



# Licensing Act 2003

## 2003 CHAPTER 17

### PART 5

#### PERMITTED TEMPORARY ACTIVITIES

##### *[<sup>F1</sup>Objections]*

#### **105 Counter notice following <sup>F1</sup>... objection [<sup>F2</sup>to standard temporary event notice]**

- (1) This section applies where an objection notice is given [<sup>F3</sup>under section 104(2) in respect of a standard] temporary event notice.
- (2) The relevant licensing authority must—
  - (a) hold a hearing to consider the objection notice, unless the premises user, the [<sup>F4</sup>relevant person] 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 [<sup>F5</sup>appropriate] for the promotion of [<sup>F6</sup>a licensing 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 [<sup>F7</sup>each relevant person] 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 [<sup>F8</sup>each relevant person] 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.

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**Changes to legislation:** Licensing Act 2003, Section 105 is up to date with all changes known to be in force on or before 11 April 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

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- (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- (a) if the objection notice has been withdrawn (whether by virtue of section 106 or otherwise), or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.

<sup>F9</sup>(7) .....

#### Textual Amendments

- F1** Word in s. 105 title omitted (25.4.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 112(9)(a)**, 157(1) (with s. 112(14)); S.I. 2012/1129, art. 2(d)
- F2** Words in s. 105 title inserted (25.4.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 114(8)(a)**, 157(1) (with s. 114(13)); S.I. 2012/1129, art. 2(d)
- F3** Words in s. 105(1) substituted (25.4.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 114(8)(b)**, 157(1) (with s. 114(13)); S.I. 2012/1129, art. 2(d)
- F4** Words in s. 105(2)(a) substituted (25.4.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 112(9)(b)**, 157(1) (with s. 112(14)); S.I. 2012/1129, art. 2(d)
- F5** Word in s. 105(2)(b) substituted (25.4.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 111(2)**, 157(1) (with s. 111(7)); S.I. 2012/1129, art. 2(d)
- F6** Words in s. 105(2)(b) substituted (25.4.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 112(9)(c)**, 157(1) (with s. 112(14)); S.I. 2012/1129, art. 2(d)
- F7** Words in s. 105(3)(a) substituted (25.4.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 112(9)(d)**, 157(1) (with s. 112(14)); S.I. 2012/1129, art. 2(d)
- F8** Words in s. 105(3)(b)(ii) substituted (25.4.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 112(9)(e)**, 157(1) (with s. 112(14)); S.I. 2012/1129, art. 2(d)
- F9** S. 105(7) omitted (25.4.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 114(8)(c)**, 157(1) (with s. 114(13)); S.I. 2012/1129, art. 2(d)

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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\(2\)](#)