



# Licensing Act 2003

## 2003 CHAPTER 17

### PART 5

#### PERMITTED TEMPORARY ACTIVITIES

##### *Introductory*

#### **98 Meaning of “permitted temporary activity”**

- (1) A licensable activity is a permitted temporary activity by virtue of this Part if—
  - (a) it is carried on in accordance with a notice given in accordance with section 100, and
  - (b) the following conditions are satisfied.
- (2) The first condition is that the requirements of sections 102 (acknowledgement of notice) and 104(1) (notification of police) are met in relation to the notice.
- (3) The second condition is that the notice has not been withdrawn under this Part.
- (4) The third condition is that no counter notice has been given under this Part in respect of the notice.

#### **99 The relevant licensing authority**

In this Part references to the “relevant licensing authority”, in relation to any premises, are references to—

- (a) the licensing authority in whose area the premises are situated, or
- (b) where the premises are situated in the areas of two or more licensing authorities, each of those authorities.

*Status: Point in time view as at 01/09/2007.*

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### *Temporary event notices*

#### **100 Temporary event notice**

- (1) Where it is proposed to use premises for one or more licensable activities during a period not exceeding 96 hours, an individual may give to the relevant licensing authority notice of that proposal (a “temporary event notice”).
- (2) In this Act, the “premises user”, in relation to a temporary event notice, is the individual who gave the notice.
- (3) An individual may not give a temporary event notice unless he is aged 18 or over.
- (4) A temporary event notice must be in the prescribed form and contain—
  - (a) a statement of the matters mentioned in subsection (5),
  - (b) where subsection (6) applies, a statement of the condition mentioned in that subsection, and
  - (c) such other information as may be prescribed.
- (5) Those matters are—
  - (a) the licensable activities to which the proposal mentioned in subsection (1) relates (“the relevant licensable activities”),
  - (b) the period (not exceeding 96 hours) during which it is proposed to use the premises for those activities (“the event period”),
  - (c) the times during the event period when the premises user proposes that those licensable activities shall take place,
  - (d) the maximum number of persons (being a number less than 500) which the premises user proposes should, during those times, be allowed on the premises at the same time,
  - (e) where the relevant licensable activities include the supply of alcohol, whether supplies are proposed to be for consumption on the premises or off the premises, or both, and
  - (f) such other matters as may be prescribed.
- (6) Where the relevant licensable activities include the supply of alcohol, the notice must make it a condition of using the premises for such supplies that all such supplies are made by or under the authority of the premises user.
- (7) The temporary event notice—
  - (a) must be given to the relevant licensing authority (in duplicate) no later than ten working days before the day on which the event period begins, and
  - (b) must be accompanied by the prescribed fee.
- (8) The Secretary of State may, by order—
  - (a) amend subsections (1) and (5)(b) so as to substitute any period for the period for the time being specified there;
  - (b) amend subsection (5)(d) so as to substitute any number for the number for the time being specified there.
- (9) In this section “supply of alcohol” means—
  - (a) the sale by retail of alcohol, or
  - (b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.

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#### Commencement Information

- II** S. 100(4)(5)(f)(7)(b)(8) in force at 16.12.2003 by S.I. 2003/3222, **art. 2**, **Sch.** and s. 100 in force otherwise at 10.11.2005 by S.I. 2005/3056, **art. 2(1)**

### 101 Minimum of 24 hours between event periods

- (1) A temporary event notice (“notice A”) given by an individual (“the relevant premises user”) is void if the event period specified in it does not—
- (a) end at least 24 hours before the event period specified in any other temporary event notice given by the relevant premises user in respect of the same premises before or at the same time as notice A, or
  - (b) begin at least 24 hours after the event period specified in any other such notice.
- (2) For the purposes of subsection (1)—
- (a) any temporary event notice in respect of which a counter notice has been given under this Part or which has been withdrawn under section 103 is to be disregarded;
  - (b) a temporary event notice given by an individual who is an associate of the relevant premises user is to be treated as a notice given by the relevant premises user;
  - (c) a temporary event notice (“notice B”) given by an individual who is in business with the relevant premises user is to be treated as a notice given by the relevant premises user if—
    - (i) that business relates to one or more licensable activities, and
    - (ii) notice A and notice B relate to one or more licensable activities to which the business relates (although not necessarily the same activity or activities);
  - (d) two temporary event notices are in respect of the same premises if the whole or any part of the premises in respect of which one of the notices is given includes or forms part of the premises in respect of which the other notice is given.
- (3) For the purposes of this section an individual is an associate of another person if that individual is—
- (a) the spouse <sup>[F1]</sup>or civil partner] 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 <sup>[F1]</sup>or civil partner] of a person within paragraph (b) or (c).
- (4) For the purposes of subsection (3) a person living with another as that person’s husband or wife is to be treated as that person’s spouse.

#### Textual Amendments

- F1** Words in s. 101(3)(a)(d) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 261(1), 263, **Sch. 27 para. 170**, S.I. 2005/3175, {art. 2}

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## 102 Acknowledgement of notice

- (1) Where a licensing authority receives a temporary event notice (in duplicate) in accordance with this Part, it must acknowledge receipt of the notice by sending or delivering one notice to the premises user—
  - (a) before the end of the first working day following the day on which it was received, or
  - (b) if the day on which it was received was not a working day, before the end of the second working day following that day.
- (2) The authority must mark on the notice to be returned under subsection (1) an acknowledgement of the receipt in the prescribed form.
- (3) Subsection (1) does not apply where, before the time by which the notice must be returned in accordance with that subsection, a counter notice has been sent or delivered to the premises user under section 107 in relation to the temporary event notice.

### Commencement Information

- I2** S. 102(2) in force at 16.12.2003 by S.I. 2003/3222, art. 2, Sch.; s. 102(1)(3) in force at 10.11.2005 by S.I. 2005/3056, art. 2(1)

## 103 Withdrawal of notice

- (1) A temporary event notice may be withdrawn by the premises user giving the relevant licensing authority a notice to that effect no later than 24 hours before the beginning of the event period specified in the temporary event notice.
- (2) Nothing in section 102 or sections 104 to 107 applies in relation to a notice withdrawn in accordance with this section.

### *Police objections*

## 104 Objection to notice by the police

- (1) The premises user must give a copy of any temporary event notice to the relevant chief officer of police no later than ten working days before the day on which the event period specified in the notice begins.
- (2) Where a chief officer of police who receives a copy notice under subsection (1) is satisfied that allowing the premises to be used in accordance with the notice would undermine the crime prevention objective, he must give a notice stating the reasons why he is so satisfied (an “objection notice”)—
  - (a) to the relevant licensing authority, and
  - (b) to the premises user.
- (3) The objection notice must be given no later than 48 hours after the chief officer of police is given a copy of the temporary event notice under subsection (1).
- (4) Subsection (2) does not apply at any time after the relevant chief officer of police has received a copy of a counter notice under section 107 in respect of the temporary event notice.

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- (5) In this section “relevant chief officer of police” means—
- (a) where the premises are situated in one police area, the chief officer of police for that area, and
  - (b) where the premises are situated in two or more police areas, the chief officer of police for each of those areas.

## **105 Counter notice following police objection**

- (1) This section applies where an objection notice is given in respect of a temporary event notice.
- (2) The relevant licensing authority must—
  - (a) hold a hearing to consider the objection notice, unless the premises user, the chief officer of police who gave the objection notice and the authority agree that a hearing is unnecessary, and
  - (b) having regard to the objection notice, give the premises user a counter notice under this section if it considers it necessary for the promotion of the crime prevention objective to do so.
- (3) The relevant licensing authority must—
  - (a) in a case where it decides not to give a counter notice under this section, give the premises user and the relevant chief officer of police notice of the decision, and
  - (b) in any other case—
    - (i) give the premises user the counter notice and a notice stating the reasons for its decision, and
    - (ii) give the relevant chief officer of police a copy of both of those notices.
- (4) A decision must be made under subsection (2)(b), and the requirements of subsection (3) must be met, at least 24 hours before the beginning of the event period specified in the temporary event notice.
- (5) Where the premises are situated in the area of more than one licensing authority, the functions conferred on the relevant licensing authority by this section must be exercised by those authorities jointly.
- (6) This section does not apply—
  - (a) if the objection notice has been withdrawn (whether by virtue of section 106 or otherwise), or
  - (b) if the premises user has been given a counter notice under section 107.
- (7) In this section “objection notice” and “relevant chief officer of police” have the same meaning as in section 104.

## **106 Modification of notice following police objection**

- (1) This section applies where a chief officer of police has given an objection notice in respect of a temporary event notice (and the objection notice has not been withdrawn).
- (2) At any time before a hearing is held or dispensed with under section 105(2), the chief officer of police may, with the agreement of the premises user, modify the temporary

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event notice by making changes to the notice returned to the premises user under section 102.

- (3) Where a temporary event notice is modified under subsection (2)—
  - (a) the objection notice is to be treated for the purposes of this Act as having been withdrawn from the time the temporary event notice is modified, and
  - (b) from that time—
    - (i) this Act has effect as if the temporary event notice given under section 100 had been the notice as modified under that subsection, and
    - (ii) to the extent that the conditions of section 98 are satisfied in relation to the unmodified notice they are to be treated as satisfied in relation to the notice as modified under that subsection.
- (4) A copy of the temporary event notice as modified under subsection (2) must be sent or delivered by the chief officer of police to the relevant licensing authority before a hearing is held or dispensed with under section 105(2).
- (5) Where the premises are situated in more than one police area, the chief officer of police may modify the temporary event notice under this section only with the consent of the chief officer of police for the other police area or each of the other police areas in which the premises are situated.
- (6) This section does not apply if a counter notice has been given under section 107.
- (7) In this section “objection notice” has the same meaning as in section 104(2).

*Limits on temporary event notices*

**107 Counter notice where permitted limits exceeded**

- (1) Where a licensing authority—
  - (a) receives a temporary event notice (“notice A”) in respect of any premises (“the relevant premises”), and
  - (b) is satisfied that subsection (2), (3), (4) or (5) applies,
 the authority must give the premises user (“the relevant premises user”) a counter notice under this section.
- (2) This subsection applies if the relevant premises user—
  - (a) holds a personal licence, and
  - (b) has already given at least 50 temporary event notices in respect of event periods wholly or partly within the same year as the event period specified in notice A.
- (3) This subsection applies if the relevant premises user—
  - (a) does not hold a personal licence, and
  - (b) has already given at least five temporary event notices in respect of such event periods.
- (4) This subsection applies if at least 12 temporary event notices have already been given which—
  - (a) are in respect of the same premises as notice A, and
  - (b) specify as the event period a period wholly or partly within the same year as the event period specified in notice A.

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- (5) This subsection applies if, in any year in which the event period specified in notice A (or any part of it) falls, more than 15 days are days on which one or more of the following fall—
  - (a) that event period or any part of it,
  - (b) an event period specified in a temporary event notice already given in respect of the same premises as notice A or any part of such a period.
- (6) If the event period in notice A straddles two years, subsections (2), (3) and (4) apply separately in relation to each of those years.
- (7) A counter notice under this section must be in the prescribed form and given to the premises user in the prescribed manner.
- (8) No such counter notice may be given later than 24 hours before the beginning of the event period specified in notice A.
- (9) In determining whether subsection (2), (3), (4) or (5) applies, any temporary event notice in respect of which a counter notice has been given under this section or section 105 is to be disregarded.
- (10) In determining for the purposes of subsection (2) or (3) the number of temporary event notices given by the relevant premises user—
  - (a) a temporary event notice given by an individual who is an associate of the relevant premises user is to be treated as a notice given by the relevant premises user;
  - (b) a temporary event notice (“notice B”) given by an individual who is in business with the relevant premises user is to be treated as a notice given by the relevant premises user if—
    - (i) that business relates to one or more licensable activities, and
    - (ii) notice A and notice B relate to one or more licensable activities to which the business relates (but not necessarily the same activity or activities).
- (11) Where a licensing authority gives a counter notice under this section it must, forthwith, send a copy of that notice to the chief officer of police for the police area (or each of the police areas) in which the relevant premises are situated.
- (12) The Secretary of State may, by order, amend subsection (2)(b), (3)(b), (4) or (5) so as to substitute any number for the number for the time being specified there.
- (13) For the purposes of this section—
  - (a) a temporary event notice is in respect of the same premises as notice A if it is in respect of the whole or any part of the relevant premises or premises which include the whole or any part of those premises,
  - (b) “year” means calendar year,
  - (c) “day” means a period of 24 hours beginning at midnight, and
  - (d) subsections (3) and (4) of section 101 (meaning of “associate”) apply as they apply for the purposes of that section.

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#### Commencement Information

- I3** S. 107(7)(12) in force at 16.12.2003 by S.I. 2003/3222, **art. 2, Sch.**; s. 107(1)-(6)(8)-(11)(13) in force at 10.11.2005 by S.I. 2005/3056, **art. 2(1)**

*Rights of entry, production of notice, etc.*

### 108 Right of entry where temporary event notice given

- (1) A constable or an authorised officer may, at any reasonable time, enter the premises to which a temporary event notice relates to assess the likely effect of the notice on the promotion of the crime prevention objective.
- (2) An authorised officer exercising the power conferred by this section must, if so requested, produce evidence of his authority to exercise the power.
- (3) A person commits an offence if he intentionally obstructs an authorised officer exercising a power conferred by this section.
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (5) In this section “authorised officer” means—
  - (a) an officer of the licensing authority in whose area the premises are situated, or
  - (b) if the premises are situated in the area of more than one licensing authority, an officer of any of those authorities,
 authorised for the purposes of this Act.

### 109 Duty to keep and produce temporary event notice

- (1) This section applies whenever premises are being used for one or more licensable activities which are or are purported to be permitted temporary activities by virtue of this Part.
- (2) The premises user must either—
  - (a) secure that a copy of the temporary event notice is prominently displayed at the premises, or
  - (b) meet the requirements of subsection (3).
- (3) The requirements of this subsection are that the premises user must—
  - (a) secure that the temporary event notice is kept at the premises in—
    - (i) his custody, or
    - (ii) in the custody of a person who is present and working at the premises and whom he has nominated for the purposes of this section, and
  - (b) where the temporary event notice is in the custody of a person so nominated, secure that a notice specifying that fact and the position held at the premises by that person is prominently displayed at the premises.
- (4) The premises user commits an offence if he fails, without reasonable excuse, to comply with subsection (2).
- (5) Where—



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- (a) the temporary event notice is not displayed as mentioned in subsection (2)(a), and
  - (b) no notice is displayed as mentioned in subsection (3)(b),
- a constable or authorised officer may require the premises user to produce the temporary event notice for examination.
- (6) Where a notice is displayed as mentioned in subsection (3)(b), a constable or authorised officer may require the person specified in that notice to produce the temporary event notice for examination.
  - (7) An authorised officer exercising the power conferred by subsection (5) or (6) must, if so requested, produce evidence of his authority to exercise the power.
  - (8) A person commits an offence if he fails, without reasonable excuse, to produce a temporary event notice in accordance with a requirement under subsection (5) or (6).
  - (9) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
  - (10) In this section “authorised officer” has the meaning given in section 108(5).

#### *Miscellaneous*

### **110 Theft, loss, etc. of temporary event notice**

- (1) Where a temporary event notice acknowledged under section 102 is lost, stolen, damaged or destroyed, the premises user may apply to the licensing authority which acknowledged the notice (or, if there is more than one such authority, any of them) for a copy of the notice.
- (2) No application may be made under this section more than one month after the end of the event period specified in the notice.
- (3) The application must be accompanied by the prescribed fee.
- (4) Where a licensing authority receives an application under this section, it must issue the premises user with a copy of the notice (certified by the authority to be a true copy) if it is satisfied that—
  - (a) the notice has been lost, stolen, damaged or destroyed, and
  - (b) where it has been lost or stolen, the premises user has reported that loss or theft to the police.
- (5) The copy issued under this section must be a copy of the notice in the form it existed immediately before it was lost, stolen, damaged or destroyed.
- (6) This Act applies in relation to a copy issued under this section as it applies in relation to an original notice.

#### **Commencement Information**

**I4** S. 110(3) in force at 16.12.2003 by [S.I. 2003/3222](#), [art. 2](#), [Sch.](#); s. 110(1)(2)(4)(6) in force at 10.11.2005 by [S.I. 2005/3056](#), [art. 2\(1\)](#)

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