

Great Yarmouth Borough Council

Licensing Act 2003

Application for a Temporary Event Notice

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

You must send two copies of this notice to the licensing authority and an additional copy must be sent to the The Licensing Officer, Norfolk Constabulary, Eastern Area Headquarters, Great Yarmouth Police Station, Howard Street North, Great Yarmouth, NR30 1PH. The licensing authority will endorse one of the two copies and return it to you as an acknowledgement of receipt.

I, the proposed premises user, hereby give notice under Section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

The personal details of the premises user (Please read note 1)			
Title (delete as appropriate): Mr, Mrs, Miss, Ms, Other (please state)			
Surname:		Forename:	
Previous Names: (Please enter details of any previous names or maiden names if applicable.)			
Title (delete as appropriate): Mr, Mrs, Miss, Ms, Other (please state)			
Surname:		Forename:	
Please state date of birth	Day	Month	Year
Current Address: (We will use this address for all correspondence with you)			
Post Town		Post Code	
Telephone Numbers:			
Daytime:		Evening:	
Mobile:		Fax No:	
Email Address:			
The Premises:			

Please give the address of the premises where you intend to carry on the Licensable activities or if it has no address give the Ordnance Survey references (please read note 2)

.

If you intend to use only part of the premises at this address or intend restricting the area to which this notice applies, please give a description and details below. (Please read note 3)

Please describe the nature of the premises below. (please read note 4)

Please describe the nature of the event below: (please read note 5)

The licensable activities:

Please state the licensable activities that you intend to carry on at the premises (please mark an X next to the licensable activities you intend to carry on) See note 6

The Supply of alcohol:	
The provision of regulated entertainment	
The provision of late night refreshment:	
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 6)	

--

Please state the times during the event period that you propose to carry on licensable activities **(please give times in 24 hour clock)** (Please read note 7)

--

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities. (please read note 9)

--

If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both **(please mark an X next to the appropriate box)**. (please read note 9)

On the premises only

--

Off the premises Only

--

Both

--

Personal Licence holders. (Please read note 11)

Do you currently hold a valid personal licence? **(please mark an X in the box that applies to you)**. (please read note 9)

Yes

No

--

--

If 'Yes' please provide the details of your personal licence below

Issuing Licensing Authority

--

Licence Number

--

Date of Issue

--

Date of expiry

--

Any further details

--

Previous temporary event notices you have given. (please read note 12)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (please mark an X in the box that applies to you).	Yes	No
If answering 'Yes' please state the number of temporary event notices you have given for events in that same calendar year.		
Have you already given a temporary event notice for the same premises in which the event period: a. ends 24 hours or less before; or b. begins 24 hours or less after; the event period proposed in this notice? (please mark an X in the box that applies to you).	Yes	No
Associates and business colleagues (Please read note 13)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes	No
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after; the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes	No
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes	No
If answering yes, please state the total number of temporary event notices your business colleague(s) has given for events in the same calendar year.	Yes	No

<p>Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after; the event period proposed in this notice? (Please mark an "X" in the box that applies to you)</p>	<p>Yes</p>	<p>No</p>
--	------------	-----------

CHECKLIST (Please read note 14) **I shall** (Please mark the appropriate boxes with an "X")

Send two copies of this notice to the licensing authority for the area in which the premises are located: see below
(Licensing Section, Town Hall, Great Yarmouth, NR30 2QF)

Send a copy of this notice to the chief officer of police for the area in which the premises are located: see below
The Licensing Officer, Norfolk Constabulary, Eastern Area Headquarters, Great Yarmouth Police Station, Howard Street North, Great Yarmouth, NR30 1PH

If the premises are situated in one or more licensing authority areas, send two copies of this notice to each additional licensing authority

If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police;

Make or enclose payment of the fee for the application
Sign the declaration in Section 9 below

Condition (Please read note 15)

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

<p>Declaration (Please read note 16)</p>	
<p>The information contained in this form is correct to the best of my knowledge and belief</p>	
<p>SIGNATURE</p>	<p>DATE:</p>
<p>Name of Person Signing</p>	

For completion by the Licensing Authority

Acknowledgment (Please read note 17)		
I acknowledge receipt of this temporary event notice.		
SIGNATURE	On behalf of the Licensing Authority	DATE
Name of Officer Signing		

NOTES

General

In general, only the police may intervene on crime prevention grounds to prevent an event at which permitted temporary activities are to take place or to agree a modification of the arrangements for such an event. However, the Licensing authority may intervene of its own volition by issuing a counter notice if the first, second and fourth of the limits set out below would be exceeded. If any of the limits below are breached or if a counter notice has been issued, any licensable activities taking place would be unauthorised and the premises user would be liable to prosecution. 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 per calendar year); and

the size of the event in terms of the maximum number of people attending at any one time (a maximum of 499).

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 13 below explains the definition of an "associate".

When permitted temporary activities take place, a premises user must either ensure that:

a copy of the temporary event notice endorsed as acknowledged by the licensing

authority by the licensing is prominently displayed at the premises; or that the temporary event notice endorsed as acknowledged by the licensing authority is

kept at the premises either in his own custody or in the custody of a person present

and working at the premises and whom he has nominated for that purpose.

Where the temporary event notice is in the custody of a nominated person, a notice specifying that fact and the position held by that person must be prominently displayed at the premises.

Where neither the temporary event notice nor a notice specifying the nominated

person are displayed, a constable or an authorised person (for example, a licensing officer, fire officer or environmental health officer) may require the premises user to produce the temporary event notice for examination. Similarly, where the nominated person has the temporary event notice in his custody, a constable or authorised person may require that person to produce it for examination. Failure to produce the temporary event notice without reasonable excuse would be an offence.

Note 1

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed "premises user". Within businesses, clubs or organisations one individual will therefore need to be identified as the proposed premises user.

Note 2

For the purposes of the Licensing Act 2003, "premises" means any place. Premises will therefore not always be a building with a formal address and postcode.

Note 3

A temporary event notice can be given for part of a building, such as a single room or a plot within with a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution.

In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at anyone time when licensable activities are taking place to less than 500. If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution.

Note 4

A description of the nature of the premises assists the chief officer of police in deciding if any crime prevention issues are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

Note 5

A description of the nature of event similarly assists the chief officer of police in making his decision whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers' market, a discothèque, the performance of a string quartet, a folk group or a rock band.

Note 6

The licensable activities are:

- o the sale by retail of alcohol;
- o the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- o the provision of regulated entertainment: and
- o the provision of late night refreshment.

Please refer to Schedules 1 and 2 to the Licensing Act 2003 for fuller details of the definitions and exemptions relating to regulated entertainment and late night refreshment.

Regulated entertainment, subject to specified conditions and exemptions, includes:

- (a) a performance of a play;
- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;

- (e) a performance of live music;
- (f) any playing of recorded music;
- (g) a performance of dance;
- (h) entertainment of a similar description to that falling within (e), (f) or (g).

Regulated entertainment also includes the provision of "entertainment facilities" for:

- (a) making music;
- (b) dancing; and
- (c) entertainment of a similar description to that falling within (a) or (b).

If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

Note 7

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 96 hours (four days).

Note 8

You should state here the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you may not intend to carry on licensable activities throughout the entire 48 hour period, and may intend to sell alcohol between 8.00 hrs and 23.00 hrs on each of the two days.

Note 9

No more than 499 may be on the premises for a temporary event at anyone time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise you.

Note 10

If you indicate that alcohol will be sold only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol bought there. If such a sale takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol purchased is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies.

Note 11

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

Note 12

As stated under Note 11 the holder of a valid personal licence holder issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year. An individual who does not hold a valid personal licence may only give 5 temporary event notices in England and Wales within a calendar year. A calendar year is the period between 1 January to 31 December, inclusive, in any year.

If an event straddles two calendar years, it will count against the limits on temporary event notices (12 for each premises, 15 days for each premises, 50 per personal licence holder and 5 for non-holders) for each year, however, only one notice needs to be given.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals.

Note 13 below sets out the definition of an "associate".

If a temporary event notice has been given for the same premises, by the same premises user, and would have effect within 24 hours of the start or the event period under the current proposal or within 24 hours of the end of the event period proposed, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count as if they had been given by the premises user himself. Note 13 below sets out the definition of an "associate".

Note 13

An "associate" of the proposed premises user is:

- a. the spouse of that person;
- b. a child, parent, grandchild, grandparent, brother or sister of that person;
- c. an agent or employee of that person; or
- d. the spouse of a person within (b) or (c).

For the purposes, a person living with another as that person's husband or wife is to be treated as that person's spouse.

These provisions are subject to amendment by the Civil Partnerships Act in due course.

Note 14

It is a requirement that you send two copies of this notice to the licensing authority at least ten working days before the commencement of the proposed licensable activities. The authority will endorse one of the two copies and return it to you as an acknowledgement. This would be important proof that you gave the notice and when you gave it for the purposes of the Act. Some premises may be situated in two licensing authority areas, for example, where a building or field straddles the local authority boundary. Where this is the case, two copies must also be sent to each of the licensing authorities identified. In such circumstances, you need to receive acknowledgements from all the relevant licensing authorities.

One copy must be sent to the chief officer of police for the area in which the premises is situated. Where the premises are situated in two police areas, a further copy will need to be sent to the second police force.

Note 15

Under the Licensing Act 2003, all temporary event notices are given subject to a mandatory condition requiring that where the licensable activities involve the supply of alcohol, all such supplies must be made by or under the authority of the named premises user. If there is a breach of this condition, the premises user and the individual making the supply in question would be liable to prosecution.

Note 16

It is an offence knowingly or recklessly to make a false statement in or in connection with a temporary event notice. (A person is to be treated as making a false statement if he produces, furnishes signs or otherwise makes use of a document that contains a false statement). To do so could result in prosecution and a fine not exceeding level 5 on the standard scale.

Note 17

You should not complete section 10 of the notice which is for use by the licensing authority. They will complete this section and return one of the copies that you have sent to them as an acknowledgement of the notice you have given.

Great Yarmouth Borough Council, Town Hall, GREAT YARMOUTH, NR30 2QF
Telephone: 01493 846304 / 846327 Fax: 01493 846332
Email: licensing@great-yarmouth.gov.uk