

15 minus 12 equals three more for TEN

Suzanne Davies, director of Clifton Davies Consultancy Limited, focuses on Temporary Event Notices (TENs) with an increase in the number of TENs per premises coming into force next January

The Licensing Act 2003 introduced the concept of the Temporary Event Notice or 'TEN' as it has affectionately come to be known. It was described by the government of the time as "characterised by an exceptionally light touch bureaucracy".

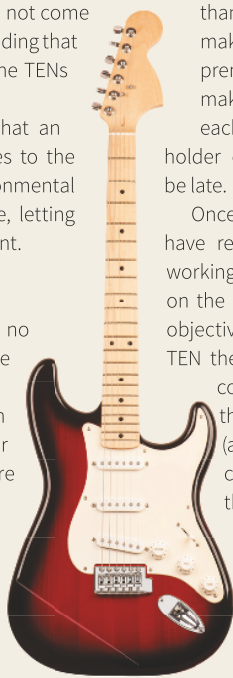
TENs have been in the news again recently following Royal Assent being given to the Deregulation Act on 26 March. Amongst the licensing changes is an increase in the number of TENs permitted per premises per year from 12 to 15. However, this change will not come into effect until 1 January 2016. Pending that change, here is a quick guide to the TENs process that is currently in force.

A TEN is a prescribed form that an individual completes and provides to the local council, the police and environmental health accompanied by a £21 fee, letting them know about the planned event.

There are two types of TENs:

- A standard TEN, which is given no later than 10 working days before the event to which it relates
- A late TEN, which is given not before nine and not later than five working days before the event.

TENs can be sought to enable provision of a licensable activity (i.e. selling alcohol, providing entertainment or serving hot food or drink between 11pm and 5am) on unlicensed premises in England or Wales. The holder of a personal licence to sell alcohol can apply for up to 50 such TENs a year. However, TENs are also available for licensed premises, to cover a licensable activity



or extended hours not included in the terms of your existing licence.

The event for which the TEN is sought must have less than 500 people present at any one time, including staff running the event. It must last for no longer than 168 hours, or seven days and there must be a gap of at least 24 hours between TENs for the same premises.

A single premises can presently have up to 12 notices applied for in one year, as long as the total length of the events is not more than 21 days and one person doesn't make more than five applications for the premises. A personal licence holder can make 50 TENs, of which 10 can be late each year, whilst a non-personal licence holder can make five, of which two may be late.

Once the police and environmental health have received your TEN, they have three working days to make any objections to it on the grounds of any of the four licensing objectives. If they do object, for a standard TEN the council will organise a hearing to consider the evidence and may decide that your event cannot proceed (although appeal to the magistrates court is allowed in such cases). If there is an objection to a late TEN, the event will not be allowed to proceed. Otherwise, the event can go ahead as planned.

Once you have a TEN, you must keep it in a safe place where the event is held and must also display a copy of it where it can be easily seen.

Finally, it should be borne in mind that fines can be imposed if anyone makes a false statement in their application or breaches the terms of the TEN.

Questions & Answers



Q: When does the National Minimum Wage increase and what will it be?

A: The National Minimum Wage will increase on 1 October 2015. The adult hourly rate will increase by 3% from £6.50 to £6.70. For 18-20-year-olds there will be a 3% increase from £5.13 to £5.30, with a lower 2% increase for 16-17-year-olds from £3.79 to £3.87. The biggest increase was for apprentices for whom there will be an increase by 20% from £2.73 to £3.30 per hour.

Q: I would like to reduce the hours on my premises licence to avoid paying the Late Night Levy (LNL). I read that Wetherspoon's has found a good way to approach this. What should I do to achieve the same result?

A: In similar circumstances, Wetherspoon's has applied to reduce the terminal hours on the basis that the reduced hours would only apply whilst a LNL is in force for the area. This has been intended to avoid the company having to apply to reinstate its hours if the levy is withdrawn at a later date, with all of the uncertainty associated with getting their later hours back. The most recent development was in Newcastle, where the Licensing Committee had originally refused such a variation application in light of police objections. However, Wetherspoon's appeal was granted on condition that it gives 56 days' notice of reinstatement of the original hours as and when it wishes to extend its hours once again.

Q: I want to apply for a personal licence. How can I find out where to get the required training?

A: A list of accredited personal licence qualification providers can be found on the Home Office website at gov.co.uk

Clifton Davies Consultancy Ltd



Clifton Davies Consultancy Limited is a consultancy business (not a law firm) which specialises in all licensing, gambling and regulatory issues affecting the pub and bar industry. David Clifton and Suzanne Davies are also consultants to Joelson Wilson LLP. The views expressed are given without any assumption of responsibility on their part. If you have any questions, do get in touch and they will be pleased to provide answers, either via this page or direct.

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