



# Licensing Act 2003

## 2003 CHAPTER 17

### PART 5

#### PERMITTED TEMPORARY ACTIVITIES

##### *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.
- (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.

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*Status: This is the original version (as it was originally enacted).*

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## **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 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

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*Status: This is the original version (as it was originally enacted).*

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- (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).