

LICENSING ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

PART 4: Clubs

Section 72 – Determination of application for club premises certificate

133. Subsections (1) and (2) provide that unless relevant representations are made in respect of an application for a club premises certificate, a licensing authority must grant a certificate in accordance with any such application which is duly made. That certificate will be subject to conditions consistent with those included in the application by the applicant in the operating schedule, and subject to the mandatory conditions set out in sections 73 and 74.
134. Subsection (3), together with subsections (6) to (8), provides that where relevant representations are made, licensing authorities are required to hold a hearing. In order for representations to be ‘relevant’ they must have been made by an interested party or a responsible authority (see the definitions in section 69) and they must relate to the likely effect of the grant of the certificate on the promotion of the licensing objectives. If the representations are made by an interested party there is a further requirement that the licensing authority does not consider them to be frivolous or vexatious (but if it does, the authority is to explain its decision to the person who made the representations). The need for a hearing can be dispensed with by agreement of the authority, the applicant for the certificate and all of the parties who have made relevant representations.
135. Subsection (4) provides that when a hearing is held (or dispensed with as indicated above), the licensing authority must, if it considers it necessary for the promotion of the licensing objectives, attach conditions to any certificate granted, rule out any of the qualifying club activities applied for, or reject the application. Otherwise the licensing authority will grant the certificate in the terms sought in the application (together with any mandatory conditions).
136. Subsection (10) provides that a licensing authority may, within the same certificate, impose different conditions on different parts of the premises, or impose different conditions in relation to different qualifying club activities.