

Licensing Act 2003(as amended)

Temporary Event Notices (TENS)

Issuing a Temporary Event Notice

**Wiltshire Council
Licensing Team**

**www.wiltshire.gov.uk
0300 456 0100**

April 2016

Issuing a Temporary Event Notice

Licensable activities

The following activities require authorisation:

- Sale of alcohol
- Supply of alcohol by or on behalf of a club to, or to the order of, a member of a club
- Provision of hot food or hot drink between 2300hrs and 0500hrs
- Provision of Regulated Entertainment that includes:
 - performance of a play
 - exhibition of a film
 - an indoor sporting event
 - boxing or wrestling entertainment
 - performance of live music
 - playing of recorded music
 - performance of dance

These activities can be authorised either by a Premises Licence or a Temporary Event Notice (TENS)

Any individual of 18 years or over can apply for a Temporary Event Notice (TEN), which authorises an event involving any form of licensable activity in a premises that is not already licensed for that activity.

TENS can be used for one off events or to apply for extensions of hours or additional licensable activities in premises that are already licensed.

Important Information:

TENS must be received by both the Licensing Authority and the Police at least 10 clear working days before the event is to take place (unless a late Notice is issued – see below). This does not include the day it is received at the Council, the day of the event, weekends or Bank Holidays.

Availability

TENS can be only used for:

- Events lasting up to 168 hours.
- Events where 499 people or less are attending at any one time. This number includes all staff and performers attending the event.

The following restrictions also apply:

- Only 15 TENS can be issued for any premises in any calendar year
- The total number of days in which a TENS is in force at any premises cannot exceed 21 in any calendar year
- There must be at least 24 hours between events for TENS issued by the same person at a premises.
- TENS must be received by both the Licensing Authority and the Police at least 10 clear working days before the event is to take place (unless a late Notice is issued – see below). **This does not include the day it is received at the Council, the day of the event, weekends or Bank Holidays.**
- 'Late' notices can be submitted giving no later than 5 working days and no earlier than 9 working days before the event. Any TEN served giving less than 5 working days will automatically be rejected.
- Person (and any associates) can only issue 5 TENS in any calendar year (50 for those who hold a Personal Licence issued under the Licensing Act 2003).
- The number of late Notices that can be given in any one calendar year is limited to 10 for Personal Licence Holders and 2 for non Personal Licence Holders. These count towards the total number of Temporary Event Notices (i.e. 50 Temporary Event Notices per year for Personal Licence Holders and 5 Temporary Event Notices for non Personal Licence Holders).

If a notification is served late it will be rejected, without exception.

For more information or assistance:

Contact Wiltshire Council – see pages 3 and 4 for contact details.

Visit our website at www.wiltshire.gov.uk

How it works

Persons intending to hold temporary events and have them authorised by the TENS method need to apply as shown below.

Once the application has been received:

- The Licensing Authority will acknowledge receipt by sending you an endorsed copy of your application.
- The Police and the Licensing Authority exercising Environmental Health functions have three working days in which to object to your application on the grounds of any of the four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm)
- The Licensing Authority can object to your application on the grounds that the number of TENS issued in any year for the premises or by the person has been exceeded, or where the aggregate duration of events at the premises will exceed 21 days in the calendar year.
- If there are no objections from the Police or the Licensing Authority then the event can proceed
- For TENS served within the 10 day notification period - If there are objections to your application then you will either need to resolve the objection or a hearing will take place to determine whether your event will be permitted, with or without conditions, or prohibited.
- For Late TENS - If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead and a counter notice will be issued.
- If your event is permitted you will need to keep or display the copy of your application sent back to you (as a receipt) at the premises during the event

Note that we will also share the details of the TENS application with other regulatory authorities such as the Fire Brigade, Trading Standards, the enforcing authority for health and safety and the Council's noise team. This will enable them to be aware of the event, offer appropriate advice and, if necessary, take enforcement action using their own legislation. This does not affect the TENS application.

How to apply

- Firstly you are advised to read **all** the notes at the back of the application form
- Make sure you use **black ink** and write in **CAPITAL LETTERS**.
- Complete **all** the questions on the application form
- Where the applicant is aware that there may be crime and disorder issues that the Police will wish to consider, it is suggested that additional details are provided in addition to the minimal information that the application form requires
- Use additional sheets where necessary
- There is a fee of £21 per TENS. Cheques should be made payable to Wiltshire Council.

Note that you can only apply for one event per TENS application. You can, however, apply for instance, for a run of up to 7 consecutive nights of a play on a single TENS notification as in total, from the start of the first play to the end of the last play, the 'event' period will last less than 168 hours.

Contact Details

Licensing applications are dealt with by four main offices of Wiltshire Council. Depending on the location of the premises where the activity is taking place send **ONE** copy (this copy will be shared with the Environmental Health department) of the completed application and the payment of £21 to the Licensing Team at:

Chippenham: **Wiltshire Council, Monkton Park, Chippenham, Wiltshire, SN15 1ER**
Email: publicprotectionnorth@wiltshire.gov.uk

(This office deals with all applications relating to Chippenham, Calne, Corsham and Royal Wootton Bassett as well as the rest of the old North Wiltshire District Council area)

Salisbury: Wiltshire Council, Bourne Hill, Salisbury, Wiltshire, SP1 3UZ
Email: publicprotectionsouth@wiltshire.gov.uk

(This office deals with all applications relating to Salisbury, Amesbury, Downton, Mere, Hindon and Tishead as well as the rest of the old Salisbury District Council area)

Trowbridge & Devizes: Wiltshire Council, County Hall, Bythesea Road, Trowbridge, Wiltshire, BA14 8JN
Email: publicprotectionwest@wiltshire.gov.uk

(This office deals with Trowbridge, Bradford-on-Avon, Melksham, Warminster and Westbury as well as the rest of the old West Wiltshire District Council area and all applications relating to Devizes, Pewsey, Marlborough and Tidworth as well as the rest of the old Kennet District Council area)

In addition send **ONE** copy of the completed application to the Police

at: Divisional Licensing Officer
 Wiltshire Police
 Trowbridge Police
 Station Polebarn Road
 Trowbridge
 BA14 7EP

Telephone: 0845 4087000
 Email: LicensingE@wiltshire.pnn.police.uk

Please note that when assessing the days' notice you must give when serving a TEN the day of receipt is day zero, working days start the next working day after the Local Authority receives the application (weekends are not included). The day of the event is not included in this calculation.

Fri 13 th	Sat 14 th	Sun 15 th	Mon 16 th	Tue 17 th	Wed 18 th	Thur 19 th	Fri 20 th	Sat 21 st	Sun 22 nd	Mon 23 rd	Tue 24 th	Wed 25 th	Thur 26 th	Fri 27 th	Sat 28 th
Day 0	*	*	Day 1	Day 2	Day 3	Day 4	Day 5	*	*	Day 6	Day 7	Day 8	Day 9	Day 10	Event Day

In order to provide adequate time for consideration and prevent refusal on those grounds, it is suggested that applicants consider how much notice it is reasonable to give for their particular event. In some cases this may be more than 8 weeks. It is however appreciated that some events may need to take place at short notice. **The Police suggest that a minimum of 28 days notice would be helpful. Event organisers are encouraged, as a general principle, to give as much notice as possible, which will assist in consideration of the application.**

Please ensure the application covers all aspects of the event - Alcohol, Regulated Entertainment and Late Night Refreshment. Check the premises being proposed to ensure if any licences are already held. They may already hold a licence for regulated entertainment without alcohol. If in any doubt apply for both regulated entertainment and alcohol where appropriate.

Keeping and sharing your personal information

We will keep and use your personal information in line with the requirements of the Data Protection Act 1998.

For the purpose of processing your application, we may pass information to other agencies and organisations.

We may check information that you have provided or that has been provided about you against relevant information that we already hold.

We may also get information about you from certain third parties, or give them information to:

- make sure the information is accurate;
- prevent or detect fraud or any other crime;
- support national fraud initiatives (this will include your information being used in data-matching exercises from time to time); and
- protect public funds.

These third parties include government departments, local authorities and private sector companies such as banks and organisations that may lend you money.

We will not give information about you to anyone else, or use information about you for other purposes, unless the law allows us to.

The Council is the data controller for the purposes of the Data Protection Act. If you want to know more about the information we have about you or the way we use the information, please ask us.