Police Reform and Social Responsibility Act 2011

2011 CHAPTER 13

PART 2

LICENSING

CHAPTER 1

AMENDMENTS OF THE LICENSING ACT 2003

Temporary event notices

113 Temporary event notices: conditions

(1) The Licensing Act 2003 is amended as set out in subsections (2) to (5).

(2) In section 98(1) (meaning of "permitted temporary activity"), for paragraph (a) substitute—

"(a) it is carried out in accordance with—

(i) a notice given in accordance with section 100, and

(ii) any conditions imposed under section 106A, and".

(3) After section 106 insert—

"**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(b) the objection notice has not been withdrawn, and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.".

(4) In section 109 (duty to keep and produce temporary event notice)—

(a) in the title, after "notice" insert "and statement of conditions",

(b) in subsection (2)(a), after "notice" insert ", together with a copy of any statement of conditions given under section 106A(3) in respect of the notice",

(c) in subsection (3)(a), after "notice" insert ", together with a copy of any statement of conditions given under section 106A(3) in respect of the notice",

(d) in subsection (3)(b), for "notice is" substitute "notice and any statement of conditions are",

(e) in subsection (5)(a), after "notice" insert "or any statement of conditions",

(f) in subsection (5), after "produce the temporary event notice" insert "or statement of conditions",

(g) in subsection (6), after "produce the temporary event notice" insert "or statement of conditions", and

(h) in subsection (8), after "notice" insert "or statement of conditions".

(5) In section 110 (theft, loss, etc. of temporary event notice)—

(a) in the title, after "notice" insert "or statement of conditions",

(b) after subsection (1) insert—

"(1A) Where a statement of conditions that is given under section 106A(3) is lost, stolen, damaged or destroyed, the premises user may apply to the licensing authority which gave the statement for a copy of the statement.",

(c) in subsection (4), after "copy of the notice" insert "or statement",

(d) in subsection (4)(a), after "notice" insert "or statement",

(e) in subsection (5), after "notice" insert "or statement", and

(f) in subsection (6), after "notice" insert "or statement".

(6) The amendments made by this section apply in relation to temporary event notices that are given on or after the commencement of this section.