EXPLANATORY MEMORANDUM TO

THE LICENSING ACT 2003 (PERMITTED TEMPORARY ACTIVITIES) (AMENDMENT) ORDER 2026

2026 No. [XXXX]

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Home Office and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Sarah Jones MP, Minister for Crime and Policing, at the Home Office confirms that this Explanatory Memorandum meets the required standard.

2.2 Marcus Starling, Head of the Drugs and Alcohol Unit at the Home Office, confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Toby Pinnock at the Home Office can be contacted by email at the following address with any queries regarding the instrument: Toby.Pinnock@homeoffice.gov.uk.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument increases the number of Temporary Event Notices (TENs) that can be applied for, in respect of the same premises, from a maximum of 15 per calendar year to 20 per calendar year. It also increases the maximum number of days in a calendar year on which premises can be used to carry on licensable activities under TENs from 21 per calendar year to 26 per calendar year.

4.2 TENs are a mechanism under the Licensing Act 2003 ("the Licensing Act"). They allow licensable activities, such as the sale of alcohol, regulated entertainment or late-night refreshment, to take place on a temporary basis without a full premises licence.

Where does the legislation extend to, and apply?

4.3 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.4 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England and Wales.

5. Policy Context

What is being done and why?

5.1 This instrument forms part of the Government's response to the Licensing Taskforce recommendations, which aim to rebalance the premises licensing system to support responsible businesses while continuing to deal effectively with irresponsible operators. The Licensing Taskforce was a temporary joint group of government, industry, police and local government, established in April 2025 to review the current licensing system under the Licensing Act 2003. The Taskforce concluded on 16 May

2025 and its report, together with the Government response, was published on 31 July 2025.[1]

5.2 Recent evidence from trade organisations and other sources suggests that the hospitality sector has still not recovered from the financial losses incurred during the COVID-19 pandemic and continues to face challenging trading conditions, including high input costs, low margins and wider financial pressures.

5.3 Hospitality represents 7.2% of total UK employment, contributed £76.9bn in Gross Value Added (GVA) in 2025, and is dominated by small and medium-sized enterprises, which account for 99.7% of businesses.[2] However, persistently low margins, low productivity, high input costs, and limited price elasticity mean the sector is now among the most financially distressed in the economy.

5.4 TENs, as provided for under the Licensing Act, are a light-touch process that permit individuals or organisations to carry out licensable activities on a temporary basis without the need for a full premises licence. Licensable activities include the sale of alcohol, the provision of regulated entertainment, and late-night refreshment.

5.5 TENs are subject to two different types of statutory limits. The first applies to the premises itself and governs how many TENs may be given in relation to the same premises and the number of days on which the premises may be used under TENs in a calendar year. The second applies to the person giving the TENs and controls how many TENs an individual may give in a calendar year, depending on whether they hold a personal licence. This instrument changes only the premises-based limits and does not alter the existing limits applicable to individual applicants.

5.6 The policy objective is to provide additional flexibility within the existing licensing framework. This will enable premises and event organisers to make use of up to five additional temporary event opportunities each year, supporting economic activity, community events and local cultural participation. This is particularly relevant to the hospitality sector, which continues to face challenging trading conditions.

5.7 The increase does not remove or alter the underlying safeguards in the TENs regime. Temporary events remain subject to statutory limits on scale and duration, and licensing authorities and responsible authorities will continue to operate within the framework of the licensing objectives: the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. The existing rights to make objections to TENs by relevant persons are also unchanged. If statutory limits are exceeded, the licensing authority must issue a counter notice, meaning the event is not authorised to proceed. The change therefore provides additional flexibility while retaining the existing controls that guard against irresponsible use of the regime.

5.8 The proposal builds on temporary measures introduced during the COVID-19 period, when, for the 2022 and 2023 calendar years the maximum number of TENs was increased to 20 events over 26 days, and the number of TENs) that could be applied for, in respect of the same premises from 15 per calendar year to 20 per calendar year.

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[1] https://www.gov.uk/government/publications/licensing-taskforce-report-and-government-response;

[2] https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/datasets/employeejobsbyindustryjobs03; https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/datasets/selfemploymentjobsbyindustryjobs04; ONS (2026). GDP output approach – lew-level aggregates: https://www.ons.gov.uk/economy/grossdomesticproductgdp/datasets/ukgdpolowlevelaggregates; and, Department for Business and Trade (2025) Business population estimates 2025. Available at: https://www.gov.uk/government/statistics/business-population-estimates-2025

The proposed limits restore the levels that applied temporarily during that period. Evidence from that period did not indicate a significant increase in adverse impacts.

5.9 On this basis, this policy is considered a proportionate adjustment to an established system, increasing capacity while retaining existing safeguards and regulatory controls.

What was the previous policy, how is this different?

5.10 Before this instrument, the statutory limits allowed a maximum of 15 TENs to be given in relation to the same premises in a calendar year and allowed a single premises to be used to carry on licensable activities under TENs on no more than 21 days in that year. Those limits applied after the temporary higher limits introduced for the 2022 and 2023 calendar years expired. This instrument increases those annual premises limits to 20 TENs and 26 days. The instrument also makes consequential amendments to the prescribed forms for TENs and counter notices so that they reflect the increased limits.

6. Legislative and Legal Context

How has the law changed?

6.1 The Licensing Act establishes the framework under which premises may be authorised to carry out licensable activities, including the sale and supply of alcohol, regulated entertainment and late-night refreshment. When carrying out their licensing functions, licensing authorities must promote the four licensing objectives in section 4(2) of the Licensing Act. These are: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.

6.2 The Act provides for licensable activities to be carried out temporarily, for events lasting no more than 168 hours, by means of a TEN given to the relevant licensing authority. TENs are subject to statutory limits, including limits on the number of TENs that may be given in relation to the same premises and the number of days on which a premises may be used under TENs in a calendar year. Where those limits are exceeded, section 107 of the Licensing Act requires the licensing authority to issue a counter notice, with the result that the event is not authorised to proceed under a TEN.

6.3 Article 2 of this instrument amends section 107(4) and (5) of the Licensing Act to increase the premises-based limits from 15 to 20 TENs and from 21 to 26 days per calendar year. It also removes spent provisions relating to the 2022 and 2023 calendar years. Those spent provisions were originally inserted by regulation 3 of the Alcohol Licensing (Coronavirus) (Regulatory Easements) (Amendment) Regulations 2021 (S.I. 2021/1049) and so regulation 3 is also removed, by article 4 of this instrument.

6.4 Article 3 makes consequential amendments to the prescribed TEN and counter notice forms in the Licensing Act 2003 (Permitted Temporary Activities) Regulations 2005. These higher limits replicate the temporary limits that applied in 2022 and 2023.

Why was this approach taken to change the law?

6.5 The Secretary of State has power under sections 107(12) and 197(2), to amend the limits in section 107(4) and (5) of the Licensing Act and Schedules 1 and 4 of the Licensing Act 2003 (Permitted Temporary Activities) (Notices) Regulations 2005.

7. Consultation

Summary of consultation outcome and methodology

7.1 The Government ran a Call for Evidence (CfE) from 8 October to 6 November 2025 to seek views and evidence to develop a modern, proportionate and enabling licensing system under the Licensing Act.

7.2 The CfE demonstrated a range of views on increasing the annual TENs limits. Hospitality businesses and trade bodies were generally supportive, emphasising the additional flexibility this would provide for businesses and community events. Other respondents, including some local authorities, public health organisations, residents and community groups, raised concerns about potential impacts on nuisance, crime and disorder, public health and local authority capacity. The Government has considered these views and considers that a limited increase, alongside the existing statutory safeguards in the Licensing Act, represents a proportionate change.

7.3 The CfE included 60 questions covering a range of licensing easements, including on increasing the number of TENs. It received over 2,000 responses, including members of the public, local authorities, police and enforcement bodies, public health organisations, trade bodies and the hospitality industry.

7.4 The significant volume of responses reflects the high level of public interest in alcohol licensing matters. Many responses raised general concerns about the potential impact of changes to licensing arrangements, including concerns linked to wider reporting at the time on licensing reform and suggestions that changes could lead to extended opening hours. This instrument does not make changes of that nature. Responses from stakeholders with direct experience of the TEN regime highlighted the benefits of increased flexibility, particularly where existing safeguards remain in place.

7.5 Question 30 of the CfE asked respondents what benefits or risks they foresaw if the maximum number of TENs were increased, and Question 32 asked what additional safeguards or changes would be needed if the TENs entitlement were increased. These questions attracted a broad range of views. Local authorities and enforcement bodies emphasised the need for robust safeguards and careful management; hospitality and business sectors sought greater flexibility and reduced bureaucracy; and community groups and residents prioritised protection from nuisance and anti-social behaviour. Across all categories, respondents called for clarity, transparency and a balanced approach that maintains the integrity of the licensing objectives while supporting economic and community activity. Responses were split broadly as follows:

- Individuals - 32% supported an increase in the number of temporary events and 49% opposed.
- Local authorities - 38% supported an increase and 51% opposed.
- Police and enforcement bodies - 53% supported an increase and 42% opposed.
- Public health organisations - 2% supported an increase and 77% opposed.
- Trade bodies and associations - 64% supported an increase and 15% opposed.
- Hospitality businesses - 81% supported an increase and 12% opposed.

7.6 Respondents with direct operational experience of TENs, including police respondents are broadly supportive of the proposal. From conception, the purpose of TENs has been to support communities, allowing premises that would not normally carry out a licensable activity to do so on occasion for local events. Additionally, premises that hold an existing licence can utilise the TENs process to allow flexibility on occasion without having to permanently vary their existing licence. TENs provide a low cost

and straightforward alternative to licensing variations while providing safeguards to ensure the licensing objectives continue to be upheld.

7.7 Overall, the Government considers that the increase in the annual number of TENs from a maximum of 15 to 20, and the corresponding increase in the number of days from 21 to 26 per calendar year, is appropriate. There is a strong precedent with the Covid easements which allowed increases at these levels with no evidence of additional harms due to that increase. These numbers reflect a meaningful increase for businesses and for community venues without increasing to such a degree that the safeguards built into the licensing regime are undermined.

7.8 The change is limited in scope and provides additional flexibility for businesses and communities to host events. The government also recognises the concerns raised by some respondents and considers that these are addressed by the continued application of the existing statutory safeguards, including the licensing objective and the counter notice process.

8. Applicable Guidance

8.1 The Government does not intend to issue separate new guidance specifically for this instrument. Licensing authorities must already have regard to the statutory guidance issued under section 182 of the Licensing Act when discharging their functions[3]. The existing section 182 guidance will be updated, where necessary, to reflect the increase in the annual number of TENs allowed. Licensing authorities operated within the existing guidance when the TENs entitlement was increased in 2022 and 2023 to support businesses during the COVID-19 pandemic.

8.2 As a matter of practice, we publish updates to guidance only when the changes take effect, to prevent local authorities and other stakeholders from relying on an incorrect version.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 An Impact Assessment has not been prepared for this instrument because it is estimated that the quantified impacts of the measure fall below the de minimis threshold. An Economic Note has been prepared and will be published alongside the Explanatory Memorandum on the legislation gov.uk website. The Economic Note estimates that the quantified benefits of the measure, primarily arising from increased profits for businesses, will outweigh the administrative costs of additional TENs to licensing authorities, businesses and the police.

9.2 Over a 10-year period, the Economic Note estimates that the additional profit generated by extra temporary events will be greater than the costs of processing and administering those events. The central estimate is that the measure will generate around £5.7 million in benefits and around £1.4 million in costs over ten years. This means the measure is expected to produce an overall net benefit of approximately £4.3 million. The estimated net benefit could be lower or higher, but is expected to fall between £2.6 million and £5.4 million.

Impact on businesses, charities and voluntary bodies

9.3 The impact on business, charities and voluntary bodies is that premises already authorised to carry on licensable activities (such as the sale of alcohol, regulated

[3] https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003

entertainment or late-night refreshment) may use TENs to extend beyond their usual permissions on additional occasions, subject to the increase annual limits of 20 TENs and 26 days per calendar year, if they choose to do so. This provides additional flexibility to hold temporary events, and licence holders are expected to welcome the option to apply for additional TENs.

9.4 Based on the previous increase in the TENs limit, it is estimated that there will be approximately 4,000 to 8,000 additional TENs per year. These events are expected to increase turnover and profits, assuming, based on the previous Impact Assessment for TENs, that the increased sales from a TEN yield the equivalent of an additional half a day's profit.4 Across all premises, this gives an estimated annual benefit of £720,000, with a range of £430,000 to £1.2 million.

9.5 The legislation does impact small or micro businesses. However, it is not anticipated that is would disproportionately impact smaller businesses, given that applying for additional TENs is voluntary and at the discretion of the individual business.

9.6 It was not possible to exempt small or micro businesses from this legislation. The purpose of the instrument is to increase the annual premises-based TENs limits within the existing statutory regime, so that the same limits apply consistently to all premises in England and Wales. Exempting small or micro businesses would create different rules for different types of premises, which would undermine the clarity and effectiveness of the policy and could create confusion for applicants, licensing authorities and responsible authorities when applying the statutory limits. The change is also permissive: it does not require any business to give additional TENs, but provides an additional option for those that wish to make use of the increased flexibility.

9.7 The impact on the public sector is that this instrument is likely to lead to some modest costs for licensing authorities in assessing and processing more TENs. It could lead to modest costs for police forces, environmental health authorities and licensing authorities from having to review an increased number of TENs. This additional administrative burden is estimated to cost between £92,000 and £340,000 per year, with a central estimate of £153,000. There will also be a small familiarisation cost in the first year as licence holders will familiarise themselves with the changes to the TENs limit. This is estimated to cost between £12,000 and £227,000, with a central estimate of approximately £74,000.

9.8 There may also be some additional societal costs resulting from the extension to the TENs limit. These will include healthcare costs from the increase in alcohol consumption, and the costs from an increase in alcohol-related crime and disorder during the opening hours created through extra temporary events. On the other hand, there may also be some benefits from a broader range of closing times as opposed to all licensed premises shutting at the same time. These costs and benefits have not been monetised due to a lack of evidence of any impacts from the previous increase to the TENs limit. On the whole, the net impact is expected to be marginal, given the relatively small expected increase in events.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The instrument does not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act 2015, Sarah Jones MP, Minister for Policing and Crime, has made the following statement:

[4] https://www.legislation.gov.uk/uksi/2021/1049/pdfs/uksiod_20211049_en.pdf

10.2 “The measure does not impose new regulatory burdens on business but instead provides optional flexibility within an existing regime. Any impacts are expected to be minimal, with familiarisation and administrative costs for licensing authorities assessed as de minimis across England and Wales. Therefore, in line with the Small Business, Enterprise and Employment Act 2015, the inclusion of a statutory review provision would be disproportionate”.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 Sarah Jones MP, Minister for Policing and Crime, has made the following statement regarding Human Rights:

“In my view the provisions of the Licensing Act 2003 (Permitted Temporary Activities) (Amendment) Order 2026 are compatible with the Convention rights.”

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 (“relevant European Union Acts”).