

Temporary Event Notices



Temporary event notices (TENs) can be given to permit any of the licensable activities – sale of alcohol, supply of alcohol in a registered club, regulated entertainment and late-night refreshment – subject to limits on the number of such notices which can be given by an individual or for specific premises.

Please note that Notices should be submitted to the local authority (and copied to the Police and Environmental Health Service) for the area in which the event is to take place, NOT the authority where the applicant or event organiser resides.

Procedure

Notice will need to be given in writing using the prescribed form to the Council (with the fee of £21.00 – cheques made payable to Test Valley Borough Council) and to the Police and the Environmental Health Service. This will need to be **AT LEAST 10 CLEAR WORKING DAYS BEFORE THE EVENT STARTS** (unless a late TEN, see below). Longer notice will be advantageous, especially where there is a defect in the notice or if objection by the Police/Environmental Health is likely, but notices too far in advance (more than six months) may be difficult for the Police/Environmental Health to assess and might lead to objections that could otherwise be avoided.

When completing the TEN application please pay particular attention to the following:

Part 2 – The premises

- Address – please enter the full address including post code of the premises/location to be used. If there is no postal address, please give as much detail as possible including an Ordnance Survey grid reference
- Nature of the premises – **If the event is taking place outdoors please indicate this**
- Nature of the event – please describe the event with as much information as possible e.g. if a birthday party, is it an 18th or 21st? If regulated entertainment is being provided, please indicate what sort e.g. live music, recorded music, film, plays, dancing, indoor sporting event, etc. **It is particularly important that you let us know if you are having any musical entertainment.** If you are having a disco with a DJ please give the DJ's name if known. If you are having live music please give the name of the band if known

A temporary event notice does not convey any form of consent to occupy public or privately-owned property or open spaces. If you are not the freeholder or leaseholder of the premises to which this notice relates, you must ensure that you are entitled to make use of the premises for the proposed activities prior to your event commencing.

Part 3 – The licensable activities

- Times – please state the overall event times using the 24 clock. If some activities are only being provided during part of this time please state this e.g. an event may last from 1200 to 2330 hours but entertainment is only provided between 1800 and 2300 hours

Because of time constraints within the legal provisions, the Council will only accept a TEN by email if the applicant is unable to submit it using the online system. **The Council's copy of the TEN and the Police copy of the TEN must be received at least 10 clear working days before the event** (unless a late TEN, see below). **This is a statutory requirement over which the Council and Police have no control; if it is not met then the TEN will be rejected.** TENs will be acknowledged by the Council to the premises user.

Notices must be served on the Borough Council and the Police as follows:

- Licensing Section, Legal and Democratic Service, Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover SP10 3AJ
- Licensing & Alcohol Harm Reduction Team, Bishops Waltham Police Station, Hoe Road, Bishops Waltham, Hampshire SO32 1DS.

To ensure prompt attention, it is requested that when posting or hand delivering TENs the envelope is clearly marked as containing a Temporary Event Notice.

NB The legislation requires a copy of the TEN to also be served on the Borough Council in respect of its responsibilities for Environmental Health. However, details of any TEN received by the Licensing Section will be shared with Environmental Health so it is not necessary to submit a separate copy of the TEN to Environmental Health. You should also keep a copy of the completed form for your own records as you must display a copy of the notice at the premises during the event. We no longer send endorsed copies of TENs.

Scope and Restrictions

It is possible to give a TEN for any premises, including those which already have premises licences or club premises certificates. The person giving the TEN must be aged 18 or over.

The main restrictions on TENs are as follows:

- The event may not have more than 499 people (including staff and organisers) attending at any one time.
- An individual is limited to giving 5 ordinary or two late TENs in one calendar year, unless they hold a personal licence for the sale of alcohol, in which case they can give no more than 50 ordinary or ten late TENs.
- A limit of 15 TENs may be given in respect of any particular premises in a calendar year.
- An event authorised by a TEN may last for no more than 168 hours (7 days).
- The maximum aggregate duration of the periods covered by TENs at any individual premises is 21 days a year.
- There must be an interval of at least 24 hours between TENs for the same premises given by the same premises user.

On receipt of a TEN, if the proposed event is not within these restrictions, a counter notice will be issued by the Council and the event will not be authorised.

The Police and Environmental Health Service may object on the basis of any of the four licensing objectives, and if they do, notice of a hearing by the Council's Sub Licensing Committee will be given. The Committee can decide to uphold or dismiss the objection. If it

allows the event to go ahead, it can attach conditions to the TEN if it relates to premises for which a Premises Licence or Club Premises Certificate is in force.

Late TENS

When submitting a Temporary Event Notice, the person submitting must do so at least ten clear working days in advance. For working days we exclude Saturdays, Sundays and Bank Holidays. If it is not possible to meet the ten clear days deadline, it may be possible to submit a late TEN. These must be received no earlier than nine clear working days and no later than five clear working days prior to the day of the event. If an objection is made to a late TEN then the objection is final and there is no provision for a hearing before a Licensing Sub Committee to determine the TEN.

Under no circumstances can we accept a TEN if it is submitted with less than five clear working days' notice.

For it to be clear days we must exclude the day on which the TEN was submitted and the day of the event

Alcohol as raffle/draw prizes

It should be noted that a TEN will NOT be required for sale of alcohol where the alcohol is a raffle prize and ALL of the following conditions are met:

1. The raffle is incidental to another event e.g. fete, bazaar, dinner dance, sporting or athletics event, etc.
2. After deduction of all relevant expenses none of the proceeds are used for private gain
3. None of the prizes are money prizes
4. Tickets or chances are sold or issued and the result of the draw announced at the same time of, and in the same place as, the event
5. The lottery or draw is not the main attraction at the event

If only one of the above conditions is not met, then a TEN will be needed.

Further help

You can also submit a TEN online by using the GOV.UK website at <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/test-valley/apply-1> Please note that you must pay the £21 pay by debit card (credit cards cannot be used) at the time of submitting the application.

If you require further assistance on any matter relating to TENS, please contact the Licensing Section telephone 01264 368013 or email licensing@testvalley.gov.uk

Privacy Notice - Temporary Event Notices

The Council will only process your information where it is lawful to do so. The lawful basis for processing your information for your temporary event notice is that it is necessary for the performance of a task carried out in the public interest and in the exercise of official authority vested in the Council by the Licensing Act 2003.

The categories of information the Council shall process include the following: all of the information contained in your application and any supporting documentation. Where the

processing of information includes information about ethnicity, race, political opinion, religious or philosophical beliefs, trade union membership, sexual orientation ('special categories of personal data'), the Council is processing the information based on the exercise of a function conferred on us by law and is necessary for reasons of substantial public interest. Where the processing of information includes information about criminal convictions, the processing shall be on the basis of your consent and / or when the processing is authorised by law.

Where the processing of information is on the basis of a statutory or contractual requirement and you fail to provide personal information or refuse to provide information to the Council, the Council may be unable to provide you with the services or assistance you require.

The information the Council holds about you may be shared with certain organisations as part of the licensing process which may include the Police, internal Council Departments, the civil and criminal court and other local authorities. The Licensing Act 2003 (Licensing Authority's Register) (Other Information) Regulations 2005 requires the Council to publish a register of Licensing Act applications which includes information (including the address of the applicant) given on the Application Form.

Any information sharing is managed in accordance with data protection legislation. The Council also has contracts with a number of third party service providers that support the day to day operation of our licensing services. Your personal information will be retained for three years.

You have a legal right to request from the Council access to and rectification or erasure of personal data or restriction of processing about you or to object to processing. You also have the right to portability of your data (where processing is based on consent, a contract or is carried out by automated means). Where processing is based on consent, you have the right to withdraw your consent at any time. The Council will only process your information for the purposes for which the information is collected. The Council will not transfer your personal information outside of the European Economic Area (EEA)

Test Valley Borough Council is the Data Controller for the purposes of data protection legislation. The Data Protection Officer is Mrs Karen Dunn. In the event that you wish to complain or contact the Council regarding any aspects of how your information is handled please direct your complaints or queries to: The Data Protection Officer by email at DPO@testvalley.gov.uk, or by post at Beech Hurst, Weyhill Road, Andover, Hampshire SP10 3AJ. You also have the right to complain to the Information Commissioner <https://ico.org.uk/>