

Gloucester City Council

GUIDANCE ON HOLDING AN EVENT UNDER THE AUTHORITY OF A TEMPORARY EVENT NOTICE (TEN)

This document has been produced by:

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Licensing Section

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GLOUCESTER
CITY COUNCIL

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WHAT IS A TEMPORARY EVENT NOTICE (TEN)?

A TEN is an authorisation under the Licensing Act 2003 (the Act) that allows the 'premises user' to carry out certain 'temporary' licensable activities at premises for a limited period of time. The following guidance has been prepared to help you ensure your event is carried out safely, lawfully and in a manner which promotes the licensing objectives which are:

- **The Prevention of Crime and Disorder**
- **Public Safety**
- **The Prevention of Public Nuisance**
- **The Protection of Children from Harm**

It is important to remember that this guidance has been written for a wide range of events, so not all the suggested measures will be appropriate for your specific event. Nothing in this guidance should be viewed as a legal requirement and you are, therefore, free to implement any of the suggested measures or use other measures as appropriate. However, you should be aware that the 'premises user' is the person responsible for ensuring that the event is run in a proper manner and will be personally liable in the event of breaches of the law.

If your event is well-planned, and conducted in a responsible manner, then the likelihood of problems and Police attendance is minimal. However, applicants are respectfully reminded that, should it be necessary for the Police to attend the event as the result of a complaint, the co-operation of the Applicant will be expected in complying with all reasonable requests. In the event of non-compliance, **or** the risk of Disorder **or** Noise disturbance, the Police have powers to order the instant cessation of all licensed activity for up to 24 hours.

Where previous events run under a TEN have resulted in Disorder, Crime or Closure, the applicant should expect Police objection to further TENs until agreed measures have been put in place to prevent a recurrence. Contact with the Police Licensing Department is encouraged in these circumstances, prior to the submission of a TEN. Early contact can avoid the necessity of a formal hearing to determine the application.

This guidance will normally be sent out with your [application pack](#), however, if you acquired the notification form elsewhere then this guidance will accompany your copy of the notification signed by the Council's Licensing Officer. This signed copy of your notice effectively acts as your authorisation and should be kept in a **safe place ready for inspection throughout the event**. For further information see the section on displaying the notice on page 5.

Assuming you hear nothing further from either the City Council or Gloucestershire Constabulary before your event is due to start, you effectively have authorisation to carry out the activities that are specified on your notice.

This is not where your responsibility ends - rather this is where your responsibility begins. Please note that you cannot extend your event beyond the times your event is authorised to take place, and the attendance capacity that you declared on your notice must not be exceeded, otherwise you may be considered to be committing an offence under the Licensing Act 2003.

This guidance is issued to try and avoid situations where the Police or Council are obliged to exercise their powers of enforcement.

POLICE AND COUNCIL POWERS

Although a signed copy of the TEN has been returned to you, Police may object to a TEN (within 48 hours of being served a copy of the TEN) if they are satisfied that the event will cause Crime & Disorder. (The Police do not generally object to TENs and, as an alternative, the Police may ask for certain crime prevention measures to be agreed in writing in advance, particularly for large scale events).

If an Objection is made, an Objection Notice will be served by the Police on the Applicant and the Council. A Hearing of the Council's Licensing Committee will then be arranged to determine the application but this may be avoided if the TEN is modified to the satisfaction of the Police. If a Hearing is required then the Licensing Committee will either grant or refuse the application.

Police have the power to seek Court Orders to close premises for up to 24-hours in an area that is experiencing or is likely to experience disorder.

Police also have the power to close down instantly, for up to 24-hours, premises being used under the authority of a TEN that are disorderly, likely to become disorderly, or are causing public nuisance as a result of noise from the premises.

Gloucester City Council has powers to issue a closure notice, for up to 24-hours, where a public nuisance from noise is being caused at an event operating under a TEN.

DISPLAYING THE TEMPORARY EVENT NOTICE

There are strict rules that you must follow about the display of your signed notice during the event.

Why do I need to display the notice?

The signed notice is your authorisation and should be kept on display so any authorised officers can inspect it if necessary. It is an offence under the Act to fail to display the notice and you need to comply with at least one of the bullet points listed below.

The premises user must either:

- Ensure that a copy of the TEN is prominently displayed at the premises being used for the permitted temporary activity.
- Ensure that the TEN is kept at the premises in his/her custody.
- Ensure that the TEN is kept at the premises in the custody of a person who is present and working at the premises and whom he/she has nominated for this purpose (and if this is the case, ensure that a notice specifying this fact and the position held at the premises by that person is prominently displayed at the premises).

What happens if I lose the notice?

If your TEN is lost, stolen, damaged or destroyed, then you may apply to the Licensing Authority for a copy of the notice. No application may be made more than a month after the end of the event period specified in the notice. The fee for a copy notice is £10.50.

GUIDANCE ON PREVENTING CRIME AND DISORDER

The prevention of crime and disorder is about reducing the opportunity for this to occur. You should consider implementing suitable measures before, during and after the event to minimise the risk of alcohol-fuelled disorder, and consider actions to take if things go wrong. The starting point is to carry out a Risk Assessment of the event.

You should consider: the location of the premises, the proximity of neighbours or passers-by (unconnected with the event), the numbers, type and age of people attending the event, the timing of the event and the nature of the licensable activities.

Common-sense measures should be considered to minimise the risks of things getting out of control. The following suggestions may help:

- Is it appropriate to make your event 'ticket-only' to exercise some control over the numbers and type of people that attend? Is it also appropriate to obtain details of those purchasing tickets or attending the event?
- The consumption of too much Alcohol is the single-biggest-factor in events spiralling out of control. It is the responsibility of the TEN holder to ensure that alcohol is NOT supplied to persons who are already drunk.
- Consider how people will get home – provide details for taxi companies etc on the premises. Have an interesting range of Alcohol-free drinks and encourage drivers to stay off Alcohol.
- Consider the use of polycarbonate or plastic glasses. This eliminates the chance of 'glassings' and removes the risk of accidental injuries from broken glass on the floor. (This can also promote the public safety objective).
- Ensure people don't leave the event with glasses or glass bottles.
- Implement a 'proof of age' scheme, preferably the *Challenge 21* scheme, where any person who appears to be under the age of 21 is asked to prove their age. Ensure you only accept either Photo card driving licences, Passports or ID cards bearing the 'PASS' logo.
- Store Alcohol in a secure location.
- For large events you may wish to consider approaching someone who holds a Personal Licence issued under the Licensing Act to manage the Alcohol aspect. Personal licence holders have been on a recognised course that focuses on responsible licensing activity, are likely to work in the trade, and have the necessary skills and knowledge to help you run your event in a professional manner.
- You may wish to use Door Supervisors and/or Stewards, particularly if your event is likely to attract a large and diverse crowd. It is important to remember that Door Supervisors must be registered with the Security Industry Authority (SIA). Security Companies will hire out their staff, but you should enquire with such firms before you book them to ensure all their staff are registered. Visit www.the-sia.org.uk for more information.
- Find out if there is CCTV installed in the premises where your event is to be held. If it does, ensure the system is working and recording during your event.

If you need any further guidance please contact Gloucestershire Constabulary (PC Guy Hall at Gloucester Central Police Station 01452 335379).

GUIDANCE ON PROMOTING PUBLIC SAFETY

The promotion of public safety is about ensuring the wellbeing of all persons who will be on the premises while the event is taking place. Before your event takes place, you need to carry out a risk assessment to identify potential risks, address those risks and take action to reduce those risks to an acceptable level. Consider the type of event that you are to hold and the scale/type of activities that will be taking place. Then consider the most suitable and effective measures to reduce the risks.

The following are matters that are very important to consider:-

- Ask a suitably qualified electrician to check the status of any electrical installations on the premises and consider the safety of electrical systems in adverse conditions, such as near water, exposed to wet weather. The use of Residual Current Devices (RCD's) on all electrical circuits should also be considered.
- If electrical generators are to be used, ensure they are located away from public access but readily accessible for safe refuelling.
- Liquefied Petroleum Gas (LPG) cylinders should be stored away from the public (preferably in a locked cage/compound), away from any sources of ignition and away from flammable materials.
- Ensure floors are clean, dry and free of obstacles such as trailing cables that could lead to a tripping hazard. Secure all cables before the event starts.
- For disabled persons present at the event, ensure arrangements are made to enable their safe evacuation in the event of an emergency. Ensure that any disabled persons on the premises are made aware of the arrangements.
- Nominate somebody to be responsible for managing all accidents and incidents including the keeping of records of any incidents, and the reporting of injuries as required by R.I.D.D.O.R. (for advice, contact the Council's Health and Safety Team – Tel: 01452 396303).

Additionally, the following matters will also need to be considered:-

- Ensure you know the capacity of the premises. Have a system to monitor the capacity. Ensure both the capacity of the premises and that specified on the Temporary Event Notice (TEN) are not exceeded.
- Carry out a thorough final inspection prior to opening the event, including checks to ensure all exit doors are accessible, open easily and exit routes are clear for emergency vehicles.
- If glasses and bottles are allowed in the event, ensure that they will be collected regularly, particularly from balcony areas and raised levels. Have a procedure and staff in place for safely collecting and disposing of glass.
- Clean, potable, uncontaminated water should be supplied, particularly if catering vendors are attending your event. Access to water should be located near to the catering units and away from toilet areas.

- Ensure that adequate safe lighting and emergency lighting is provided.
- Ensure spillages (solids and liquids) are dealt with immediately. You should consider nominating somebody for this purpose.
- Consider whether it may be appropriate to recruit a suitably qualified First Aid Person to remain on site during the event and maintain a First Aid box on site during the event.
- If you intend to use special equipment such as strobes, lasers or smoke machines, prepare a health and safety policy covering the safe use of such equipment.
- In respect of larger scale events (close to the TEN limit of 499), draw up a written procedure for crowd control and management; ensure that all staff or volunteers are instructed in the operation of the procedure prior to commencement of the event.
- Ensure that there is adequate provision of toilets and toilet supplies and have a plan to deal with problems such as blockages or overflows etc.

Further health and safety information is available in the guidance “Holding an Event” on the Gloucester City Council website www.gloucester.gov.uk/environmentalhealth.

GUIDANCE ON PREVENTING PUBLIC NUISANCE

The prevention of public nuisance (loosely defined as a disturbance from noise or other activity likely to adversely affect residential amenity such as to cause complaint to the Authorities) relates to making sure that when licensable activities are taking place that they do not impact on the immediate environment. You should be aware that events may have the potential to cause disturbance in the neighbourhood, particularly if the event is to be held outdoors. **You should, therefore, have proper respect for the concerns of local residents who may be affected by noise and other disturbance from the event and possible anti-social behaviour by those attending.**

Key issues to think about are:

- noise pollution
- drainage and toilets
- litter
- dispersal of attendees
- odours
- light pollution
- refuse and litter

Although the Licensing Authority cannot attach any conditions or restrictions on licensable activities taking place under the authorisation of a TEN, the Police may seek undertakings as an alternative to submitting an objection on the grounds of Crime Prevention.

You should be aware that, if noise from the temporary event causes nuisance to local residents, Environmental Protection Officers may take action under the Environmental Protection Act 1990 requiring you to abate the nuisance immediately. Failure to comply with any abatement notice served under the provisions of this Act may lead to a fine of up to £20,000 or seizure of equipment. A request for a review of any premises licence in respect of the venue may also be made. You should therefore give careful consideration to the planning and operation of your event to prevent any problems occurring.

You should consider the following:

- 2300 hours - 0700 hours constitute Night-time hours, during which residents are entitled to peace and quiet and they should not be able to easily hear your event.
- If you have music at your event consider positioning any speakers so they point away from other peoples premises. If located outside; or into the building if within premises.
- You should lower the level of any music after 2300 hours and ensure that all windows and doors are kept shut.
- Monitor noise on the boundary to ensure levels are kept low – remember to ensure you remain clear of loud music for at least 20 minutes if you decide to do this so as to enable your hearing perception to return to normal.
- It may be useful to lower volume towards the end of the event.
- It may be useful to make a quiet announcement at the end of the event asking people to leave quietly having consideration to any local residents.

- Guests should be asked to vacate outdoor-drinking areas after 2100 hours if there are houses etc. nearby.
- Keep all waste from the event in covered bins.
- Where the event is likely to generate litter in and around the premises then consider maintaining an adequate supply of litter bins close to the premises.
- Adequate car parking should be provided for the number of guests attending. You may need to use car parking stewards, or put information on promotion literature/tickets as to parking arrangements.
- Speak to local private hire/taxi firms and ask them not to sound their horns when collecting bookings.
- If you plan to use a kitchen prior to or during the event it may be advisable to do an inspection of any extraction system to make sure it is fully serviceable.

Should you wish to discuss the event in advance please do not hesitate to contact:-

Environmental Health Pollution Team on: 01452 396303.

GUIDANCE ON PROTECTING CHILDREN FROM HARM

The protection of children from harm includes the protection of children from moral, psychological and physical harm. It also concerns making sure children are not exposed to unsuitable entertainment containing strong language or sexual references. Before your event takes place you should consider the following:

- Film exhibitions should be suitable for the audience.
- Hot food preparation – ensure young children are unable to access any kitchen areas where hot food is being prepared.
- Alcohol - Any alcohol which is to be used at an event should be stored securely prior to, during and after the event. Also, if your event includes alcohol sales and children will be present, you should operate a proof-of-age scheme, preferably the Challenge 21 scheme where any persons who appear under 21 are asked to prove that they are 18.
- Entertainment of an adult or sexual nature must not be shown if children are on the premises.
- For larger events and events taking place outdoors do you have a policy for dealing with lost or unaccompanied children.
- Are there any parts of the premises which should be secured during the event so children cannot gain access to them? Is it appropriate to require children to be accompanied by a responsible adult during the event?
- Consider Criminal Records Bureaux (CRB) checks of staff who will be dealing with unaccompanied children. (Criminal Record Checks can also be obtained from Disclosure Scotland. Phone 0870 609 6006, or visit www.disclosurescotland.co.uk)

OFFENCES UNDER THE LICENSING ACT 2003

It should be noted that the following, amongst others, are offences under the Licensing Act 2003:

- the sale or supply of alcohol to children under 18 years of age (maximum fine on conviction is a fine up to level 5 on the standard scale, currently £5,000);
- allowing the sale of alcohol to children under 18 (maximum fine on conviction is a fine up to level 5 on the standard scale, currently £5,000);
- knowingly allowing the consumption of alcohol on the premises by a person aged under 18 (maximum fine on conviction is a fine up to level 5 on the standard scale, currently £5,000);
- allowing disorderly behaviour on the premises (maximum fine on conviction is a fine up to level 3 on the standard scale, currently £1,000);
- the sale of alcohol to a person who is drunk (maximum fine on conviction is a fine up to level 3 on the standard scale, currently £1,000);
- obtaining alcohol for a person who is drunk (maximum fine on conviction is a fine up to level 3 on the standard scale, currently £1,000);
- knowingly allowing a person aged under 18 to make any sale or supply of alcohol unless the sale or supply has been specifically approved by the premises user or any individual aged 18 or over who has been authorised for this purpose by the premises user (maximum fine on conviction is a fine up to level 1 on the standard scale, currently £200); and
- knowingly keeping or allowing to be kept on the premises any smuggled goods which have been imported without payment of duty or which have otherwise been unlawfully imported (maximum fine on conviction is a fine up to level 3 on the standard scale, currently £1,000).
- In addition, where the premises are to be used primarily or exclusively for the sale or supply of alcohol for consumption on the premises, it is an offence to allow children under 16 to be present when the premises are open for that purpose unless they are accompanied by an adult. In the case of any premises at which sales or supplies of alcohol are taking place at all, it is an offence for a child under 16 to be present there between the hours of midnight and 5am unless accompanied by an adult. In both instances, the penalty on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000.

CONTACT DETAILS FOR MORE INFORMATION

LICENSING TEAM

Environmental Health
Gloucester City Council
Herbert Warehouse
The Docks
Gloucester
GL1 2EQ

Tel: 01452 396303
Fax: 01452 396340
Email: licence.team@gloucester.gov.uk

GLOUCESTERSHIRE CONSTABULARY

PC Guy Hall
Gloucester and Forest Division
Licensing Department
Gloucester Police Station
Bearland
Gloucester
GL1 2JP

Tel: 01452 335379
Fax: 01452 384952
Email: licensing-forest&gloucester@gloucestershire.police.uk

The main Police switchboard number is 0845 090 1234.

HEALTH AND SAFETY

Gloucester City Council
Health and Safety Team
Environmental Health
Herbert Warehouse
The Docks
Gloucester
GL1 2EQ

Tel: 01452 396303
Fax: 01452 396340
Email: licence.team@gloucester.gov.uk

Health and Safety Executive
4th Floor, The Pithay
All Saints Street
BRISTOL
BS1 1ND

Tel: 01179-886000

POLLUTION PREVENTION

Gloucester City Council
Pollution Control Team
Environmental Health
Herbert Warehouse
The Docks
Gloucester
GL1 2EQ

Tel: 01452 396303
Fax: 01452 396340
Email: licence.team@gloucester.gov.uk

TRADING STANDARDS

Gloucestershire County Council
Trading Standards
Hillfield House
Denmark Road
Gloucester
GL1 3LD

Tel: 01452 426201
Fax: 01452 426274
Email: tradstds@gloucestershire.gov.uk

GLOUCESTERSHIRE SAFEGUARDING CHILDREN BOARD Tel: 01452 583638
Eastgate House
121-131 Eastgate Street
Gloucester
GL1 1QB

GLOUCESTERSHIRE FIRE & RESCUE Tel: 01452 753333
Service Delivery Support Fax: 01452 753304
Waterwells Email: fire.safety@glosfire.gov.uk
Quedgeley
Gloucester
GL2 2AX

FURTHER READING

The Event Safety Guide, (also known as the purple guide), Published by the Health and Safety Executive – ISBN 0-7176-2453-6, www.hse.gov.uk

Managing Crowds Safely, published by the Health and Safety Executive, ISBN 0-7176-1834-X, www.hse.gov.uk

Good Practice Guide on the Control of Noise from Pubs and Clubs, The Institute of Acoustics, Tel: 01727 848 195

5 Steps to Risk Assessment Case Studies, Published by the Health and Safety Executive – ISBN 0-776 15805, www.hse.gov.uk

Guidance issued under section 182 of Licensing Act 2003, Available from Department of Culture Media and Sport website www.culture.gov.uk