



Police Reform and Social Responsibility Act 2011

2011 CHAPTER 13

PART 2

LICENSING

CHAPTER 1

AMENDMENTS OF THE LICENSING ACT 2003

Temporary event notices

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—

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“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
 - (b) where the counter notice is in respect of a standard temporary event notice or a late temporary event notice, section 107.”.

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- (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)—

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(a) after the entry for the expression “late night refreshment” insert—

“late temporary event notice section 100A(1)(b)”, and

(b) after the entry for the expression “secretary, in Part 4” insert—

“standard temporary event notice section 100A(1)(a)”.

(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.

Commencement Information

- I1** S. 114(1)(7) in force at 22.3.2012 for specified purposes by S.I. 2012/896, art. 2(f)
- I2** S. 114(1)(7) in force at 25.4.2012 in so far as not already in force by S.I. 2012/1129, art. 2(d)
- I3** S. 114(2)-(6)(8)-(13) in force at 25.4.2012 by S.I. 2012/1129, art. 2(d)

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