



# Licensing Act 2003

## 2003 CHAPTER 17

### PART 5

#### PERMITTED TEMPORARY ACTIVITIES

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

#### Textual Amendments

- F1** Word in s. 104 cross-heading substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), ss. **112(3)**, 157(1) (with s. 112(14)); S.I. 2012/1129, art. 2(d)

#### 104 Objection to notice by [<sup>F2</sup>a relevant person]

<sup>F3</sup>(1) .....

<sup>F4</sup>(1A) .....

<sup>F5</sup>(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.]

(3) The objection notice must be given [<sup>F6</sup>before the end of the [<sup>F7</sup>third] working day following the day on which] the [<sup>F8</sup>relevant person] is given [<sup>F9</sup>the temporary event notice].

(4) Subsection (2) does not apply at any time after the [<sup>F10</sup>relevant person] has received a copy of a counter notice under section 107 in respect of the temporary event notice.

<sup>F11</sup>(5) .....

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#### Textual Amendments

- F2** Words in s. 104 title substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 112\(4\)](#), [157\(1\)](#) (with [s. 112\(14\)](#)); S.I. 2012/1129, art. 2(d)
- F3** S. 104(1) omitted (25.4.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 114\(6\)\(a\)](#), [157\(1\)](#) (with [s. 114\(13\)](#)); S.I. 2012/1129, art. 2(d)
- F4** S. 104(1A) omitted (25.4.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 114\(6\)\(a\)](#), [157\(1\)](#) (with [s. 114\(13\)](#)); S.I. 2012/1129, art. 2(d)
- F5** S. 104(2) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 112\(5\)](#), [157\(1\)](#) (with [s. 112\(14\)](#)); S.I. 2012/1129, art. 2(d)
- F6** Words in s. 104(3) substituted (1.10.2010) by [The Legislative Reform \(Licensing\) \(Interim Authority Notices etc\) Order 2010 \(S.I. 2010/2452\)](#), [art. 3](#) (with art. 4)
- F7** Word in s. 104(3) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 117\(1\)](#), [157\(1\)](#) (with [s. 117\(2\)](#)); S.I. 2012/1129, art. 2(d)
- F8** Words in s. 104(3) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 112\(6\)](#), [157\(1\)](#) (with [s. 112\(14\)](#)); S.I. 2012/1129, art. 2(d)
- F9** Words in s. 104(3) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 114\(6\)\(b\)](#), [157\(1\)](#) (with [s. 114\(13\)](#)); S.I. 2012/1129, art. 2(d)
- F10** Words in s. 104(4) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 112\(7\)](#), [157\(1\)](#) (with [s. 112\(14\)](#)); S.I. 2012/1129, art. 2(d)
- F11** S. 104(5) omitted (25.4.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 112\(8\)](#), [157\(1\)](#) (with [s. 112\(14\)](#)); S.I. 2012/1129, art. 2(d)

#### [<sup>F12</sup>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.]

#### Textual Amendments

- F12** S. 104A inserted (22.3.2012 for specified purposes, 25.4.2012 in so far as not already in force) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 114\(7\)](#), [157\(1\)](#) (with [s. 114\(13\)](#)); S.I. 2012/896, art. 2(f); S.I. 2012/1129, art. 2(d)

#### 105 Counter notice following <sup>F13</sup>... objection [<sup>F14</sup>to standard temporary event notice]

- (1) This section applies where an objection notice is given [<sup>F15</sup>under section 104(2) in respect of a standard] temporary event notice.
- (2) The relevant licensing authority must—

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- (a) hold a hearing to consider the objection notice, unless the premises user, the <sup>F16</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>F17</sup>[appropriate] for the promotion of <sup>F18</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>F19</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>F20</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.
- (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>F21</sup>(7) .....

#### Textual Amendments

- F13** 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)
- F14** 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)
- F15** 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)
- F16** 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)
- F17** 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)
- F18** 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)
- F19** 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)
- F20** 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)
- F21** 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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## 106 Modification of [<sup>F22</sup>standard temporary event notice] following <sup>F23</sup>... objection

- (1) This section applies where a [<sup>F24</sup>relevant person] has given an objection notice [<sup>F25</sup>under section 104(2) in respect of a standard] 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 [<sup>F26</sup>relevant person] may, with the agreement of the premises user [<sup>F27</sup>and each other relevant person], modify the temporary event notice by making changes to [<sup>F28</sup>it].
- (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
    - (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 [<sup>F29</sup>relevant person] to the relevant licensing authority before a hearing is held or dispensed with under section 105(2).
- <sup>F30</sup>(5) . . . . .
- (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).

### Textual Amendments

- F22** Words in s. 106 title substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), ss. 114\(9\)\(a\), 157\(1\)](#) (with s. 114(13)); S.I. 2012/1129, art. 2(d)
- F23** Word in s. 106 title omitted (25.4.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\), ss. 112\(10\)\(a\), 157\(1\)](#) (with s. 112(14)); S.I. 2012/1129, art. 2(d)
- F24** Words in s. 106(1) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), ss. 112\(10\)\(b\), 157\(1\)](#) (with s. 112(14)); S.I. 2012/1129, art. 2(d)
- F25** Words in s. 106(1) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), ss. 114\(9\)\(b\), 157\(1\)](#) (with s. 114(13)); S.I. 2012/1129, art. 2(d)
- F26** Words in s. 106(2) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), ss. 112\(10\)\(c\)\(i\), 157\(1\)](#) (with s. 112(14)); S.I. 2012/1129, art. 2(d)
- F27** Words in s. 106(2) inserted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), ss. 112\(10\)\(c\)\(ii\), 157\(1\)](#) (with s. 112(14)); S.I. 2012/1129, art. 2(d)
- F28** Word in s. 106(2) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), ss. 114\(9\)\(c\), 157\(1\)](#) (with s. 114(13)); S.I. 2012/1129, art. 2(d)
- F29** Words in s. 106(4) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), ss. 112\(10\)\(d\), 157\(1\)](#) (with s. 112(14)); S.I. 2012/1129, art. 2(d)
- F30** S. 106(5) omitted (25.4.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\), ss. 112\(10\)\(e\), 157\(1\)](#) (with s. 112(14)); S.I. 2012/1129, art. 2(d)

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### [<sup>F31</sup>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
  - (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.]

#### Textual Amendments

**F31** S. 106A inserted (22.3.2012 for specified purposes, 25.4.2012 in so far as not already in force) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), ss. **113(3)**, 157(1) (with s. 113(6)); S.I. 2012/896, art. 2(e); S.I. 2012/1129, art. 2(d)

**Changes to legislation:**

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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\(2\)](#)