

powers to order the forfeiture of sound equipment seized under section 64(4) from a person convicted of an offence under section 63 of the 1994 Act.

Section 65 of the 1994 Act gives police constables powers to stop people proceeding to raves. It provides that if a constable in uniform reasonably believes that a person is on his way to a gathering in respect of which a direction given under section 63 is in force, he may stop that person and direct him not to proceed in the direction of the gathering. The power may only be exercised within 5 miles of the boundary of the site of the gathering. It does not apply to "exempted persons", i.e. the occupier of the land in respect of which the gathering has been given, any member of his family and any employee or agent of his and any person whose home is situated on the land.

### 3 The exercise of police powers in practice

In May 2008 there was some controversy over press reports that Kent police were refusing to break up illegal raves until daylight for health and safety reasons.<sup>2</sup> There have been other examples where, because of the location of the rave or other circumstances, the police have reportedly taken the decision that it would be unsafe to use their powers to disperse the crowd.<sup>3</sup> However, there were also a considerable number of stories in local and regional papers throughout the summer of 2008 reporting successful police operations to stop raves.<sup>4</sup>

### 4 The Licensing Act 2003

Section 100 of the *Licensing Act 2003* provides for a Temporary Event Notice (TEN) to be issued for events involving "licensable activities" to be held in premises for up to 96 hours and for up to 499 people. The provision came into force on 24 November 2005. Licensable activities include selling alcohol, providing "regulated entertainment" (including live music) and providing late night refreshment.<sup>5</sup> As well as notifying the local authority, the premises user has to give a copy of any notice to the chief constable of the local police force. If the chief constable is satisfied that the event would result in crime or disorder, he or she must, within 48 hours of receiving the TEN, give an objection notice stating reasons. The local authority must hold a hearing to consider this, and make a decision at least 24 hours before the beginning of the event. However, there is no provision to allow others to object – a situation which contrasts with applications for premises licences, for example, where "interested parties" (including people living nearby) can make representations to object to the licence being granted.

Of course, technically speaking, such events, being licensed, would not count as "raves" under the terms of the *Criminal Justice and Public Order Act 1994*. In addition, under common law, the event organisers would need to obtain the consent of the owner of the land to avoid being sued for trespass. In addition, health and safety legislation and environmental protection legislation would apply in the normal way.

In 2005 the Department for Culture, Media and Sport (DCMS) conducted a consultation exercise on draft regulations on temporary event notices under the Act. This set out why the Government felt that a "light touch" regime is appropriate:

---

<sup>2</sup> See for example ["Police can't break up 'too dark' raves"](#), *Daily Telegraph*, 9 May 2008 (site accessed 14 October 2008) and ["Why the party police are afraid of the dark"](#), *Daily Mail*, 9 May 2008

<sup>3</sup> See for example ["200 revellers at illegal town rave"](#), *Leighton Buzzard Observer*, 30 June 2008, (site accessed 14 October 2008)

<sup>4</sup> See for example ["Police crackdown on illegal raves"](#), *BBC News*, 8 March 2008 (relating to Norfolk police) and ["Extra police thwart illegal raves"](#), *Western Morning News*, 26 August 2008 (sites accessed 14 October 2008)

<sup>5</sup> section 1