
STATUTORY INSTRUMENTS

2012 No. 960

LICENCES AND LICENSING

The Licensing Act 2003 (Permitted Temporary Activities) (Notices) (Amendment) Regulations 2012

<i>Made</i>	- - - -	<i>24th March 2012</i>
<i>Laid before Parliament</i>		<i>30th March 2012</i>
<i>Coming into force</i>	- -	<i>25th April 2012</i>

The Secretary of State, in exercise of the powers conferred by sections 100(4) and (5), 104A(2), 106A(4), 107(7) and 193(1) of the Licensing Act 2003(2), makes the following Regulations.

Citation and commencement

1. These Regulations may be cited as the Licensing Act 2003 (Permitted Temporary Activities) (Notices) (Amendment) Regulations 2012 and come into force on 25th April 2012.

Permitted temporary activities: forms

2. The Licensing Act 2003 (Permitted Temporary Activities) (Notices) Regulations 2005(3) are amended in accordance with regulations 3 to 6.

Interpretation

3. For regulation 2 substitute—

“Interpretation

2. In these Regulations—

“the Act” means the Licensing Act 2003;

“appropriate address” in relation to a counter notice (late temporary event notice), notice (conditions on a temporary event notice) or counter notice (permitted limits) means—

(1) See definitions of “prescribed” and “regulations”.
(2) 2003 c.17. Section 100(5) was amended by section 115(1) and (2)(b) of the Police Reform and Social Responsibility Act 2011 (c. 13). Sections 104A and 106A were respectively inserted by sections 114(1) and (7), and 113(1) and (3) of that Act.
(3) S.I. 2005/2918 as amended by S.I. 2010/2851.

- (a) the postal address indicated in section 1(8) of the temporary event notice in respect of which the counter notice or notice is given, or
- (b) if there is no such address the postal address indicated in section 1(6) of the notice;

“appropriate e-mail address” in relation to a counter notice (late temporary event notice), notice (conditions on a temporary event notice) or counter notice (permitted limits) means—

- (a) an e-mail address indicated in section 1(9) of the temporary event notice in respect of which the counter notice or notice is given, or
- (b) if sections 1(8) and 1(9) of the notice have not been completed, an e-mail address indicated in section 1(7) of the notice;

“counter notice (late temporary event notice)” means a counter notice under section 104A of the Act;

“counter notice (permitted limits)” means a counter notice under section 107 of the Act;

“late temporary event notice” has the same meaning as in section 100A(1) of the Act;

“notice (conditions on a temporary event notice)” means a notice and statement of conditions under section 106A of the Act;

“ordinary post” means ordinary prepaid first-class or second-class post (with or without special arrangements for delivery).”.

Form of temporary event notice

- 4. For the form in Schedule 1 substitute the form in Schedule 1 to these Regulations.

Form and manner of giving counter notices etc.

- 5. Omit regulations 4 to 6 and Schedule 2.
- 6. After regulation 3 add—

“Form of counter notice (objection to late temporary event notice)

- 4. The prescribed form for a counter notice (late temporary event notice) is set out in Schedule 2.

Form of notice and statement of conditions

- 5. The prescribed form for a notice (conditions on a temporary event notice) and statement of conditions is set out in Schedule 3.

Form of counter notice (where permitted limits exceeded)

- 6. The prescribed form for a counter notice (permitted limits) is set out in Schedule 4.

Manner of giving counter notices or notice and conditions

- 7. A counter notice (late temporary event notice), notice (conditions on a temporary event notice) or counter notice (permitted limits) is given in the prescribed manner if it is—
 - (a) delivered to the premises user;

- (b) left at the appropriate address;
- (c) sent to that address by ordinary post; or
- (d) sent by e-mail to an appropriate e-mail address.”.

Home Office
24th March 2012

Lord Henley
Minister of State

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Regulation 4

Temporary Event Notice

Before completing this notice please read the guidance notes at the end of the notice. If you are completing this notice by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary.

You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)			
1. Your name			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname			
Forenames			
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname			
Forenames			
3. Your date of birth		Day	Month
			Year
4. Your place of birth			
5. National Insurance Number			
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
Post town		Post code	
7. Other contact details			
Telephone numbers			
Daytime			
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail Address (if available)			

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8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	
Post town	Post code
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address (if available)	

2. The premises	
Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2)	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Please describe the nature of the premises below. (Please read note 4)	
Please describe the nature of the event below. (Please read note 5)	

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3. The licensable activities	
Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on). (Please read note 6)	
The sale by retail of alcohol	<input type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment	<input type="checkbox"/>
The provision of late night refreshment	<input type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 7)	<input type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)	
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)	
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)	
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 11)	On the premises only <input type="checkbox"/>
	Off the premises only <input type="checkbox"/>
	Both <input type="checkbox"/>

4. Personal licence holders (Please read note 12)		
Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority		

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Licence number	
Date of issue	
Date of expiry	
Any further relevant details	

5. Previous temporary event notices you have given (Please read note 13)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input type="checkbox"/>

6. Associates and business colleagues (Please read note 14)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input type="checkbox"/>

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7. Checklist (Please read note 15)	
I shall (Please mark the appropriate boxes with an "X")	
Send at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input type="checkbox"/>
Send a copy of this notice to the chief officer of police for the area in which the premises are situated	<input type="checkbox"/>
Send a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input type="checkbox"/>
If the premises are situated in one or more licensing authority areas, send at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, send a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Make or enclose payment of the fee for the application	<input type="checkbox"/>
Sign the declaration in Section 9 below	

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8. Condition (Please read note 16)

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

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9. Declarations (Please read note 17)	
<p>The information contained in this form is correct to the best of my knowledge and belief.</p> <p>I understand that it is an offence:</p> <p>(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and</p> <p>(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.</p>	
Signature	
Date	
Name of Person signing	

For completion by the licensing authority

10. Acknowledgement (Please read note 18)
<p>I acknowledge receipt of this temporary event notice.</p>

Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

NOTES

General

The police and local authority exercising environmental health functions may intervene on the grounds of any of the four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm) to prevent the occurrence of an event at which permitted temporary activities are to take place or to agree a modification of the arrangements for such an event. However, the licensing authority will intervene of its own volition in the cases described below.

First, it will issue a counter notice if there is an objection to a late temporary event notice (see note 7 below).

Secondly, it may issue a notice in relation to its decision to impose conditions on a temporary event notice (see note 2 below).

Thirdly, it will issue a counter notice if the first, second and fourth of the limits set out below would be exceeded. If any of the limits below are breached or if a counter notice has been issued, any licensable activities taking place would be unauthorised and the premises user would be liable to prosecution. The limitations apply to:

- the number of times a person (the “premises user”) may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a person (the “premises user”) may give a late temporary event notice (10 times per year for a personal licence holder and 2 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (12 times in a calendar year);
- the length of time a temporary event may last for these purposes (168 hours);
- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (21 days per calendar year); and
- the scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499).

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. The limits applying to late temporary event notices are included within the overall limits applying to the total number of temporary event notices. Note 14 below explains the definition of an “associate”.

When permitted temporary activities take place, a premises user must ensure that either:

a copy of the temporary event notice endorsed as acknowledged by the licensing authority is prominently displayed at the premises; or that

the temporary event notice is kept at the premises either in his own custody or in the custody of a person present and working at the premises and whom he has nominated for that purpose.

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Where the temporary event notice is in the custody of a nominated person, a notice specifying that fact and the position held by that person must be displayed prominently at the premises.

Where the temporary event notice or a notice specifying the nominated person is displayed, a constable or an authorised person (for example, a licensing officer, fire officer or environmental health officer) may require the premises user to produce the temporary event notice for examination. Similarly, where the nominated person has the temporary event notice in his custody, a constable or authorised person may require that person to produce it for examination. Failure to produce the temporary event notice without reasonable excuse would be an offence.

It should also be noted that the following, among other things, are offences under the Licensing Act 2003:

- the sale or supply of alcohol to children under 18 years of age (maximum fine on conviction is a fine up to level 5 on the standard scale, currently £5,000);
- allowing the sale of alcohol to children under 18 (maximum fine on conviction is a fine up to level 5 on the standard scale, currently £5,000);
- knowingly allowing the consumption of alcohol on the premises by a person aged under 18 (maximum fine on conviction is a fine up to level 5 on the standard scale, currently £5,000);
- allowing disorderly behaviour on the premises (maximum fine on conviction is a fine up to level 3 on the standard scale, currently £1,000);
- the sale of alcohol to a person who is drunk (maximum fine on conviction is a fine up to level 3 on the standard scale, currently £1,000);
- obtaining alcohol for a person who is drunk (maximum fine on conviction is a fine up to level 3 on the standard scale, currently £1,000);
- knowingly allowing a person aged under 18 to make any sale or supply of alcohol unless the sale or supply has been specifically approved by the premises user or any individual aged 18 or over who has been authorised for this purpose by the premises user (maximum fine on conviction is a fine up to level 1 on the standard scale, currently £200); and
- knowingly keeping or allowing to be kept on the premises any smuggled goods which have been imported without payment of duty or which have otherwise been unlawfully imported (maximum fine on conviction is a fine up to level 3 on the standard scale, currently £1,000).

In addition, where the premises are to be used primarily or exclusively for the sale or supply of alcohol for consumption on the premises, it is an offence to allow children under 16 to be present when the premises are open for that purpose unless they are accompanied by an adult. In the case of any premises at which sales or supplies of alcohol are taking place at all, it is an offence for a child under 16 to be present there between the hours of midnight and 5am unless accompanied by an adult. In both instances, the penalty on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000.

Note 1

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed “premises user”. Within businesses, clubs or organisations, one individual will therefore need to be identified as the proposed premises user.

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If you include an e-mail address in section 1(7) or 1(9), the licensing authority may send to this the acknowledgement of receipt of your notice or any notice or counter notice it is required to give under sections 104A, 106A or 107 of the Licensing Act 2003.

Note 2

For the purposes of the Licensing Act 2003, “premises” means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

If a premises licence or club premises certificate has effect in relation to the premises (or any part of the premises) which you want to use to carry on licensable activities, it is possible that any conditions which apply to the licence or certificate may be imposed on the temporary event notice if certain pre-conditions are met. These pre-conditions are that the police or the local authority exercising environmental health functions object to the notice and the licensing authority decides:

- not to give a counter notice under section 105 of the Licensing Act 2003;
- the conditions apply to the licence or certificate; and
- the imposition of the conditions on the notice would not be inconsistent with the carrying on of the licensable activities under the notice.

Note 3

A temporary event notice can be given for part of a building, such as a single room or a plot within a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution.

In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500. If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

Note 4

A description of the nature of the premises assists the chief officer of police and local authority exercising environmental health functions in deciding if any issues relating to the licensing objectives are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

Note 5

A description of the nature of the event similarly assists the chief officer of police and local authority exercising environmental health functions in making a decision as to whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers’ market, a discotheque, the performance of a string quartet, a folk group or a rock band.

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Note 6

The licensable activities are:

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

Please refer to Schedules 1 and 2 to the Licensing Act 2003 for fuller details of the definitions and exemptions relating to regulated entertainment and late night refreshment.

Regulated entertainment, subject to specified conditions and exemptions, includes:

- (a) a performance of a play;
- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;
- (e) a performance of live music;
- (f) any playing of recorded music;
- (g) a performance of dance;
- (h) entertainment of a similar description to that falling within (e), (f) or (g).

Regulated entertainment also includes the provision of “entertainment facilities” for:

- (a) making music;
- (b) dancing; and
- (c) entertainment of a similar description to that falling within (a) or (b).

If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

Note 7

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised.

The number of late notices that can be given in any one calendar year is limited to 5 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices (i.e. 50 temporary event notices per year for personal licence holders and 5 temporary event notices for non-personal licence holders).

If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead and a counter notice will be issued.

Note 8

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours (seven days).

Note 9

You should state here the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you may not intend to carry on licensable activities throughout the entire 48 hour event period, and may intend to sell alcohol between 8.00 hrs and 23.00 hrs on each of the two days.

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Note 10

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise you. The maximum figure of 499 does not just include the audience, spectators or consumers and includes, for example, staff, organisers, stewards and performers who will be present on the premises.

Note 11

If you indicate that alcohol will be supplied only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol supplied there. If such a supply takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol supplied is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies. For this purpose the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

Note 12

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

Note 13

As stated under Note 12, a personal licence holder (issued under the Licensing Act 2003) may give up to 50 temporary event notices (including 5 late notices) in any calendar year. An individual who does not hold a personal licence may only give 5 temporary event notices (including 2 late notices) in England and Wales in any calendar year. A calendar year is the period between 1 January to 31 December inclusive in any year.

If an event straddles two calendar years, it will count against the limits on temporary event notices (12 for each premises, 21 days for each premises, 50 per personal licence holder and 5 for non-holders) for each year, however, only one notice needs to be given.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 14 below sets out the definition of an "associate".

If a temporary event notice has been given for the same premises, by the same premises user, and would have effect within 24 hours before the start of the event period under the current proposal or within 24 hours after the end of that period, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count as if they had been given by the premises user himself. Note 14 below sets out the definition of an "associate".

Note 14

An "associate" of the proposed premises user is:

- a. the spouse of that person;
- b. a child, parent, grandchild, grandparent, brother or sister of that person;
- c. an agent or employee of that person; or
- d. the spouse of a person within (b) or (c).

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For these purposes, a person living with another as that person's husband or wife is to be treated as that person's spouse.

These provisions will be subject to amendment by the Civil Partnerships Act. These amendments are due to take effect from 5th December 2005.

Note 15

It is a requirement that you send at least one copy of this notice to the licensing authority at least ten working days (or five working days for a late notice) before the commencement of the proposed licensable activities. The authority will give you written acknowledgement of the receipt of the notice. This will be important proof that you gave the notice and when you gave it for the purposes of the Act. Some premises may be situated in two licensing authority areas, for example, where a building or field straddles the local authority boundary. Where this is the case, at least one copy of the notice must be sent to each of the licensing authorities identified, together with the appropriate fee in each case. In such circumstances, you will receive acknowledgements from all the relevant licensing authorities.

One copy must be sent to each of the chief officer of police and the local authority exercising environmental health functions for the area in which the premises is situated at least ten working days for a standard notice (or five working days for a late notice) before the commencement of the proposed licensable activities. Where the premises are situated in two police areas or environmental health areas, a further copy will need to be sent to the second police force and local authority exercising environmental health functions.

Note 16

Under the Licensing Act 2003, all temporary event notices are given subject to a mandatory condition requiring that where the licensable activities involve the supply of alcohol, all such supplies must be made by or under the authority of the named premises user. If there is a breach of this condition, the premises user and the individual making the supply in question would be liable to prosecution. For this purpose the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

Note 17

It is an offence knowingly or recklessly to make a false statement in, or in connection with, a temporary event notice. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement). To do so could result in prosecution and a fine not exceeding level 5 on the standard scale.

Note 18

You should not complete section 10 of the notice, which is for use by the licensing authority. It may complete this section as one means of giving you written acknowledgement of the receipt of the notice.

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SCHEDULE 2

Regulation 6

PRESCRIBED FORM OF COUNTER NOTICE (LATE TEMPORARY EVENT NOTICE)

The prescribed form for a counter notice (late temporary event notice) is as follows:

[Insert name and address of relevant licensing authority and its reference number (optional)]

Counter Notice (Late Temporary Event Notice) – Permitted Temporary Activities

On [insert date] the licensing authority received from you, [insert name], a late temporary event notice (“the notice”) in respect of proposed temporary licensable activities due to take place on [insert date] at [insert address or description of premises]. The licensing authority has received an objection under section 104(2) of the Licensing Act 2003 (“the Act”).

The objection which applies is indicated by an “X” in the following table.

Objection	Insert “X” as applicable
<p>A chief officer of police for any police area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective.</p>	
<p>A local authority exercising environmental health functions for the area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective.</p>	

A copy of this counter notice will be sent to the chief of police and the local authority exercising environmental health functions for the area in which the premises specified in the late temporary event notice you gave is situated.

The Licensing Act 2003 does not make provision for you to appeal against this counter notice.

Under section 136 of the Licensing Act 2003, a person commits an offence if he carries on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or if he knowingly allows a licensable activity to be so carried on. A person convicted of such an offence is liable to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

SIGNATURE	On behalf of the licensing authority	DATE	
Name of Officer signing			

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SCHEDULE 3

Regulation 6

PRESCRIBED FORM OF NOTICE (CONDITIONS ON A TEMPORARY EVENT NOTICE) AND STATEMENT OF CONDITIONS

The prescribed form for a notice (conditions on a temporary event notice) is as follows:

[Insert name and address of relevant licensing authority and its reference number (optional)]

Notice (Conditions on a Temporary Event Notice) – Permitted Temporary Activities

On [insert date] the licensing authority received from you, [insert name], a temporary event notice (“the notice”) in respect of proposed temporary licensable activities due to take place on [insert date] at [insert address or description of premises]. The licensing authority has received an objection under section 104(2) of the Licensing Act 2003 (“the Act”). The licensing authority has decided not to give you a counter notice under section 105 of the Act and instead is imposing one or more conditions on the notice in accordance with section 106A(2) of the Act.

The attached statement (“statement of conditions”) sets out the condition(s) which has/have been imposed on the notice.

The objection which applies is indicated by an “X” in the following table.

Objection	Insert “X” as applicable
A chief officer of police for any police area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective.	
A local authority exercising environmental health functions for the area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective.	

A copy of this counter notice will be sent to the chief of police and the local authority exercising environmental health functions for the area in which the premises specified in the late temporary event notice you gave is situated.

The Licensing Act 2003 does not make provision for you to appeal against this counter notice.

Under section 136 of the Licensing Act 2003, a person commits an offence if he carries on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or if he knowingly allows a licensable activity to be so carried on. A person convicted of such an offence is liable to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

SIGNATURE	On behalf of the licensing authority	DATE	
Name of Officer signing			

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

The prescribed form for a statement of conditions is as follows:

The condition(s) is/are:			
SIGNATURE		DATE	
	On behalf of the licensing authority		
Name of Officer signing			

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 4

Regulation 6

PRESCRIBED FORM OF COUNTER NOTICE (PERMITTED LIMITS)

The prescribed form for a counter notice (permitted limits) is as follows:

[Insert name and address of relevant licensing authority and its reference number (optional)]

Counter Notice (Permitted Limits) – Permitted Temporary Activities

On [insert date] the licensing authority received from you, [insert name], a temporary event notice (“the notice”) in respect of proposed temporary licensable activities due to take place on [insert date] at [insert address or description of premises]. The licensing authority is satisfied that if the activities were to take place, one of the permitted limits set out in section 107(2), (3), (4) and (5) of the Licensing Act 2003 (“the Act”) would be exceeded.

The limit (and subsection) which applies is indicated by an “X” in the following table.

Relevant limit (and subsection of the Licensing Act 2003)	Insert “X” as applicable
You are a personal licence holder and you have already given at least 50 temporary event notices in respect of event periods wholly or partly within the same calendar year as the event notice specified in the notice. (See section 107(2)(b)(i) of the Act)	
You are a personal licence holder and you have already given at least 10 late temporary event notices in respect of event periods wholly or partly within the same calendar year as the event notice specified in the notice. (See section 107(2)(b)(ii) of the Act)	
You are not a personal licence holder and you have already given at least 5 temporary event notices in respect of event periods wholly or partly within the same calendar year as the event notice specified in the notice. (See section 107(3)(b)(i) of the Act)	
You are not a personal licence holder and you have already given at least 2 late temporary event notices in respect of event periods wholly or partly within the same calendar year as the event notice specified in the notice. (See section 107(3)(b)(ii) of the Act)	
At least 12 temporary event notices have already been given which are in respect of the premises indicated in the notice and which specify as the event a period wholly or partly within the same calendar year as the event specified in the notice. (See section 107(4) of the Act)	
In the calendar year in which the event period specified in the notice (or any part of it) falls, more than 21 days are days on which one or both of the following fall – that event or any part of it, an event period specified in a temporary event notice already given in respect of the same premises as the notice, or any part of such period. (See section 107(5) of the Act)	

A copy of this counter notice will be sent to the chief of police and the local authority exercising environmental health functions for the area in which the premises specified in the temporary event notice you gave is situated.

The Licensing Act 2003 does not make provision for you to appeal against this counter notice.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Under section 136 of the Licensing Act 2003, a person commits an offence if he carries on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or if he knowingly allows a licensable activity to be so carried on. A person convicted of such an offence is liable to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

SIGNATURE	On behalf of the licensing authority	DATE	
Name of Officer signing			

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Licensing Act 2003 (Permitted Temporary Activities) (Notices) Regulations 2005 ([SI 2005/2918](#)) (“the 2005 Regulations”) to give effect to certain amendments made to the Licensing Act 2003 (“the 2003 Act”) by the Police Reform and Social Responsibility Act 2011.

Part 5 of the 2003 Act sets out a framework under which a person (“the premises user”) can carry on licensable activities without having to obtain a premises licence or club premises certificate. The premises user may instead give a temporary event notice (“a TEN”) to the licensing authority which must include certain information (including, but not limited to, the proposed licensable activities, details of the premises and duration of the proposed event). A TEN is subject to a number of limits which apply by reference to any calendar year (including, but not limited to, the number of TENs which may be given by the premises user and the number which may be given in relation to the

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same premises). The amendments to Part 5 of the 2003 Act enable the police and local authority exercising environmental health functions to object to a TEN on the basis of any licensing objectives, the premises user to give a limited number of TENs no later than 5 working days before the event, the licensing authority to impose conditions on a TEN if the requirements set out in section 106A of the 2003 Act are met, and a TEN to authorise an activity to be carried on for a maximum period of 168 hours (7 days).

Regulation 3 replaces the interpretation provision in regulation 2 of the 2005 Regulations so as to bring the regulations into line with the amendments to the 2003 Act.

Regulation 4 replaces the form of TEN prescribed in Schedule 1 to the 2005 Regulations.

Regulations 5 and 6 omit regulations 4 to 6 of the 2005 Regulations and insert new regulations 4 to 7. Regulation 6 prescribes the form of the counter notice which the licensing authority may give to the premises user if the police or local authority exercising environmental health functions have objected to the TEN, the notice and statement of conditions which the licensing authority may give to the premises user if it decides that it is appropriate to impose conditions on the TEN, and the counter notice which the licensing authority may give to the premises user if the TEN exceeds one of the permitted limits.

Regulation 6 also prescribes the manner in which the licensing authority may give each of the notice or counter notices described above to the premises user.

An impact assessment has not been produced for this instrument as no impact on businesses, charities, voluntary bodies or the public sector is foreseen.