

## GARAGES

- 5.23 Section 176 of the 2003 Act prohibits the sale or supply of alcohol from premises that are used primarily as a garage, or are part of premises used primarily as a garage. Premises are used as a garage if they are used for one or more of the following:
- the retailing of petrol;
  - the retailing of derv;
  - the sale of motor vehicles; and
  - the maintenance of motor vehicles.
- 5.24 The licensing authority must decide whether or not any premises is used primarily as a garage. The approach endorsed so far by the courts is based on intensity of use to establish primary use. For example, if a garage shop in any rural area is used more intensely by customers purchasing other products than by customers purchasing the products or services listed above, it may be eligible to seek authority to sell or supply alcohol.
- 5.25 Where there is insufficient evidence to establish primary use, it is for the licensing authority to decide whether to grant the licence and deal with any issues through enforcement action or to defer granting the licence until the primary use issue can be resolved to their satisfaction.

## LARGE SCALE TIME-LIMITED EVENTS REQUIRING PREMISES LICENCES

- 5.26 Licensing authorities should note that a premises licence may be sought for a short, discrete period. The 2003 Act provides for the giving of temporary event notices which are subject to various limitations (see Chapter 7 of this Guidance). Any temporary event which is not within these limits, would require the authority of a premises licence if the premises or place is currently unlicensed for the activities involved. For example, this would arise if the event would involve more than 499 attending or if a temporary event notice were given and would result in the limit for individual premises of 12 notices in a calendar year being exceeded.
- 5.27 The procedures for applying for and granting such a licence are identical to those for an unlimited duration premises licence except that it should be stated on the application that the applicant's intention is that the period of the licence should be limited. Licensing authorities should clearly specify on such a licence when it comes into force and when it ceases to have effect. If the sale of alcohol is involved, a personal licence holder must be specified as the designated premises supervisor.
- 5.28 Temporary events may range from relatively small local events, like traditional performances of a play, which may last for five days, to major pop festivals lasting only one day. The largest temporary events may attract huge crowds of over 100,000 people and the risks to public safety and to crime and disorder as well as public nuisance may be considerable.