

Temporary Event Notices

The Licensing Act 2003 allows individuals to carry out licensable activities on a temporary basis by serving a Temporary Event Notice on the Licensing Authority. The following information will help you decide if you need to serve a Temporary Event Notice for your planned event and exactly which activities to include on your notice.

Licensable activities

The following activities are licensable:

- The sale of alcohol
- The supply of alcohol at a private members club
- The provision of regulated entertainment
- Providing facilities to allow regulated entertainment to take place
- Providing late night refreshment (hot food or hot drinks) between 11pm and 5am

Relevant entertainments

The following are relevant entertainments:

- Performance of a play
- The showing of films
- Indoor Sporting events
- Outdoor boxing or wrestling entertainment
- Performance of live music
- Playing of recorded music
- Performance of dance
- Entertainment similar to music and dancing

Regulated entertainment

This means holding relevant entertainments:

- For members of the public
- For members of a club
- Or in any other case, for consideration and with a view to profit (which will include raising money for charity)
- Or making available facilities for such entertainment to take place.

For consideration means some or all of the audience pays a charge (or someone pays a charge on their behalf). And this charge is made by or on behalf of:

- the organisers of the entertainment or
- any person concerned with the management of the premises who is also organising the entertainment

Sale by retail of alcohol

Alcohol means spirits, wine, beer, cider and other fermented, distilled or spirituous liquor. Certain similar items are not covered, including perfume, alcohol under 0.5% strength, flavouring essences and Angostura bitters, alcohol which is, or is in a medicinal product, denatured alcohol (methylated spirits) or methyl alcohol, Naphtha and alcohol in liqueur confectionary

Sale by Retail is any sale of alcohol to any person. It therefore includes both 'on' and 'off' licensing. The sale is considered to occur at the point the alcohol is collected or despatched.

The sale of alcohol includes events where alcohol is included in the ticket price or no specific price is quoted per drink but donations are requested or accepted in respect of the alcohol. This includes charity events.

EXEMPTIONS

Your event may be exempt from requiring a licence if it falls into any of the following categories. If you believe your event is exempt you should contact the Licensing Authority to double check at least 10 working days before the event.

Exempt entertainments

Certain entertainments do not require a licence, these include:

- Live music or recorded music which is incidental to some other activity, for example, shopping, hairdressing, religious worship
- Using TV and radio for the live broadcast of normal TV/radio programmes
- Given at a place of religious worship
- Entertainment at a garden fete or similar event unless the event is held with a view to private gain
- Morris dancing

Exempt late night refreshments

In some circumstances late night refreshments do not require a licence, these include:

- Refreshment provided to club members, hotel guests or employees
- Supply of hot drinks only from a vending machine
- The hot food and drink is free and no other charge is made for entry or other items
- The hot food and drink is provided by a registered charity
- Exempted sales
- 'Wholesale' sales, as defined below, are exempt:
 - To a trader for the purposes of his trade
 - To a club holding a club premises certificate for the purposes of that club
 - To the personal licensee for the purpose of making sales in a licensed premises
 - To the holder of a premises licence for the purpose of making sales in a licensed premises
 - To holders of Temporary Event Notices

Lotteries (including Raffles and Tombolas)

The use of alcohol as prizes in raffles and tombolas may be exempt from licensing if the following criteria are met:

- The lottery is promoted as part of an exempt entertainment e.g. fete or sale of work
- After the deduction of expenses the whole proceeds of the entertainment including the lottery are not used for private gain
- All alcohol used as prizes must be in a sealed container
- No prize on the lottery is a money prize
- The tickets / chances are sold and the result of the draw are declared at the time of, and in the same place, as the entertainment
- The lottery is not the main inducement to attend the entertainment

Serving a Temporary Event Notice

If you require a Temporary Event Notice you will need to serve the notice on the Licensing Authority ensuring that it meets the following criteria. Temporary Event Notices are subject to various conditions and limits apply to the number of events that may be permitted as follows: -

1. The notice must be served at least 10 working days before the event (excluding the day of the event and the day it is submitted)
2. The event must not involve more than 499 people being present at any one time (more people may attend over the course of an entire event)
3. Each premises may have up to 12 Temporary Event (totalling no more than 15 days) in any one calendar year
4. The event must not exceed 96 hours
5. An individual who holds a Personal Licence may serve up to 50 Temporary Event Notices in any one calendar year
6. An individual who does not hold a Personal Licence may serve up to 5 Temporary Event Notices in any one calendar year
7. There must be at least a 24 hour gap between Temporary Event Notices served for the same premises
8. A Temporary Event Notice may only be served by an individual and not for example by businesses or clubs. Temporary Event Notices cannot be served by anyone under the age of 18.

The Temporary Event Notice form can be obtained from the following sources:

Ashford Borough Councils website www.ashford.gov.uk or the DCMS's Website www.culture.gov.uk

Ashford Borough Councils Licensing Team 01233 330578 or 01233 330723

The form includes a guidance section to help you with completion, however, if you have any further questions please contact us on 01233 330578. The fee for a Temporary Event Notice is £21.

Once you have completed the form you send 2 copies to the council (along with the fee) and 1 copy to the Police at the addresses below:

Ashford Borough Council
Licensing Section
Civic Centre
Tannery Lane
Ashford
Kent
TN23 1PL

The Superintendent
Ashford Police Station
Tufton Street
Ashford
Kent
TN23 1BT

Acknowledgement of notice

If there are no objections raised by the Police, the Council will return the endorsed duplicate notice to the applicant. The endorsed notice will form the Temporary Event Notice and must be held securely, or displayed, at the event throughout its duration.

Counter notices

The Police may object to the temporary event on crime prevention grounds. Unless the applicant and the Police agree on acceptable modifications to the event, the Council will hold a hearing to consider the objection. The applicant and Police may attend this hearing.

If the Council accepts the Police objection they will issue a counter-notice at least 24 hours before the event is due to begin. In this case the event may not proceed.

Counter notices will also be given whenever any of the permitted limits outlined in above are exceeded.

Finally

These notes are designed to provide guidance but if you have any further queries or require any help completing the forms please contact the Licensing Authority on 01233 330578 or 330723, alternatively you can email your enquiry to licensing1@ashford.gov.uk.

The authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

For further information, see www.ashford.gov.uk or contact the Licensing Manager on 01233 330721.