



Licensing Act 2003

2003 CHAPTER 17

PART 5

PERMITTED TEMPORARY ACTIVITIES

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
 - [^{F1}(b) has already given at least—
 - (i) 50 temporary event notices, or
 - (ii) ten late 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
 - [^{F2}(b) has already given at least—
 - (i) five temporary event notices, or
 - (ii) two late temporary event notices,in respect of event periods wholly or partly within the same year as the event period specified in notice A.]

Changes to legislation: Licensing Act 2003, Section 107 is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) This subsection applies if at least [^{F3}15] temporary event notices [^{F4}, or, in relation to event periods occurring wholly or partly in 2022 or 2023, at least 20 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.
- (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 [^{F5}21 days][^{F6}, or, in relation to event periods (or any part of those periods) occurring in 2022 or 2023, more than 26 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 [^{F7} to each relevant person].
- (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

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- (d) subsections (3) and (4) of section 101 (meaning of “associate”) apply as they apply for the purposes of that section.

Textual Amendments

- F1** S. 107(2)(b) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 114\(10\)\(a\)](#), 157(1) (with [s. 114\(13\)](#)); S.I. 2012/1129, art. 2(d)
- F2** S. 107(3)(b) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 114\(10\)\(b\)](#), 157(1) (with [s. 114\(13\)](#)); S.I. 2012/1129, art. 2(d)
- F3** Word in s. 107(4) substituted (with effect in accordance with s. 68(2) of the amending Act) by [Deregulation Act 2015 \(c. 20\)](#), [ss. 68\(1\)](#), 115(7); S.I. 2015/994, art. 6(h)
- F4** Words in s. 107(4) inserted (16.9.2021) by [The Alcohol Licensing \(Coronavirus\) \(Regulatory Easements\) \(Amendment\) Regulations 2021 \(S.I. 2021/1049\)](#), regs. 1(2), [3\(a\)](#)
- F5** Words in s. 107(5) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 115\(3\)](#), 157(1) (with [s. 115\(4\)](#)); S.I. 2012/1129, art. 2(d)
- F6** Words in s. 107(5) inserted (16.9.2021) by [The Alcohol Licensing \(Coronavirus\) \(Regulatory Easements\) \(Amendment\) Regulations 2021 \(S.I. 2021/1049\)](#), regs. 1(2), [3\(b\)](#)
- F7** Words in s. 107(11) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 112\(11\)](#), 157(1) (with [s. 112\(14\)](#)); S.I. 2012/1129, art. 2(d)

Commencement Information

- I1** 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\(1\)](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 5A inserted by [2015 c. 20 s. 67\(2\)](#)Sch. 17
- s. 2(1A) inserted by [2015 c. 20 s. 67\(1\)](#)
- s. 10(4)(e) and word inserted by [2011 c. 13 s. 121\(3\)\(b\)](#)
- s. 140(2)(e) inserted by [2015 c. 20 s. 67\(4\)\(b\)](#)
- s. 141(2)(e) inserted by [2015 c. 20 s. 67\(5\)\(b\)](#)
- s. 143(2)(e) inserted by [2015 c. 20 s. 67\(6\)\(b\)](#)
- s. 144(2)(e) inserted by [2015 c. 20 s. 67\(7\)\(b\)](#)
- s. 147A(4)(c) inserted by [2015 c. 20 s. 67\(8\)\(b\)](#)
- s. 153(4)(d) inserted by [2015 c. 20 s. 67\(9\)\(b\)](#)
- s. 197(3)(cza) inserted by [2015 c. 20 s. 67\(12\)\(a\)](#)
- s. 197A197B inserted by [2011 c. 13 s. 121\(2\)](#)