that giving a temporary event notice does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required.

LIMITATIONS

7.5 Such a light touch is possible because of the limitations directly imposed on the use of the system by the 2003 Act. The limitations apply to:

- the number of times a person (the "premises user") may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);

- the number of times a temporary event notice may be given for any particular premises (12 times in a calendar year);
- the length of time a temporary event may last (96 hours);
- the maximum total duration of the periods covered by temporary event notices at any individual premises (15 days); and
- the scale of the event in terms of the maximum number of people attending at any one time (less than 500).

7.6 In any other circumstances, a full premises licence or club premises certificate would be required for the period of the event involved. A person may also choose to apply for a premises licence or club premises certificate if they do not wish to take advantage of the light touch arrangements.

7.7 In determining whether the maximum total duration of the periods covered by temporary event notices at any individual premises has exceeded 15 days, licensing authorities should be aware that any event beginning before midnight and continuing into the next day would count as two days towards the 15 day limitation.

7.8 Many premises users giving temporary event notices will not have commercial backgrounds or ready access to legal advice, including for example, people acting on behalf of charities, community and voluntary groups, etc who may hold public events involving licensable activities to raise funding. Licensing authorities should therefore ensure that local publicity about the system of permitted temporary activities is clear and understandable and should strive to keep the arrangements manageable and user-friendly for these groups.

WHO CAN GIVE A TEMPORARY EVENT NOTICE?

Personal licence holders

- 7.9 A personal licence holder can give a temporary event notice for licensable activities, at any premises on up to 50 occasions in each year for up to four days on each occasion (subject to the limitations for each premises – see paragraph 7.11 below), subject to informing the licensing authority and the police for the area in which the event is to take place of relevant details. The relevant information is itemised in the prescribed notice contained in regulations made by the Secretary of State, which may be viewed on the DCMS website.
- 7.10 A personal licence holder may also use their allocation of 50 temporary event notices at premises which have a premises licence or club premises certificate. This might be, for example, to hold an event involving live music, to extend the hours when alcohol may be sold for an ad hoc occasion or to provide late night refreshment after a quiz night. However, if the ad hoc event is something that is predictable and anticipated to occur on a number of occasions it is expected that the licensable activities would form part of the application for a premises licence.
- 7.11 Only 12 notices may be granted for the same premises up to an overriding maximum total duration of 15 days.

Non-personal licence holders

- 7.12 The 2003 Act provides that any individual person aged 18 or over may give a temporary event notice whether or not they hold a personal licence. They will not therefore have met the tests and qualifications described in Part 6 of the Act. Where alcohol is not to be sold, this should not matter. However, many events will involve combinations of licensable activities. In the absence of a premises user holding a personal licence, the Act limits the number of notices that may be given by any non-personal licence holder to 5 occasions per year. In every other respect, the Guidance and information set out in the paragraphs above applies.
- 7.13 Temporary event notices may also be given by non-personal licence holders for club premises covered by club premises certificates. This means, for example, that a club which under its certificate is normally only permitted to supply alcohol to its members and their guests may during the period covered by a temporary event notice (subject to the limitation on numbers and occasions) under the authority of the notice and the responsibility of the individual giving the notice (the premises user) admit members of the public and sell alcohol to them as well as provide regulated entertainment. Only 12 notices may be given for the same club premises in any calendar year and the maximum total duration of 15 days will also apply.

NOTIFIED PREMISES

- 7.14 A temporary event notice may be given for part of a building such as a single room within a village hall, a plot within a larger area of land, or a discrete area within a marquee as long as it includes a clear description of the area where the licensable activities will take place and the premises user intends to restrict the number of people present in the notified area at any one time to less than 500. If the premises user fails to restrict the numbers to a maximum of 499, they would be liable to prosecution for carrying on unauthorised licensable activities.

NOTIFICATION ARRANGEMENTS

- 7.15 Premises users notifying a temporary event are required to send a temporary event notice, in the form prescribed in the regulations, to the licensing authority at least 10 working days before an event. Premises users applying in writing must also send the notice to the police at least 10 working days before an event. The police have a period of no later than 48 hours from when they are given the notice to object to the temporary event on crime prevention grounds.
- 7.16 If the notice is sent electronically via businesslink or the licensing authority's own facility, the licensing authority must notify the police no later than the first working day after the notice is given. Otherwise the general guidance in paragraphs 8.27 – 8.35 on electronic applications applies.

- 7.17 There is nothing to prevent notification of multiple events at the same time so long as the first event is at least ten days away. For example, an individual personal licence holder wishing to exhibit and sell beer at a series of country shows may wish to give several notices simultaneously. However, this would only be possible where the events are to take place in the same licensing authority (and police area) and the premises to be used at the show would be occupied by no more than 499 people at any one time.

- 7.18 Although 10 working days is the minimum possible notice that may be given, licensing authorities should publicise locally their preferences in terms of forward notice and encourage notice givers to provide the earliest possible notice of events likely to take place. Licensing authorities should also consider publicising a preferred maximum time in advance of an event that applications should be made. For example, if an application is made too far in advance of an event, it may be difficult for the police to make a sensible assessment and could lead to objections that could be otherwise avoided.

- 7.19 Section 193 of the Act defines "working day" as 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 in England and Wales. "Ten working days" notice means ten working days exclusive of the day on which the event is to start, and exclusive of the day on which the notice is given.

ROLE OF THE LICENSING AUTHORITY

7.20 One reason for the notification requirement is to enable the licensing authority to check that the limitations set down in Part 5 of the 2003 Act are being observed and to intervene if they are not. For example, a temporary event notice would be void unless there is a minimum of 24 hours between events notified by the same premises user, or an associate, or someone who is in business with the relevant premises user, in respect of the same premises. This is to prevent evasion of the 96 hour limit on such events and the need to obtain a full premises licence or club premises certificate for more major or permanent events. In addition, for these purposes, a notice is treated as being from the same premises user if it is given by an associate. The 2003 Act defines an associate as being:

- the spouse or civil partner of that person;
- child, parent, grandchild, grandparent, brother or sister of that person;
- an agent or employee of that person;
- the spouse or civil partner of a person listed in either of the two previous bullet points.

7.21 A person living with another person as their husband or wife is treated for these purposes as their spouse. 'Civil partner' is defined by the Civil Partnership Act 2004.

7.22 Where the application is not within the statutory parameters described earlier, the licensing authority will issue a counter notice to the person giving the notice – the premises user. Where the temporary event notice is in order, the fee prescribed by the Secretary of State paid, the event falls within the limitations

in the Act, and there has been no police intervention on crime prevention grounds, the licensing authority will record the notice in its register and send an acknowledgement to the premises user.

7.23 Licensing authorities may not seek to attach any terms, conditions, limitations or restrictions on the carrying on of licensable activities at such events under the authority of a temporary event notice. It is however desirable for licensing authorities to provide local advice about proper respect for the concerns of local residents; of other legislative requirements regarding health and safety, noise pollution or the building of temporary structures; of other necessary permissions, for example, with regard to road closures or the use of pyrotechnics in public places; with regard to local bye-laws; and the need to prevent anti-social behaviour by those attending. Premises users are not required to be on the premises for the entire duration of the event, but they will remain liable to prosecution for certain offences that may be committed at the premises during the temporary event if the event is not adequately managed/supervised including the laws governing sales of alcohol to minors. These matters may be covered in the licensing authority's statement of licensing policy.

7.24 In the case of an event proceeding under the authority of a temporary event notice, failure to adhere to the requirements of the 2003 Act, such as the limitation of no more than 499 being present at any one time, would mean that the event was unauthorised. In such circumstances, the premises user would be liable to prosecution.

7.25 Section 8 of the Act requires licensing authorities to keep a register containing certain matters, including a record of temporary notices received. Licensing authorities should be aware that there is no requirement to record all the personal information given on a temporary event notice, and should avoid recording certain details, such as national insurance numbers, which may give rise to identity fraud.

POLICE INTERVENTION

7.26 The second and more important reason for the notification requirement is to give the police the opportunity to consider whether they should object to the event taking place on the grounds that it would undermine the crime prevention objective.

7.27 Such cases might arise because of concerns about the scale, location or timing of the event. However, in most cases, where alcohol is supplied away from licensed premises at a temporary bar under the control of a personal licence holder, (e.g. at weddings or small social, community, charitable or sporting events) this should not give rise to the use of these police powers. If the police do not intervene, they will still be able to rely on their powers of closure under Part 8 of the 2003 Act should disorder or noise nuisance arise subsequently.

7.28 The police may issue an objection notice within 48 hours of being notified. This 48 hour period includes weekends and other non "working days" such as bank holidays. The licensing authority must consider the objection at a hearing before a counter notice can be issued, but it must restrict its consideration to the crime prevention objective. It may not, for example, uphold a police objection notice on grounds of public nuisance or an objection notice given more than 48 hours after the temporary event notice is given. At the hearing, the police and the premises user may be heard by the relevant licensing committee. A hearing would not be necessary if the objection notice is withdrawn by the police.

7.29 The possibility of police intervention is another reason why event organisers should be encouraged by local publicity not to rely on giving the minimum amount of notice and to contact local police licensing officers at the earliest possible opportunity about their proposals.

7.30 The police may withdraw their objection notice at any stage if the proposed premises user agrees to modify the proposal to meet their concerns. For example, if the premises user agrees to modify the period during which alcohol may be sold. The licensing authority will then be sent or delivered a copy of the modified notice by the police as proof of their agreement, but they can subsequently withdraw it.

