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SCHEDULES

SCHEDULE 17

Section 67

PART TO BE INSERTED AS PART 5A OF THE LICENSING ACT 2003

“PART 5

SALE OF ALCOHOL AT COMMUNITY EVENTS ETC AND ANCILLARY BUSINESS SALE OF ALCOHOL

Conditions for permitted sales

110A General conditions

- (1) A sale by retail of alcohol is a permitted sale by virtue of this Part if—
 - (a) the community event conditions (set out in section 110B or in regulations made under that section) or the ancillary business sales conditions (set out in section 110C or in regulations made under that section) are satisfied in relation to it, and
 - (b) the conditions set out in subsections (2) to (5) below are satisfied in relation to it.
- (2) The sale must take place on premises specified in a notice that complies with section 110D (a “Part 5A notice”).
- (3) No counter notice under section 110J must have been given in relation to the Part 5A notice.
- (4) The sale must take place during the period of 36 months beginning with the date when the Part 5A notice takes effect.
- (5) The sale must take place between 07.00 a.m. and 11.00 p.m.

110B Community event conditions

- (1) The community event conditions, in relation to a sale by retail of alcohol, are the conditions set out in subsections (2) to (6) and any additional conditions set out in regulations under subsection (7).
- (2) The sale must be made by or on behalf of a body that—
 - (a) is of a prescribed description,
 - (b) does not trade for profit, and
 - (c) meets any prescribed criteria.
- (3) The sale must be ancillary to an event that—
 - (a) is taking place on the premises,

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- (b) is organised by the body by or on whose behalf the sale is made,
 - (c) has been advertised in advance, and
 - (d) meets any prescribed criteria.
- (4) The sale must take place on the premises during the course of the event.
- (5) The alcohol must be sold for consumption on the premises during the course of the event.
- (6) The number of persons present on the premises at the time of the sale must not exceed 300.
- (7) Regulations may provide for additional conditions prescribed in the regulations to be community event conditions.

110C Ancillary business sales conditions

- (1) The ancillary business sales conditions, in relation to a sale by retail of alcohol, are the conditions set out in subsections (2) to (5) and any additional conditions set out in regulations under subsection (6).
- (2) The sale must be made by or on behalf of a body that—
- (a) is of a prescribed description, and
 - (b) meets any prescribed criteria.
- (3) The sale must take place on premises that—
- (a) are managed by the body by or on whose behalf the sale is made,
 - (b) are of a prescribed description, and
 - (c) meet any prescribed criteria.
- (4) The sale must be ancillary to the provision of goods or services to a person on the premises where the sale takes place.
- (5) Except in prescribed circumstances, the alcohol must be sold for consumption on those premises.
- (6) Regulations may provide for additional conditions prescribed in the regulations to be ancillary business sales conditions.

Part 5A notices

110D Conditions for validity of notices

- (1) A notice complies with this section if the conditions set out in subsections (2) to (10) are satisfied in relation to the notice.
- (2) The notice must specify whether—
- (a) the community event conditions (set out in section 110B or in regulations under that section), or
 - (b) the ancillary business sales conditions (set out in section 110C or in regulations under that section),
- will be satisfied in relation to sales of alcohol on the premises in question.
- (3) The notice must specify (for the purposes of section 110A(2))—

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- (a) in the case of a notice that specifies the ancillary business sales conditions, the set of premises to which it relates;
 - (b) in the case of a notice that specifies the community event conditions, no more than three sets of community premises, each of which must be wholly or partly in the area of the same licensing authority.
- (4) The notice must be given, on behalf of the body by or on whose behalf the sale of alcohol on the premises would take place, by a person who is aged 18 or over and is concerned in the management of the body.
- (5) The notice must be given to the relevant licensing authority, accompanied by the prescribed fee.
- (6) Unless the notice is given to the relevant licensing authority by means of a relevant electronic facility, a copy of the notice must be given to each relevant person.
- (7) The notice must be in the prescribed form.
- (8) The notice must specify the date when it takes effect.
- (9) The specified date must be at least 10 working days, but no more than 3 months, after the day on which the notice is given.
- Where subsection (6) applies, the notice is treated as given only when that subsection is complied with.
- (10) The notice must contain any other information that regulations require it to contain.
- (11) In this Part, “relevant person”, in relation to any premises, means—
- (a) the chief officer of police for any police area in which the premises are situated;
 - (b) the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health.

110E Special restriction on giving of notices

- (1) This section applies where—
- (a) a Part 5A notice is given on behalf of a body, and
 - (b) a counter notice under section 110J is given in relation to the Part 5A notice.
- (2) No further Part 5A notice may be given in respect of any premises specified in the notice, whether on behalf of that body or on behalf of another body that is an associate of it, before the end of the period of 12 months beginning with the day on which the counter notice is given.
- (3) However, the restriction in subsection (2) ceases to apply if the counter notice is revoked under section 110K or quashed by a court.
- (4) For the purposes of this section, a body is an associate of another body if it would be an associate of the other body for the purposes of the Estate Agents Act 1979 (see section 32(4) to (6) of that Act).

110F Date when Part 5A notice takes effect

- (1) A Part 5A notice takes effect on the date specified under section 110D(8).

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- (2) Subsection (1) does not apply if a counter notice is given under section 110J in relation to the notice.

(For the case where a counter notice is revoked or quashed by a court, see section 110K(2).)

110G Acknowledgement of notice etc

- (1) This section applies where a relevant licensing authority receives a notice that is, or purports to be, a Part 5A notice.
- (2) The authority must give written acknowledgement of the receipt of the notice to the person who gave it.
- (3) The acknowledgment must be given—
 - (a) before the end of the first working day following the day on which it was received, or
 - (b) if the day on which it was received was not a working day, before the end of the second working day following that day.
- (4) If the licensing authority is of the opinion that the notice does not comply with section 110D, the authority must as soon as possible give to the person who gave the notice written notification of the reasons for its opinion.
- (5) Subsection (2) does not apply where, before the time by which acknowledgement of the receipt of the notice must be given in accordance with subsection (3), the person who gave the notice has been given a counter notice under section 110J.

110H Theft, loss etc of Part 5A notice

- (1) Where a Part 5A notice is lost, stolen, damaged or destroyed, the person who gave the notice may apply to the relevant licensing authority for a copy of the notice.
- (2) The application must be accompanied by the prescribed fee.
- (3) Where an application is made in accordance with this section, the licensing authority must issue the applicant with a copy of the notice (certified by the authority to be a true copy) if it is satisfied that the notice has been lost, stolen, damaged or destroyed.
- (4) This Act applies in relation to a copy issued under this section as it applies in relation to an original notice.

Objections and counter notices

110I Objection to Part 5A notice by a relevant person

- (1) Where a relevant person who is given a Part 5A notice is satisfied that allowing alcohol to be sold on the premises (or any of the premises) to which the notice relates 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 person who gave the Part 5A notice, and
 - (c) to every other relevant person.

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- (2) Subsection (1) does not apply at any time after the relevant person has received a copy of a counter notice under section 110J in relation to the Part 5A notice.
- (3) An objection notice may be given only during the period beginning with the day on which the relevant person is given the Part 5A notice and ending with the third working day following that day (“the three-day period”).
- (4) The restriction in subsection (3) does not apply to an objection notice based on—
 - (a) things occurring after the end of the three-day period, or
 - (b) information that the relevant person was unaware of, and could not with reasonable diligence have discovered, until after the end of that period.

110J Counter notices

- (1) Where a relevant licensing authority receives a Part 5A notice, the relevant licensing authority may—
 - (a) give the person who gave the Part 5A notice a counter notice under this section;
 - (b) give a copy of the counter notice to each relevant person.
- (2) Where the relevant licensing authority receives an objection notice given in compliance with the requirement imposed by section 110I(3), the relevant licensing authority must decide whether to give a counter notice (and, if it does so decide, give that notice) no later than whichever of the following is the earlier—
 - (a) the day before the date when the Part 5A notice would take effect (see section 110D(8));
 - (b) the expiry of the period of 28 days beginning with the day on which the objection notice is received by the relevant licensing authority.
- (3) The power conferred by subsection (1) may not be exercised at any time after the Part 5A notice takes effect unless an objection notice under section 110I has been given, by virtue of subsection (4) of that section, in relation to the notice.
- (4) The counter notice must—
 - (a) be in the prescribed form, and
 - (b) be given in the prescribed manner.

110K Counter notices: revocation etc

- (1) A relevant licensing authority must revoke a counter notice given under section 110J if—
 - (a) the counter notice was given in consequence of one or more objection notices under section 110I, and
 - (b) the objection notice or (as the case may be) each of them is withdrawn by the person who gave it or is quashed by a court.
- (2) Where a counter notice is revoked or is quashed by a court—
 - (a) the counter notice is disregarded for the purposes of section 110A(3), except in relation to any time before the day on which it is revoked or quashed,
 - (b) the Part 5A notice takes effect on that day, and
 - (c) the relevant licensing authority must as soon as possible notify the person who gave the Part 5A notice of the date on which it takes effect.

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Rights of entry, production of notice, etc

110L Right of entry where Part 5A notice given

- (1) A constable or an authorised officer may, at any reasonable time, enter premises to which a Part 5A notice relates to assess the likely effect of the notice on the promotion of the crime prevention objective.
- (2) An authorised officer exercising the power conferred by this section must, if so requested, produce evidence of the officer's authority to exercise the power.
- (3) It is an offence intentionally to obstruct an authorised officer exercising a power conferred by this section.
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (5) In this section "authorised officer" means—
 - (a) an officer of the licensing authority in whose area the premises are situated, or
 - (b) if the premises are situated in the area of more than one licensing authority, an officer of any of those authorities,
 authorised for the purposes of this Act.

110M Duty to keep and produce Part 5A notice

- (1) This section applies whenever premises are being used for sales of alcohol which are, or are purported to be, permitted sales by virtue of this Part.
- (2) The person who gave the Part 5A notice must secure that a copy of the notice is either—
 - (a) prominently displayed at the premises, or
 - (b) kept at the premises in the custody of that person or of someone who is present and working at the premises and whom that person has nominated for the purposes of this section (a "nominated person").
- (3) Where a copy of the Part 5A notice is kept in the custody of a nominated person (and not prominently displayed at the premises) the person who gave the Part 5A notice must secure that a notice—
 - (a) stating that a copy of the Part 5A notice is in the nominated person's custody, and
 - (b) specifying the position held at the premises by the nominated person,
 is prominently displayed at the premises.
- (4) It is an offence for the person who gave the Part 5A notice to fail, without reasonable excuse, to comply with subsection (2) or (where it applies) subsection (3).
- (5) Where—
 - (a) a copy of the Part 5A notice is not prominently displayed at the premises, and
 - (b) no notice is displayed as mentioned in subsection (3),
 a constable or authorised officer may require the person who gave the Part 5A notice to produce a copy of it for examination.

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- (6) Where a notice is displayed as mentioned in subsection (3), a constable or authorised officer may require the nominated person to produce a copy of the Part 5A notice for examination.
- (7) An authorised officer exercising the power conferred by subsection (5) or (6) must, if so requested, produce evidence of the officer’s authority to exercise the power.
- (8) It is an offence for a person to fail, without reasonable excuse, to produce a copy of a Part 5A notice in accordance with a requirement under subsection (5) or (6).
- (9) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (10) In this section “authorised officer” has the meaning given in section 110L(5).

Supplementary

110N The relevant licensing authority

- (1) For the purposes of this Part, the “relevant licensing authority”, in relation to any premises, is determined in accordance with this section.
- (2) In the case of a Part 5A notice that specifies the ancillary business sales conditions or in the case of a Part 5A notice that specifies the community event conditions in relation to only one set of premises, the relevant licensing authority is, subject to subsection (3), the authority in whose area the premises are situated.
- (3) Where the premises are situated in the areas of two or more licensing authorities, the relevant licensing authority is—
 - (a) the licensing authority in whose area the greater or greatest part of the premises is situated, or
 - (b) if there is no authority to which paragraph (a) applies, such one of the authorities as the person giving the Part 5A notice may choose.
- (4) In the case of a Part 5A notice that specifies the community event conditions in relation to more than one set of premises, the relevant licensing authority is—
 - (a) if there is only one licensing authority in whose area each set of premises is wholly or partly situated, that licensing authority;
 - (b) if each set of premises falls partly in the area of one authority and also partly in the area of another, such one of them as the person giving the Part 5A notice may choose.”