

## 8 Permitted Temporary Activities (Temporary Event Notices)

---

8.1 This Chapter describes best practice in respect of the system for administering the arrangements in the 2003 Act for the temporary carrying on of the sale or supply of alcohol, the provision of regulated entertainment or the provision of late night refreshment at premises which is not authorised by a premises licence or club premises certificate.

### General

- 8.2 The most important aspect of the system of permitted temporary activities is that no authorisation as such is required for these events from the licensing authority. The system involves notification of an event to the licensing authority and the police, subject to fulfilling certain conditions. In general, only the police may intervene to prevent such an event taking place or to agree a modification of the arrangements for such an event; and it is characterised by an exceptionally light touch bureaucracy. The licensing authority may only ever intervene of its own volition if the limits set out in the 2003 Act 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.
- 8.3 It should be noted that the giving of a temporary event notice does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required.
- 8.4 Such a light touch is possible because of the limitations directly imposed on the use of the system by the 2003 Act itself. 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 in respect of any particular premises (12 times in a calendar year);
  - the length of time a temporary event may last for these purposes (96 hours);
  - the maximum aggregate 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).
- 8.5 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.
- 8.6 Many premises users giving temporary event notices will not have commercial backgrounds or ready access to legal advice. They will include, for example, people acting on behalf of charities, community and voluntary groups, schools, churches and hospitals all of which may

stage public events to raise funding at which licensable activities will take place. 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.

## Where there is a personal licence holder involved

- 8.7 A personal licence holder will be able to give a temporary event notice in relation to licensable activities, including the sale of alcohol 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 8.9 below), subject to informing the licensing authority and the police for the area in which the event is to take place of relevant details. These details are:
- the licensable activities to take place during the event;
  - the period (not exceeding 96 hours) during which it is proposed to use the premises for licensable activities;
  - the times during the event period that the premises user proposes that the licensable activities shall take place;
  - the maximum number of persons (being less than 500) which it is proposed should, during those times, be allowed on the premises at the same time;
  - where the licensable activities include the supply of alcohol, whether the supplies are proposed to be for consumption on the premises or off the premises or both; and
  - any other matters prescribed by the Secretary of State.
- 8.8 The Secretary of State does not currently intend to prescribe any further requirements, but any relevant regulations made by the Secretary of State will be notified to the licensing authorities and the police, and may be viewed on the DCMS website.
- 8.9 A personal licence holder may also use his or her allocation of 50 temporary event notices at premises in respect of which a premises licence or club premises certificate has been granted. However, only 12 notices may be granted in respect of the same premises and in respect of those premises there is an overriding maximum aggregate duration of 15 days. So, for example, a premises user may give notice in respect of premises licensed only for the sale of alcohol for consumption on those premises that those premises are to be used for an ad hoc event for regulated entertainment, such as the performance of live music, through this system. Alternatively, a temporary event notice could be used in respect of the sale of alcohol for a period beyond the normal hours during which alcohol may be sold at the premises under its premises licence for an ad hoc occasion. Another example would be the provision of late night refreshment (e.g. the supply of hot food) at the end of a quiz night. In both of these examples, a temporary event notice could only be used if no more than 499 people were to be present and, 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.
- 8.10 On each occasion at least 10 working days notice must be given, but there is nothing to prevent simultaneous notification of multiple events at a single 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.

- 8.11 Although, as stated above, ten 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.
- 8.12 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.
- 8.13 Licensing authorities may not seek to attach any terms, 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. Local publicity should also remind premises users of relevant offences under licensing law including the laws governing sales of alcohol to minors or to any person who is drunk, and of the police powers to close down events with no notice on grounds of disorder, the likelihood of disorder or because of public nuisance caused by noise emanating from the premises. These matters may be covered in the licensing authority’s statement of licensing policy.
- 8.14 A purpose of 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. Where the application is not within the parameters described above, 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.
- 8.15 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.

## Police intervention

- 8.16 The second and more important purpose of the notification requirement is to afford the police the opportunity to consider whether they should object to the event taking place for reasons of preventing crime and disorder. Such cases might arise because of concerns about the scale, location or timing of the event. The general run of 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) should not give rise to the use of these police powers. The 2003 Act provides that the police may issue an objection notice because they believe the event would undermine the crime prevention objective set out in the Act. The police must issue any objection notice within 48 hours of being notified, but they can subsequently withdraw their objection notice. 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 subsequently arise. The issuing of such an objection notice requires the consideration of the objection by the licensing authority at a hearing. Consideration by the licensing authority is confined to the crime prevention objective. It may not, for example, uphold a police objection notice on grounds of public nuisance. 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.
- 8.17 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.
- 8.18 The police may withdraw their objection notice at any stage if the proposed premises user agrees to modify his 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.

## Where no personal licence holder is involved

- 8.19 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 showing these tests and qualifications have been met, 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 paragraphs 8.2 to 8.14 above applies.
- 8.20 In addition to the points made in paragraphs 8.15 to 8.17, the police will be alive to notifications given by individuals in the area known to have a criminal background. They can also be expected to give particular attention to events staged primarily for children and will be able to intervene, for example, if they have exceptional concerns about any premises user with a known background in paedophilia.

8.21 It should be noted that temporary event notices may be given in respect of club premises covered by club premises certificates by non-personal licence holders. 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 such notices may be given in respect of the same club premises in any calendar year and the maximum aggregate duration of 15 days will also apply.

## Additional limitations

8.22 Licensing authorities on receiving temporary event notices will also need to check that other requirements of Part 5 of the 2003 Act are met. For example, a temporary event notice would be void unless there is a minimum of 24 hours between events notified by the 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 of that person;
- a child, parent, grandchild, grandparent, brother or sister of that person or their spouse; or
- an agent or employee of that person or their spouse;

A person living with another person as his or her husband or wife is treated for these purposes as his or her spouse.

## Closures of temporary events by the police

8.23 In October 2001, the Government issued non-statutory Guidance to police officers in respect of section 17 of the Criminal Justice and Police Act 2001 (which amended the Licensing Act 1964), which concerned their powers to close without notice for up to 24 hours certain licensed premises that were disorderly, likely to become disorderly or causing disturbance by excessive noise. The 2003 Act extended these powers to include in addition premises covered by temporary event notices. That original Guidance has been replaced to reflect the terms of Part 8 of the 2003 Act and the details are set out in Chapter 11 of this Guidance. The powers in section 17 of the 2001 Act also only related to premises selling alcohol for consumption on the premises. These powers now extend to premises being used under a temporary event notice in respect of any licensable activity under the 2003 Act.