



# Police Reform and Social Responsibility Act 2011

## 2011 CHAPTER 13

### PART 2

#### LICENSING

### CHAPTER 1

#### AMENDMENTS OF THE LICENSING ACT 2003

##### *Temporary event notices*

#### **112 Temporary event notices: who may make an objection**

- (1) The Licensing Act 2003 is amended as set out in subsections (2) to (13).
- (2) After section 99, insert—

##### **“99A Meaning of “relevant person”**

In this Part references to a “relevant person”, in relation to any premises, are references to the following—

- (a) the chief officer of police for any police area in which the premises are situated,
  - (b) the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health.”.
- (3) In the cross-heading before section 104, for “Police objections” substitute “Objections”.

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- (4) In the title to section 104 (objection to notice), for “the police” substitute “a relevant person”.
- (5) In section 104 (objection to notice), for subsection (2) substitute—
- “(2) Where a relevant person who is given a temporary event notice is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective, the relevant person must give a notice stating the reasons for being so satisfied (an “objection notice”)—
- (a) to the relevant licensing authority,
- (b) to the premises user, and
- (c) to every other relevant person.”.
- (6) In section 104(3) (timing for objection), for “chief officer of police” substitute “relevant person”.
- (7) In section 104(4) (timing for objection), for “relevant chief officer of police” substitute “relevant person”.
- (8) Omit section 104(5) (definition of “relevant chief officer of police”).
- (9) In section 105 (counter notice following objection)—
- (a) in the title, omit “police”,
- (b) in subsection (2)(a), for “chief officer of police” substitute “relevant person”,
- (c) in subsection (2)(b), for “the crime prevention objective” substitute “a licensing objective”,
- (d) in subsection (3)(a), for “the relevant chief officer of police” substitute “each relevant person”, and
- (e) in subsection (3)(b)(ii), for “the relevant chief officer of police” substitute “each relevant person”.
- (10) In section 106 (modification of notice following objection)—
- (a) in the title, omit “police”,
- (b) in subsection (1), for “chief officer of police” substitute “relevant person”,
- (c) in subsection (2)—
- (i) for “chief officer of police” substitute “relevant person”, and
- (ii) after “of the premises user” insert “and each other relevant person”,
- (d) in subsection (4), for “chief officer of police” substitute “relevant person”, and
- (e) omit subsection (5).
- (11) In section 107(11) (counter notice where permitted limits exceeded), for the words following “that notice” substitute “to each relevant person”.
- (12) In section 194 (index of defined expressions), after the entry for the expression “relevant offence” insert—

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“relevant person, in Part 5 ... .. section 99A”.

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- (13) In Schedule 5 (appeals)—
- (a) in paragraph 16(1)(b), for “chief officer of police” substitute “relevant person”,
- (b) in paragraph 16(3), for “chief officer of police” substitute “relevant person”,

- (c) in paragraph 16(8), in the definition of “objection notice”, omit “and”,
- (d) in paragraph 16(8), at the end of the definition of “relevant licensing authority” insert “; and  
relevant person” has the meaning given in section 99A.”.

(14) The amendments made by this section apply in relation to temporary event notices that are given on or after the commencement of this section.

### **113 Temporary event notices: conditions**

- (1) The Licensing Act 2003 is amended as set out in subsections (2) to (5).
- (2) In section 98(1) (meaning of “permitted temporary activity”), for paragraph (a) substitute—
  - “(a) it is carried out in accordance with—
    - (i) a notice given in accordance with section 100, and
    - (ii) any conditions imposed under section 106A, and”.
- (3) After section 106 insert—

#### **“106A Conditions on standard temporary event notice following objection**

- (1) This section applies where—
  - (a) a relevant person has given an objection notice under section 104(2) in respect of a standard temporary event notice,
  - (b) the objection notice has not been withdrawn, and
  - (c) the relevant licensing authority has decided under section 105 not to give a counter notice under that section.
- (2) The relevant licensing authority may impose one or more conditions on the standard temporary event notice if—
  - (a) the authority considers it appropriate for the promotion of the licensing objectives to do so,
  - (b) the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the temporary event notice, and
  - (c) the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.
- (3) Where the authority decides to impose one or more conditions under subsection (2)—
  - (a) the authority must give the premises user notice of the decision,
  - (b) the notice must be accompanied by a separate statement (the “statement of conditions”) which sets out the conditions that have been imposed on the temporary event notice, and
  - (c) a copy of the notice and statement of conditions must be given to each relevant party.
- (4) The notice and statement of conditions under subsection (3) must—
  - (a) be in the prescribed form,
  - (b) be given to the premises user in the prescribed manner, and

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- (c) be given no later than 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 subsection (2) must be exercised by those authorities jointly.”.
- (4) In section 109 (duty to keep and produce temporary event notice)—
  - (a) in the title, after “notice” insert “and statement of conditions”,
  - (b) in subsection (2)(a), after “notice” insert “, together with a copy of any statement of conditions given under section 106A(3) in respect of the notice”,
  - (c) in subsection (3)(a), after “notice” insert “, together with a copy of any statement of conditions given under section 106A(3) in respect of the notice”,
  - (d) in subsection (3)(b), for “notice is” substitute “notice and any statement of conditions are”,
  - (e) in subsection (5)(a), after “notice” insert “or any statement of conditions”,
  - (f) in subsection (5), after “produce the temporary event notice” insert “or statement of conditions”,
  - (g) in subsection (6), after “produce the temporary event notice” insert “or statement of conditions”, and
  - (h) in subsection (8), after “notice” insert “or statement of conditions”.
- (5) In section 110 (theft, loss, etc. of temporary event notice)—
  - (a) in the title, after “notice” insert “or statement of conditions”,
  - (b) after subsection (1) insert—
    - “(1A) Where a statement of conditions that is given under section 106A(3) is lost, stolen, damaged or destroyed, the premises user may apply to the licensing authority which gave the statement for a copy of the statement.”,
  - (c) in subsection (4), after “copy of the notice” insert “or statement”,
  - (d) in subsection (4)(a), after “notice” insert “or statement”,
  - (e) in subsection (5), after “notice” insert “or statement”, and
  - (f) in subsection (6), after “notice” insert “or statement”.
- (6) The amendments made by this section apply in relation to temporary event notices that are given on or after the commencement of this section.

## **114 Temporary event notices: late notices**

- (1) The Licensing Act 2003 is amended as set out in subsections (2) to (12).
- (2) In section 98(2) (meaning of “permitted temporary activity”), for “sections 102 (acknowledgement of notice) and 104(1) (notification of police)” substitute “section 102 (acknowledgement of notice)”.
- (3) In section 100 (temporary event notice)—
  - (a) in subsection (7), for paragraph (a) substitute—
    - “(a) must be given in accordance with section 100A, and”, and”
  - (b) in subsection (7)(b), after “fee” insert “when it is given by the premises user to the relevant licensing authority”.

(4) After section 100 insert—

**“100A Standard and late temporary event notices**

- (1) For the purposes of section 100(7)(a), a temporary event notice must be given in accordance with—
- (a) subsection (2), in which case the notice is a “standard temporary event notice”, or
  - (b) subsection (3), in which case the notice is a “late temporary event notice”.
- (2) A temporary event notice is given in accordance with this subsection if, no later than ten working days before the day on which the event period begins,—
- (a) it is given to the relevant licensing authority by means of a relevant electronic facility, or
  - (b) it is given to the relevant licensing authority (otherwise than by means of a relevant electronic facility) and to each relevant person.
- (3) A temporary event notice is given in accordance with this subsection if—
- (a) it is given to the relevant licensing authority by means of a relevant electronic facility no later than five working days, but no earlier than nine working days, before the day the event period begins, or
  - (b) both of the following are satisfied—
    - (i) it is given to the relevant licensing authority (otherwise than by means of a relevant electronic facility) and to each relevant person no later than five working days before the day on which the event period begins;
    - (ii) it is given to at least one of those persons no earlier than nine working days before the day on which that event period begins.
- (4) Where a temporary event notice (the “original notice”) is given by the premises user to the relevant licensing authority by means of a relevant electronic facility as referred to in subsection (2)(a) or (3)(a)—
- (a) the licensing authority must give a copy of the original notice to each relevant person no later than the end of the first working day after the day on which the original notice was given to the authority, and
  - (b) for the purposes of this Act, the copy is to be treated as if it were the original notice.
- (5) In this section “event period” in relation to a temporary event notice means the event period specified in the notice.”.

(5) In section 102 (acknowledgement of notice), for subsection (3) substitute—

- “(3) Subsection (1) does not apply where, before the time by which acknowledgement of the receipt of the notice must be given in accordance with that subsection, a counter notice has been given to the premises user under—
- (a) where the counter notice is in respect of a late temporary event notice, section 104A, or

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- (b) where the counter notice is in respect of a standard temporary event notice or a late temporary event notice, section 107.”.
- (6) In section 104 (objection to notice)—
- (a) omit subsections (1) and (1A), and
  - (b) in subsection (3), for “a copy of the temporary event notice under subsection (1) or (1A)” substitute “the temporary event notice”.
- (7) After section 104 insert—
- “104A Counter notice following objection to late notice**
- (1) Where an objection notice is given under section 104(2) in respect of a late temporary event notice, the relevant licensing authority must give the premises user a counter notice under this section.
  - (2) The counter notice must—
    - (a) be in the prescribed form, and
    - (b) be given to the premises user in the prescribed manner.
  - (3) The relevant licensing authority must, no later than 24 hours before the beginning of the event period specified in the temporary event notice—
    - (a) give the counter notice to the premises user, and
    - (b) give a copy of the counter notice to each relevant person.”.
- (8) In section 105 (counter notice following objection)—
- (a) in the title, after “objection” insert “to standard temporary event notice”,
  - (b) in subsection (1), for “in respect of a” substitute “under section 104(2) in respect of a standard”, and
  - (c) omit subsection (7).
- (9) In section 106(1) (modification of notice following objection)—
- (a) in the title, for “notice” substitute “standard temporary event notice”,
  - (b) in subsection (1), for “in respect of a” substitute “under section 104(2) in respect of a standard”, and
  - (c) in subsection (2), for “the notice returned to the premises user under section 102” substitute “it”.
- (10) In section 107 (counter notice where permitted limits exceeded)—
- (a) in subsection (2), for paragraph (b) substitute—
 

“(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.”, and”
  - (b) in subsection (3), for paragraph (b) substitute—
 

“(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.”.

- (11) In section 194 (index of defined expressions)—
- (a) after the entry for the expression “late night refreshment” insert—
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- “late temporary event notice ... .. section 100A(1)(b)”, and
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- (b) after the entry for the expression “secretary, in Part 4” insert—
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- “standard temporary event notice section 100A(1)(a)”.
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- (12) In paragraph 16(1)(a) of Schedule 5 (appeals), after “a” insert “standard”.
- (13) The amendments made by this section apply in relation to temporary event notices that are given on or after the commencement of this section.

### **115 Relaxation of time limits applying to temporary event notices**

- (1) The Licensing Act 2003 is amended as set out in subsections (2) and (3).
- (2) In section 100 (temporary event notice)—
- (a) in subsection (1), for “96 hours” substitute “168 hours”, and
- (b) in subsection (5)(b), for “96 hours” substitute “168 hours”.
- (3) In section 107(5) (counter notice where permitted limits exceeded), for “15 days” substitute “21 days”.
- (4) The amendments made by this section apply in relation to temporary event notices that are given on or after the commencement of this section.

### **116 Temporary event notices: acknowledgment of notice**

- (1) In section 102 of the Licensing Act 2003 (acknowledgement of notice)—
- (a) in subsection (1), for “(in duplicate) in accordance with this Part, it must acknowledge receipt of the notice by sending or delivering one notice” substitute “in accordance with this Part, it must give written acknowledgement of the receipt of the notice”, and
- (b) omit subsection (2).
- (2) The amendments made by this section apply in relation to temporary event notices that are given on or after the commencement of this section.

### **117 Temporary event notice: time for objection to notice**

- (1) In section 104(3) of the Licensing Act 2003 (objection to temporary event notice by police), for “second” substitute “third”.
- (2) The amendment made by this section applies in relation to temporary event notices that are given on or after the commencement of this section.