



# Licensing Act 2003

## 2003 CHAPTER 17

### PART 3

#### PREMISES LICENCES

##### *Introductory*

#### **11 Premises licence**

In this Act “premises licence” means a licence granted under this Part, in respect of any premises, which authorises the premises to be used for one or more licensable activities.

#### **12 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) Subject to subsection (3), the relevant licensing authority is 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 those authorities as is nominated in accordance with subsection (4).
- (4) In a case within subsection (3)(b)—
  - (a) an applicant for a premises licence must nominate one of the licensing authorities as the relevant licensing authority in relation to the application and any licence granted as a result of it, and

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- (b) an applicant for a statement under section 29 (provisional statement) in respect of the premises must nominate one of the licensing authorities as the relevant licensing authority in relation to the statement.

### 13 Authorised persons, interested parties and responsible authorities

- (1) In this Part in relation to any premises each of the following expressions has the meaning given to it by this section—
- “authorised person”,
  - “interested party”,
  - “responsible authority”.
- (2) “Authorised person” means any of the following—
- (a) an officer of a licensing authority in whose area the premises are situated who is authorised by that authority for the purposes of this Act,
  - [<sup>F1</sup>(b) an inspector appointed by the fire and rescue authority for the area in which the premises are situated.]
  - (c) an inspector appointed under section 19 of the Health and Safety at Work etc. Act 1974 (c. 37),
  - (d) an officer of a local authority, in whose area the premises are situated, who is authorised by that authority for the purposes of exercising one or more of its statutory functions in relation to minimising or preventing the risk of pollution of the environment or of harm to human health,
  - (e) in relation to a vessel, an inspector, or a surveyor of ships, appointed under section 256 of the Merchant Shipping Act 1995 (c. 21),
  - (f) a person prescribed for the purposes of this subsection.
- (3) “Interested party” means any of the following—
- (a) a person living in the vicinity of the premises,
  - (b) a body representing persons who live in that vicinity,
  - (c) a person involved in a business in that vicinity,
  - (d) a body representing persons involved in such businesses.
  - [<sup>F2</sup>(e) a member of the relevant licensing authority.]
- (4) “Responsible authority” means any of the following—
- (a) the chief officer of police for any police area in which the premises are situated,
  - (b) the [<sup>F3</sup>fire and rescue authority] for any area in which the premises are situated,
  - (c) the enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc. Act 1974 for any area in which the premises are situated,
  - (d) the local planning authority within the meaning given by the Town and Country Planning Act 1990 (c. 8) for any area in which the premises are situated,
  - (e) 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,
  - (f) a body which—

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- (i) represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and
  - (ii) is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters,
  - (g) any licensing authority (other than the relevant licensing authority) in whose area part of the premises is situated,
  - (h) in relation to a vessel—
    - (i) a navigation authority (within the meaning of section 221(1) of the Water Resources Act 1991 (c. 57) having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is, or is proposed to be, navigated at a time when it is used for licensable activities,
    - (ii) the Environment Agency,
    - (iii) the British Waterways Board, or
    - (iv) the Secretary of State,
  - (i) a person prescribed for the purposes of this subsection.
- (5) For the purposes of this section, “statutory function” means a function conferred by or under any enactment.

#### Textual Amendments

- F1** S. 13(2)(b) substituted (1.10.2006) by [The Regulatory Reform \(Fire Safety\) Order 2005 \(S.I. 2005/1541\)](#), [art. 53\(1\)](#), [Sch. 2 para. 50\(2\)](#) (with [art. 49](#)) (as amended by [The Regulatory Reform \(Fire Safety\) Subordinate Provisions Order 2006 \(S.I. 2006/484\)](#), [arts. 1\(1\)](#), 2)
- F2** S. 13(3)(e) inserted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 33\(1\)](#), 116; [S.I. 2010/125](#), [art. 2\(j\)](#)
- F3** Words in s. 13(4)(b) substituted (7.9.2004 for E. for certain purposes and 1.10.2004 otherwise and 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), [ss. 53](#), 61, [Sch. 1 para. 98\(2\)\(3\)\(b\)](#); [S.I. 2004/2304](#), [art. 2\(1\){\(2\)}](#); [S.I. 2004/2917](#), [art. 2](#)

#### Commencement Information

- I1** S. 13(2)(f)(4)(i) in force at 16.12.2003 by [S.I. 2003/3222](#), [art. 2](#), [Sch.](#) and s. 13 in force otherwise at 7.2.2005 by [S.I. 2004/2360](#), [art. 2](#), [Sch.](#)

## 14 Meaning of “supply of alcohol”

For the purposes of this Part the “supply of alcohol” means—

- (a) the sale by retail of alcohol, or
- (b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.

## 15 Meaning of “designated premises supervisor”

- (1) In this Act references to the “designated premises supervisor”, in relation to a premises licence, are to the individual for the time being specified in that licence as the premises supervisor.

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- (2) Nothing in this Act prevents an individual who holds a premises licence from also being specified in the licence as the premises supervisor.

### *Grant of premises licence*

## **16 Applicant for premises licence**

- (1) The following persons may apply for a premises licence—
- (a) a person who carries on, or proposes to carry on, a business which involves the use of the premises for the licensable activities to which the application relates,
  - (b) a person who makes the application pursuant to—
    - (i) any statutory function discharged by that person which relates to those licensable activities, or
    - (ii) any function discharged by that person by virtue of Her Majesty's prerogative,
  - (c) a recognised club,
  - (d) a charity,
  - (e) the proprietor of an educational institution,
  - (f) a health service body,
  - (g) a person who is registered under Part 2 of the Care Standards Act 2000 (c. 14) in respect of an independent hospital [<sup>F4</sup>in Wales],
  - [<sup>F5</sup>(ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England,]
  - (h) the chief officer of police of a police force in England and Wales,
  - (i) a person of such other description as may be prescribed.
- (2) But an individual may not apply for a premises licence unless he is aged 18 or over.
- (3) In this section—
- “charity” has the same meaning as in section 96(1) of the Charities Act 1993 (c. 10);
  - “educational institution” means—
    - (a) a school, or an institution within the further or higher education sector, within the meaning of section 4 of the Education Act 1996 (c. 56), or
    - (b) a college (including any institution in the nature of a college), school, hall or other institution of a university, in circumstances where the university receives financial support under section 65 of the Further and Higher Education Act 1992 (c. 13);
  - “health service body” means—
    - (a) an NHS trust established by virtue of [<sup>F6</sup>section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006],
    - (b) a Primary Care Trust established by virtue of section 16A of the National Health Service Act 1977 (c. 49), or
    - (c) a Local Health Board established by virtue of section 16BA of that Act;
  - [<sup>F7</sup>“independent hospital”—

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- (a) in relation to England, means—
    - (i) a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section, or
    - (ii) any other establishment in which any of the services listed in subsection (4) are provided and which is not a health service hospital as so defined; and
  - (b) in relation to Wales, has the same meaning as in the Care Standards Act 2000;]  
“proprietor”—
    - (a) in relation to a school within the meaning of section 4 of the Education Act 1996, has the same meaning as in section 579(1) of that Act, and
    - (b) in relation to an educational institution other than such a school, means the governing body of that institution within the meaning of section 90(1) of the Further and Higher Education Act 1992; and“statutory function” means a function conferred by or under any enactment.
- [<sup>F8</sup>(4) The services referred to in paragraph (a)(ii) of the definition of “independent hospital” are as follows—
- (a) medical treatment under anaesthesia or intravenously administered sedation;
  - (b) dental treatment under general anaesthesia;
  - (c) obstetric services and, in connection with childbirth, medical services;
  - (d) termination of pregnancies;
  - (e) cosmetic surgery, other than—
    - (i) ear and body piercing;
    - (ii) tattooing;
    - (iii) the subcutaneous injection of a substance or substances into the skin for cosmetic purposes; or
    - (iv) the removal of hair roots or small blemishes on the skin by the application of heat using an electric current.]

#### Textual Amendments

- F4** Words in s. 16(1)(g) inserted (1.10.2010) by The Health and Social Care Act 2008 (Consequential Amendments No.2) Order 2010 (S.I. 2010/813, [art. 12\(a\)\(i\)](#))
- F5** S. 16(1)(ga) inserted (1.10.2010) by The Health and Social Care Act 2008 (Consequential Amendments No.2) Order 2010 (S.I. 2010/813, [art. 12\(a\)\(ii\)](#))
- F6** S. 16(3): words in definition of “health service body” substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 2, 8(2), [Sch. 1 para. 236](#) (with [Sch. 3](#))
- F7** Words in s. 16(3) substituted (1.10.2010) by The Health and Social Care Act 2008 (Consequential Amendments No.2) Order 2010 (S.I. 2010/813, [art. 12\(b\)](#))
- F8** S. 16(4) inserted (1.10.2010) by The Health and Social Care Act 2008 (Consequential Amendments No.2) Order 2010 (S.I. 2010/813, [art. 12\(c\)](#))

#### Commencement Information

- I2** S. 16(1)(i) in force at 16.12.2003 by [S.I. 2003/3222](#), [art. 2](#), [Sch.](#) and s. 16 otherwise in force at 7.2.2005 by [S.I. 2004/2360](#), [art. 2](#), [Sch.](#)

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## 17 Application for premises licence

- (1) An application for a premises licence must be made to the relevant licensing authority.
- (2) Subsection (1) is subject to regulations under—
  - (a) section 54 (form etc. of applications etc.);
  - (b) section 55 (fees to accompany applications etc.).
- (3) An application under this section must also be accompanied—
  - (a) by an operating schedule,
  - (b) by a plan of the premises to which the application relates, in the prescribed form, and
  - (c) if the licensable activities to which the application relates (“the relevant licensable activities”) include the supply of alcohol, by a form of consent in the prescribed form given by the individual whom the applicant wishes to have specified in the premises licence as the premises supervisor.
- (4) An “operating schedule” is a document which is in the prescribed form and includes a statement of the following matters—
  - (a) the relevant licensable activities,
  - (b) the times during which it is proposed that the relevant licensable activities are to take place,
  - (c) any other times during which it is proposed that the premises are to be open to the public,
  - (d) where the applicant wishes the licence to have effect for a limited period, that period,
  - (e) where the relevant licensable activities include the supply of alcohol, prescribed information in respect of the individual whom the applicant wishes to have specified in the premises licence as the premises supervisor,
  - (f) where the relevant licensable activities include the supply of alcohol, whether the supplies are proposed to be for consumption on the premises or off the premises, or both,
  - (g) the steps which it is proposed to take to promote the licensing objectives,
  - (h) such other matters as may be prescribed.
- (5) The Secretary of State must by regulations—
  - (a) require an applicant to advertise his application within the prescribed period—
    - (i) in the prescribed form, and
    - (ii) in a manner which is prescribed and is likely to bring the application to the attention of the interested parties likely to be affected by it;
  - (b) <sup>F9</sup> .....
  - (c) prescribe the period during which interested parties and responsible authorities may make representations to the relevant licensing authority about the application.
- <sup>F10</sup>(6) The Secretary of State may by regulations—
  - (a) require an applicant to give notice of his application to each responsible authority, and such other persons as may be prescribed, within the prescribed period, and
  - (b) in a case where the application is made by means of a relevant electronic facility, require the relevant licensing authority to give notice of the

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application to such persons as may be prescribed, within the prescribed period.]

#### Textual Amendments

- F9** S. 17(5)(b) omitted (28.12.2009) by virtue of [The Provision of Services Regulations 2009 \(S.I. 2009/2999\)](#), [reg. 49\(2\)\(a\)](#) (with [regs. 2, 5](#))
- F10** S. 17(6) inserted (28.12.2009) by [The Provision of Services Regulations 2009 \(S.I. 2009/2999\)](#), [reg. 49\(2\)\(b\)](#) (with [regs. 2, 5](#))

#### Commencement Information

- I3** S. 17(3)(b)(c)(4)(5) in force at 16.12.2003 by [S.I. 2003/3222](#), [art. 2](#), [Sch.](#) and s. 17 otherwise in force at 7.2.2005 by [S.I. 2004/2360](#), [art. 2](#), [Sch.](#)

## 18 Determination of application for premises licence

- (1) This section applies where the relevant licensing authority—
- receives an application for a premises licence made in accordance with section 17, and
  - is satisfied that the applicant has complied with any requirement imposed on him under subsection (5) of that section.
- (2) Subject to subsection (3), the authority must grant the licence in accordance with the application subject only to—
- such conditions as are consistent with the operating schedule accompanying the application, and
  - any conditions which must under section 19, 20 or 21 be included in the licence.
- (3) Where relevant representations are made, the authority must—
- hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and
  - having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.
- (4) The steps are—
- to grant the licence subject to—
    - the conditions mentioned in subsection (2)(a) modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and
    - any condition which must under section 19, 20 or 21 be included in the licence;
  - to exclude from the scope of the licence any of the licensable activities to which the application relates;
  - to refuse to specify a person in the licence as the premises supervisor;
  - to reject the application.
- (5) For the purposes of subsection (4)(a)(i) the conditions mentioned in subsection (2)(a) are modified if any of them is altered or omitted or any new condition is added.

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- (6) For the purposes of this section, “relevant representations” means representations which—
- (a) are about the likely effect of the grant of the premises licence on the promotion of the licensing objectives,
  - (b) meet the requirements of subsection (7),
  - (c) if they relate to the identity of the person named in the application as the proposed premises supervisor, meet the requirements of subsection (9), and
  - (d) are not excluded representations by virtue of section 32 (restriction on making representations following issue of provisional statement).
- (7) The requirements of this subsection are—
- (a) that the representations were made by an interested party or responsible authority within the period prescribed under section 17(5)(c),
  - (b) that they have not been withdrawn, and
  - (c) in the case of representations made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- (8) Where the authority determines for the purposes of subsection (7)(c) that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for its determination.
- (9) The requirements of this subsection are that the representations—
- (a) were made by a chief officer of police for a police area in which the premises are situated, and
  - (b) include a statement that, due to the exceptional circumstances of the case, he is satisfied that the designation of the person concerned as the premises supervisor under the premises licence would undermine the crime prevention objective.
- (10) In discharging its duty under subsection (2) or (3)(b), a licensing authority may grant a licence under this section subject to different conditions in respect of—
- (a) different parts of the premises concerned;
  - (b) different licensable activities.

## **19 Mandatory conditions where licence authorises supply of alcohol**

- (1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
- (2) The first condition is that no supply of alcohol may be made under the premises licence—
  - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- [<sup>F11</sup>(4) The other conditions are any conditions specified in an order under section 19A and applicable to the premises licence.]



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### Textual Amendments

**F11** S. 19(4) inserted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 32, 116, [Sch. 4 para. 1](#); [S.I. 2010/125](#), [art. 2\(r\)](#)

## [<sup>F12</sup>19A Power of Secretary of State to impose section 19(4) mandatory conditions

- (1) The Secretary of State may by order specify conditions relating to the supply of alcohol and applicable to all relevant premises licences or relevant premises licences of a particular description if the Secretary of State considers it appropriate to do so for the promotion of the licensing objectives.
- (2) The number of conditions in force by virtue of subsection (1) in relation to all relevant premises licences and the number of conditions in force by virtue of that subsection in relation to relevant premises licences of particular descriptions must not (when added together) exceed at any time nine.
- (3) An order under subsection (1) may—
  - (a) relate to existing or future relevant premises licences,
  - (b) specify conditions which involve, or consist of, the exercise of a discretion by any person.
- (4) Any conditions specified by an order under subsection (1) in relation to existing relevant premises licences are to be treated as—
  - (a) included in those licences from the coming into force of the order, and
  - (b) overriding any conditions already included in those licences (“the existing conditions”) so far as they are—
    - (i) identical to the existing conditions, or
    - (ii) inconsistent with, and more onerous than, the existing conditions.
- (5) Any conditions included, or treated as included, in relevant premises licences by virtue of section 19(4) and this section cease to have effect so far as they cease to be specified under this section in relation to those licences.
- (6) Any conditions treated as mentioned in subsection (4)(b) cease to be so treated so far as they cease to be specified under this section in relation to the relevant premises licences concerned.
- (7) So far as conditions cease to be treated as mentioned in subsection (4)(b), the existing conditions revive.
- (8) Subsections (5) to (7) are subject to any alternative transitional or saving provision made by the order revoking the specification.
- (9) In this section—

“existing relevant premises licence”, in relation to an order, means a relevant premises licence granted before the coming into force of the order and in effect, or capable of having effect, on its coming into force,

“future relevant premises licence”, in relation to an order, means a relevant premises licence granted on or after the coming into force of the order,

“relevant premises licence” means a premises licence authorising the supply of alcohol.]

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### Textual Amendments

**F12** S. 19A inserted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 32, 116, [Sch. 4 para. 2](#); [S.I. 2010/125](#), [art. 2\(r\)](#)

## 20 Mandatory condition: exhibition of films

- (1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
- (2) Where the film classification body is specified in the licence, unless subsection (3) (b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
- (3) Where—
  - (a) the film classification body is not specified in the licence, or
  - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,
 admission of children must be restricted in accordance with any recommendation made by that licensing authority.
- (4) In this section—
  - “children” means persons aged under 18; and
  - “film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c. 39) (authority to determine suitability of video works for classification).

## 21 Mandatory condition: door supervision

- (1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must
  - <sup>F13</sup>(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
  - (b) be entitled to carry out that activity by virtue of section 4 of that Act.]
- (2) But nothing in subsection (1) requires such a condition to be imposed—
  - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c. 12) (premises with premises licences authorising plays or films), or
  - (b) in respect of premises in relation to—
    - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
    - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- (3) For the purposes of this section—

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- (a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, [F14 and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act)] and
- (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

#### Textual Amendments

**F13** Words in s. 21(1) substituted (8.11.2006) by [Violent Crime Reduction Act 2006 \(c. 38\), ss. 25\(2\), 66\(2\)\(b\)](#)

**F14** Words in s. 21(3)(a) inserted (8.11.2006) by [Violent Crime Reduction Act 2006 \(c. 38\), ss. 25\(3\), 66\(2\)\(b\)](#)

## 22 Prohibited conditions: plays

- (1) In relation to a premises licence which authorises the performance of plays, no condition may be attached to the licence as to the nature of the plays which may be performed, or the manner of performing plays, under the licence.
- (2) But subsection (1) does not prevent a licensing authority imposing, in accordance with section 18(2)(a) or (3)(b), 35(3)(b) or 52(3), any condition which it considers necessary on the grounds of public safety.

## 23 Grant or rejection of application

- (1) Where an application is granted under section 18, the relevant licensing authority must forthwith—
  - (a) give a notice to that effect to—
    - (i) the applicant,
    - (ii) any person who made relevant representations in respect of the application, and
    - (iii) the chief officer of police for the police area (or each police area) in which the premises are situated, and
  - (b) issue the applicant with the licence and a summary of it.
- (2) Where relevant representations were made in respect of the application, the notice under subsection (1)(a) must state the authority’s reasons for its decision as to the steps (if any) to take under section 18(3)(b).
- (3) Where an application is rejected under section 18, the relevant licensing authority must forthwith give a notice to that effect, stating its reasons for the decision, to—
  - (a) the applicant,
  - (b) any person who made relevant representations in respect of the application, and
  - (c) the chief officer of police for the police area (or each police area) in which the premises are situated.
- (4) In this section “relevant representations” has the meaning given in section 18(6).

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## 24 Form of licence and summary

- (1) A premises licence and the summary of a premises licence must be in the prescribed form.
- (2) Regulations under subsection (1) must, in particular, provide for the licence to—
  - (a) specify the name and address of the holder;
  - (b) include a plan of the premises to which the licence relates;
  - (c) if the licence has effect for a limited period, specify that period;
  - (d) specify the licensable activities for which the premises may be used;
  - (e) if the licensable activities include the supply of alcohol, specify the name and address of the individual (if any) who is the premises supervisor in respect of the licence;
  - (f) specify the conditions subject to which the licence [<sup>F15</sup>is issued].

### Textual Amendments

**F15** Words in s. 24(2)(f) substituted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 112, 116, [Sch. 7 para. 30](#); [S.I. 2010/125](#), [art. 2\(f\)](#)

## 25 Theft, loss, etc. of premises licence or summary

- (1) Where a premises licence or summary is lost, stolen, damaged or destroyed, the holder of the licence may apply to the relevant licensing authority for a copy of the licence or summary.
- (2) Subsection (1) is subject to regulations under section 55(1) (fee to accompany applications).
- (3) Where an application is made in accordance with this section, the relevant licensing authority must issue the holder of the licence with a copy of the licence or summary (certified by the authority to be a true copy) if it is satisfied that—
  - (a) the licence or summary has been lost, stolen, damaged or destroyed, and
  - (b) where it has been lost or stolen, the holder has reported that loss or theft to the police.
- (4) The copy issued under this section must be a copy of the premises licence or summary in the form in which it existed immediately before it was lost, stolen, damaged or destroyed.
- (5) This Act applies in relation to a copy issued under this section as it applies in relation to an original licence or summary.

### [<sup>F16</sup>25A Grant of premises licence: supply of alcohol from community premises

- (1) Where a management committee of community premises makes an application under section 17 for a premises licence authorising the supply of alcohol, the application may include an application for the alternative licence condition to be included in the licence instead of the conditions in section 19(2) and (3).
- (2) In this section “the alternative licence condition” is the condition that every supply of alcohol under the premises licence must be made or authorised by the management committee.

*Status: Point in time view as at 01/10/2010.*

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- (3) In a case where an application under section 17 includes an application under subsection (1), sections 17 to 19 are modified as follows.
- (4) Section 17 has effect as if subsections (3)(c) and (4)(e) were omitted.
- (5) Section 18 has effect as if—
- (a) subsection (4)(c) were omitted;
  - (b) in subsection (6)(c), the reference to the identity of the person named in the application as the proposed premises supervisor were to the inclusion of the alternative licence condition;
  - (c) in subsection (9)(b), the reference to the designation of the person concerned as the premises supervisor under the premises licence were to the inclusion of the alternative licence condition.
- (6) Section 19 has effect as if at the end there were inserted—
- [<sup>F17</sup>“(5)] But where—
- (a) the relevant licensing authority is satisfied that the arrangements for the management of the premises by the applicant are sufficient to ensure adequate supervision of the supply of alcohol on the premises, and
  - (b) if any representations are made pursuant to section 18(6)(c), the authority does not consider the inclusion of the conditions in subsections (2) and (3) to be necessary to promote the crime prevention objective,
- the licence must not include the conditions in subsections (2) and (3) but must include the alternative licence condition referred to in section 25A(2) instead.”.]

#### Textual Amendments

**F16** S. 25A inserted (29.7.2009) by [The Legislative Reform \(Supervision of Alcohol Sales in Church and Village Halls &.\) Order 2009 \(S.I. 2009/1724\)](#), [art. 3](#)

**F17** Word in s. 25(A)(6) substituted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 112, 116, [Sch. 7 para. 31](#); S.I. 2010/125, [art. 2\(f\)](#)

### *Duration of licence*

#### **26 Period of validity of premises licence**

- (1) Subject to sections 27 and 28, a premises licence has effect until such time as—
- (a) it is revoked under section 52, or
  - (b) if it specifies that it has effect for a limited period, that period expires.
- (2) But a premises licence does not have effect during any period when it is suspended under section 52.

#### **27 Death, incapacity, insolvency etc. of licence holder**

- (1) A premises licence lapses if the holder of the licence—
- (a) dies,

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- [<sup>F18</sup>(b) becomes a person who lacks capacity (within the meaning of the Mental Capacity Act 2005) to hold the licence,]
- (c) becomes insolvent,
- (d) is dissolved, or
- (e) if it is a club, ceases to be a recognised club.
- (2) This section is subject to sections 47 and 50 (which make provision for the reinstatement of the licence in certain circumstances).
- (3) For the purposes of this section, an individual becomes insolvent on—
- (a) the approval of a voluntary arrangement proposed by him,
- (b) being adjudged bankrupt or having his estate sequestrated, or
- (c) entering into a deed of arrangement made for the benefit of his creditors or a trust deed for his creditors.
- (4) For the purposes of this section, a company becomes insolvent on—
- (a) the approval of a voluntary arrangement proposed by its directors,
- (b) the appointment of an administrator in respect of the company,
- (c) the appointment of an administrative receiver in respect of the company, or
- (d) going into liquidation.
- (5) An expression used in this section and in the Insolvency Act 1986 (c. 45) has the same meaning in this section as in that Act.

#### Textual Amendments

**F18** S. 27(1)(b) substituted (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\)](#), ss. 67(1), 68(1)-(3), [Sch. 6 para. 46\(2\)](#) (with ss. 27, 28, 29, 62); [S.I. 2007/1897](#), [art. 2](#)

## 28 Surrender of premises licence

- (1) Where the holder of a premises licence wishes to surrender his licence he may give the relevant licensing authority a notice to that effect.
- (2) The notice must be accompanied by the premises licence or, if that is not practicable, by a statement of the reasons for the failure to provide the licence.
- (3) Where a notice of surrender is given in accordance with this section, the premises licence lapses on receipt of the notice by the authority.
- (4) This section is subject to section 50 (which makes provision for the reinstatement in certain circumstances of a licence surrendered under this section).

*Provisional statement*

## 29 Application for a provisional statement where premises being built, etc.

- (1) This section applies to premises which—
- (a) are being or are about to be constructed for the purpose of being used for one or more licensable activities, or

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- (b) are being or are about to be extended or otherwise altered for that purpose (whether or not they are already being used for that purpose).
- (2) A person may apply to the relevant licensing authority for a provisional statement if—
  - (a) he is interested in the premises, and
  - (b) where he is an individual, he is aged 18 or over.
- (3) In this Act “provisional statement” means a statement issued under section 31(2) or (3)(c).
- (4) Subsection (2) is subject to regulations under—
  - (a) section 54 (form etc. of applications etc.);
  - (b) section 55 (fees to accompany applications etc.).
- (5) An application under this section must also be accompanied by a schedule of works.
- (6) A schedule of works is a document in the prescribed form which includes—
  - (a) a statement made by or on behalf of the applicant including particulars of the premises to which the application relates and of the licensable activities for which the premises are to be used,
  - (b) plans of the work being or about to be done at the premises, and
  - (c) such other information as may be prescribed.
- (7) For the purposes of this Part, in relation to any premises in respect of which an application for a provisional statement has been made, references to the work being satisfactorily completed are to work at the premises being completed in a manner which substantially complies with the schedule of works accompanying the application.

#### **Commencement Information**

**I4** S. 29(6) in force at 16.12.2003 by [S.I. 2003/3222](#), [art. 2](#), [Sch.](#); s. 29 otherwise in force at 7.2.2005 by [S.I. 2004/2360](#), [art. 2](#), [Sch.](#)

### **30 Advertisement of application for provisional statement**

- (1) This section applies where an application is made under section 29.
- (2) The duty to make regulations imposed on the Secretary of State by section 17(5) (advertisement etc. of application) applies in relation to an application under section 29 as it applies in relation to an application under section 17.
- (3) Regulations made under section 17(5)(a) by virtue of subsection (2) may, in particular, require advertisements to contain a statement in the prescribed form describing the effect of section 32 (restriction on representations following issue of a provisional statement).

### **31 Determination of application for provisional statement**

- (1) This section applies where the relevant licensing authority—
  - (a) receives a provisional statement application, and
  - (b) is satisfied that the applicant has complied with any requirement imposed on him by virtue of section 30.



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- (2) Where no relevant representations are made, the authority must issue the applicant with a statement to that effect.
- (3) Where relevant representations are made, the authority must—
- (a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary,
  - (b) determine whether, on the basis of those representations and the provisional statement application, it would consider it necessary to take any steps under section 18(3)(b) if, on the work being satisfactorily completed, it had to decide whether to grant a premises licence in the form described in the provisional statement application, and
  - (c) issue the applicant with a statement which—
    - (i) gives details of that determination, and
    - (ii) states the authority’s reasons for its decision as to the steps (if any) that it would be necessary to take under section 18(3)(b).
- (4) The licensing authority must give a copy of the provisional statement to—
- (a) each person who made relevant representations, and
  - (b) the chief officer of police for each police area in which the premises are situated.
- (5) In this section “relevant representations” means representations—
- (a) which are about the likely effect on the licensing objectives of the grant of a premises licence in the form described in the provisional statement application, if the work at the premises was satisfactorily completed, and
  - (b) which meet the requirements of subsection (6).
- (6) The requirements are—
- (a) that the representations are made by an interested party or responsible authority within the period prescribed under section 17(5)(c) by virtue of section 30,
  - (b) that the representations have not been withdrawn, and
  - (c) in the case of representations made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- (7) Where the authority determines for the purposes of subsection (6)(c) that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for its determination.
- (8) In this section “provisional statement application” means an application made in accordance with section 29.

#### Commencement Information

**I5** S. 31(6)(a) in force at 16.12.2003 by [S.I. 2003/3222](#), [art. 2](#), [Sch.](#); s. 31(1)-(5)(6)(b)(c)(7)(8) in force at 7.2.2005 by [S.I. 2004/2360](#), [art. 2](#), [Sch.](#)



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## **32 Restriction on representations following provisional statement**

- (1) This section applies where a provisional statement has been issued in respect of any premises (“the relevant premises”) and a person subsequently applies for a premises licence in respect of—
  - (a) the relevant premises or a part of them, or
  - (b) premises that are substantially the same as the relevant premises or a part of them.
- (2) Where—
  - (a) the application for the premises licence is an application for a licence in the same form as the licence described in the application for the provisional statement, and
  - (b) the work described in the schedule of works accompanying the application for that statement has been satisfactorily completed,representations made by a person (“the relevant person”) in respect of the application for the premises licence are excluded representations for the purposes of section 18(6) (d) if subsection (3) applies.
- (3) This subsection applies if—
  - (a) given the information provided in the application for the provisional statement, the relevant person could have made the same, or substantially the same, representations about that application but failed to do so, without reasonable excuse, and
  - (b) there has been no material change in circumstances relating either to the relevant premises or to the area in the vicinity of those premises since the provisional statement was made.

*Duty to notify certain changes*

## **33 Notification of change of name or address**

- (1) The holder of a premises licence must, as soon as is reasonably practicable, notify the relevant licensing authority of any change in—
  - (a) his name or address,
  - (b) unless the designated premises supervisor has already notified the authority under subsection (4), the name or address of that supervisor.
- (2) Subsection (1) is subject to regulations under section 55(1) (fee to accompany application).
- (3) A notice under subsection (1) must also be accompanied by the premises licence (or the appropriate part of the licence) or, if that is not practicable, by a statement of the reasons for the failure to produce the licence (or part).
- (4) Where the designated premises supervisor under a premises licence is not the holder of the licence, he may notify the relevant licensing authority under this subsection of any change in his name or address.
- (5) Where the designated premises supervisor gives a notice under subsection (4), he must, as soon as is reasonably practicable, give the holder of the premises licence a copy of that notice.

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- (6) A person commits an offence if he fails, without reasonable excuse, to comply with this section.
- (7) A person guilty of an offence under subsection (6) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

### *Variation of licences*

## **34 Application to vary premises licence**

- (1) The holder of a premises licence may apply to the relevant licensing authority for variation of the licence.
- (2) Subsection (1) is subject to regulations under—
  - (a) section 54 (form etc. of applications etc.);
  - (b) section 55 (fees to accompany applications etc.).
- (3) An application under this section must also be accompanied by the premises licence (or the appropriate part of that licence) or, if that is not practicable, by a statement of the reasons for the failure to provide the licence (or part).
- (4) This section does not apply to an application within section 37(1) (application to vary licence to specify individual as premises supervisor).
- [<sup>F19</sup>(5) The functions of the Secretary of State under subsections (5) and (6) of section 17 (advertisements etc. of application) apply in relation to applications under this section as they apply in relation to applications under that section.]

#### **Textual Amendments**

**F19** S. 34(5) substituted (28.12.2009) by [The Provision of Services Regulations 2009 \(S.I. 2009/2999\)](#), [reg. 49\(3\)](#) (with [regs. 2, 5](#))

#### **Commencement Information**

**I6** S. 34(5) in force at 16.12.2003 by [S.I. 2003/3222](#), [art. 2](#), [Sch.](#); s. 34(1)-(4) in force for certain purposes at 7.2.2005 and 7.8.2005 otherwise by [S.I. 2004/2360](#), [art. 2](#), [Sch.](#); [S.I. 2005/2090](#), [art. 2](#), [Sch.](#)

## **35 Determination of application under section 34**

- (1) This section applies where the relevant licensing authority—
  - (a) receives an application, made in accordance with section 34, to vary a premises licence, and
  - (b) is satisfied that the applicant has complied with any requirement imposed on him by virtue of subsection (5) of that section.
- (2) Subject to subsection (3) and section 36(6), the authority must grant the application.
- (3) Where relevant representations are made, the authority must—
  - (a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and

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- (b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.
- (4) The steps are—
- (a) to modify the conditions of the licence;
  - (b) to reject the whole or part of the application;
- and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.
- (5) In this section “relevant representations” means representations which—
- (a) are about the likely effect of the grant of the application on the promotion of the licensing objectives, and
  - (b) meet the requirements of subsection (6).
- (6) The requirements are—
- (a) that the representations are made by an interested party or responsible authority within the period prescribed under section 17(5)(c) by virtue of section 34(5),
  - (b) that they have not been withdrawn, and
  - (c) in the case of representations made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- (7) Subsections (2) and (3) are subject to sections [F20 19 to 21](which require certain conditions to be included in premises licences).

#### Textual Amendments

**F20** Words in s. 35(7) substituted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 112, 116, [Sch. 7 para. 32](#); [S.I. 2010/125](#), [art. 2\(t\)](#)

#### Commencement Information

**I7** S. 35 in force for certain purposes at 7.2.2005 and 7.8.2005 otherwise by [S.I. 2004/2360](#), [art. 2\(1\)](#), [Sch.](#); [S.I. 2005/2090](#), [art. 2](#), [Sch.](#)

### 36 Supplementary provision about determinations under section 35

- (1) Where an application (or any part of an application) is granted under section 35, the relevant licensing authority must forthwith give a notice to that effect to—
- (a) the applicant,
  - (b) any person who made relevant representations in respect of the application, and
  - (c) the chief officer of police for the police area (or each police area) in which the premises are situated.
- (2) Where relevant representations were made in respect of the application, the notice under subsection (1) must state the authority’s reasons for its decision as to the steps (if any) to take under section 35(3)(b).
- (3) The notice under subsection (1) must specify the time when the variation in question takes effect.

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That time is the time specified in the application or, if that time is before the applicant is given that notice, such later time as the relevant licensing authority specifies in the notice.

- (4) Where an application (or any part of an application) is rejected under section 35, the relevant licensing authority must forthwith give a notice to that effect stating its reasons for rejecting the application to—
- (a) the applicant,
  - (b) any person who made relevant representations in respect of the application, and
  - (c) the chief officer of police for the police area (or each police area) in which the premises are situated.
- (5) Where the relevant licensing authority determines for the purposes of section 35(6) (c) that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for that determination.
- (6) A licence may not be varied under section 35 so as—
- (a) to extend the period for which the licence has effect, or
  - (b) to vary substantially the premises to which it relates.
- (7) In discharging its duty under subsection (2) or (3)(b) of that section, a licensing authority may vary a premises licence so that it has effect subject to different conditions in respect of—
- (a) different parts of the premises concerned;
  - (b) different licensable activities.
- (8) In this section “relevant representations” has the meaning given in section 35(5).

#### **Commencement Information**

**18** S. 36 in force for certain purposes at 7.2.2005 and 7.8.2005 otherwise by [S.I. 2004/2360](#), [art. 2\(1\)](#), [Sch.](#); [S.I. 2005/2090](#), [art. 2](#), [Sch.](#)

### **37 Application to vary licence to specify individual as premises supervisor**

- (1) The holder of a premises licence may—
- (a) if the licence authorises the supply of alcohol, or
  - (b) if he has applied under section 34 to vary the licence so that it authorises such supplies,
- apply to vary the licence so as to specify the individual named in the application (“the proposed individual”) as the premises supervisor.
- (2) Subsection (1) is subject to regulations under—
- (a) section 54 (form etc. of applications etc.);
  - (b) section 55 (fees to accompany applications etc.).
- (3) An application under this section must also be accompanied by—
- (a) a form of consent in the prescribed form given by the proposed individual, and

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- (b) the premises licence (or the appropriate part of that licence) or, if that is not practicable, a statement of the reasons for the failure to provide the licence (or part).
- (4) [<sup>F21</sup>Notice of an application under this section must be given]—
- (a) to the chief officer of police for the police area (or each police area) in which the premises are situated, and
- (b) to the designated premises supervisor (if there is one),
- and that notice must state whether the application is one to which section 38 applies.
- [<sup>F22</sup>(4A) Notice under subsection (4)(a) is to be given by—
- (a) the relevant licensing authority, in a case where the holder of the premises licence submitted the application to the relevant licensing authority by means of a relevant electronic facility;
- (b) the holder of the premises licence, in any other case.
- (4B) Notice under subsection (4)(b) is to be given by the holder of the premises licence.]
- (5) Where a chief officer of police notified under subsection (4) is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective, he must give the relevant licensing authority a notice stating the reasons why he is so satisfied.
- (6) The chief officer of police must give that notice within the period of 14 days beginning with the day on which he is notified of the application under subsection (4).

#### Textual Amendments

**F21** Words in s. 37(4) substituted (28.12.2009) by [The Provision of Services Regulations 2009 \(S.I. 2009/2999\)](#), [reg. 49\(4\)](#) (with [regs. 2, 5](#))

**F22** S. 37(4A)(4B) inserted (28.12.2009) by [The Provision of Services Regulations 2009 \(S.I. 2009/2999\)](#), [reg. 49\(5\)](#) (with [regs. 2, 5](#))

#### Commencement Information

**I9** S. 37(3)(a) in force at 16.12.2003 by [S.I. 2003/3222](#), [art. 2](#), [Sch.](#); s. 37(1)(2)(3)(b)(4)-(6) in force for certain purposes at 7.2.2005 and 7.8.2005 otherwise by [S.I. 2004/2360](#), [art. 2](#), [Sch.](#); [S.I. 2005/2090](#), [art. 2](#), [Sch.](#)

### 38 Circumstances in which section 37 application given interim effect

- (1) This section applies where an application made in accordance with section 37, in respect of a premises licence which authorises the supply of alcohol, includes a request that the variation applied for should have immediate effect.
- (2) By virtue of this section, the premises licence has effect during the application period as if it were varied in the manner set out in the application.
- (3) For this purpose “the application period” means the period which—
- (a) begins when the application is received by the relevant licensing authority, and
- (b) ends—
- (i) if the application is granted, when the variation takes effect,

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- (ii) if the application is rejected, at the time the rejection is notified to the applicant, or
- (iii) if the application is withdrawn before it is determined, at the time of the withdrawal.

### **39 Determination of section 37 application**

- (1) This section applies where an application is made, in accordance with section 37, to vary a premises licence so as to specify a new premises supervisor (“the proposed individual”).
- (2) Subject to subsection (3), the relevant licensing authority must grant the application.
- (3) Where a notice is given under section 37(5) (and not withdrawn), the authority must—
  - (a) hold a hearing to consider it, unless the authority, the applicant and the chief officer of police who gave the notice agree that a hearing is unnecessary, and
  - (b) having regard to the notice, reject the application if it considers it necessary for the promotion of the crime prevention objective to do so.
- (4) Where an application under section 37 is granted or rejected, the relevant licensing authority must give a notice to that effect to—
  - (a) the applicant,
  - (b) the proposed individual, and
  - (c) the chief officer of police for the police area (or each police area) in which the premises are situated.
- (5) Where a chief officer of police gave a notice under subsection (5) of that section (and it was not withdrawn), the notice under subsection (4) of this section must state the authority’s reasons for granting or rejecting the application.
- (6) Where the application is granted, the notice under subsection (4) must specify the time when the variation takes effect.

That time is the time specified in the application or, if that time is before the applicant is given that notice, such later time as the relevant licensing authority specifies in the notice.

#### **Commencement Information**

**I10** S. 39 in force for certain purposes at 7.2.2005 and 7.8.2005 otherwise by [S.I. 2004/2360, art. 2, Sch.](#); [S.I. 2005/2090, art. 2](#)

### **40 Duty of applicant following determination under section 39**

- (1) Where the holder of a premises licence is notified under section 39(4), he must forthwith—
  - (a) if his application has been granted, notify the person (if any) who has been replaced as the designated premises supervisor of the variation, and
  - (b) if his application has been rejected, give the designated premises supervisor (if any) notice to that effect.

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- (2) A person commits an offence if he fails, without reasonable excuse, to comply with subsection (1).
- (3) A person guilty of an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### **41 Request to be removed as designated premises supervisor**

- (1) Where an individual wishes to cease being the designated premises supervisor in respect of a premises licence, he may give the relevant licensing authority a notice to that effect.
- (2) Subsection (1) is subject to regulations under section 54 (form etc. of notices etc.).
- (3) Where the individual is the holder of the premises licence, the notice under subsection (1) must also be accompanied by the premises licence (or the appropriate part of the licence) or, if that is not practicable, by a statement of the reasons for the failure to provide the licence (or part).
- (4) In any other case, the individual must no later than 48 hours after giving the notice under subsection (1) give the holder of the premises licence—
  - (a) a copy of that notice, and
  - (b) a notice directing the holder to send to the relevant licensing authority within 14 days of receiving the notice—
    - (i) the premises licence (or the appropriate part of the licence), or
    - (ii) if that is not practicable, a statement of the reasons for the failure to provide the licence (or part).
- (5) A person commits an offence if he fails, without reasonable excuse, to comply with a direction given to him under subsection (4)(b).
- (6) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (7) Where an individual—
  - (a) gives the relevant licensing authority a notice in accordance with this section, and
  - (b) satisfies the requirements of subsection (3) or (4),he is to be treated for the purposes of this Act as if, from the relevant time, he were not the designated premises supervisor.
- (8) For this purpose “the relevant time” means—
  - (a) the time the notice under subsection (1) is received by the relevant licensing authority, or
  - (b) if later, the time specified in the notice.

*Status: Point in time view as at 01/10/2010.*

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### *[<sup>F23</sup>Variation of licences: minor variations*

#### **Textual Amendments**

**F23** Ss. 41A-41C and cross-heading inserted (1.7.2009 for certain purposes and 29.7.2009 otherwise) by [The Legislative Reform \(Minor Variations to Premises Licences and Club Premises Certificates\) Order 2009 \(S.I. 2009/1772\)](#), **art. 2**

#### **41A Application for minor variation of premises licence**

- (1) Subject to subsection (3), the holder of a premises licence may apply under this section (instead of under section 34) to the relevant licensing authority for variation of the licence.
- (2) Subsection (1) is subject to regulations under—
  - (a) section 54 (form etc. of applications etc.);
  - (b) section 55 (fees to accompany applications etc.).
- (3) An application may not be made under this section to vary a premises licence so as to—
  - (a) extend the period for which it has effect,
  - (b) vary substantially the premises to which it relates,
  - (c) specify an individual as the premises supervisor,
  - (d) add the supply of alcohol as an activity authorised by the licence,
  - (e) authorise—
    - (i) the supply of alcohol at any time between 11pm and 7am, or
    - (ii) an increase in the amount of time on any day during which alcohol may be sold by retail or supplied, or
  - (f) include the alternative licence condition referred to in section 41D(3).
- (4) The duty to make regulations imposed on the Secretary of State by subsection (5)(a) of section 17 (advertisement etc. of application) applies in relation to applications under this section as it applies in relation to applications under that section.

#### **41B Determination of application under section 41A**

- (1) This section applies where the relevant licensing authority receives an application made under section 41A.
- (2) In determining the application the authority must—
  - (a) consult such of the responsible authorities as it considers appropriate, and
  - (b) take into account any relevant representations—
    - (i) made by those authorities, or
    - (ii) made by an interested party and received by the authority within ten working days beginning on the initial day.
- (3) If the authority considers that—
  - (a) the variation proposed in the application could not have an adverse effect on the promotion of any of the licensing objectives, or
  - (b) if more than one variation is proposed, none of them, whether considered separately or together could have such an effect,



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it must grant the application.

- (4) In any other case the authority must reject the application.
- (5) A determination under this section must be made within the period of fifteen working days beginning on the initial day.
- (6) If at the expiry of the period referred to in subsection (5) the authority has not determined the application—
  - (a) the application is rejected, and
  - (b) the authority must forthwith return the fee that accompanied the application.
- (7) But nothing in subsection (6) prevents the authority, with the agreement of the applicant, from treating—
  - (a) an application rejected by virtue of that subsection (“the first application”) as a new application made under section 41A,
  - (b) the prescribed fee that accompanied the first application as the prescribed fee accompanying a new application, or
  - (c) both.
- (8) A new application of the kind referred to in subsection (7)(a) is to be treated as having been made on the date of the agreement referred to in that provision, or on such other date as is specified in the agreement.
- (9) Any fee owed to an applicant under subsection (6) may be recovered as a debt due to the applicant.
- (10) For the purposes of this section—

“initial day” in relation to an application means the first working day after the day on which the authority receives the application;

“relevant representations” in relation to an application means representations which are about the likely effect of the grant of the application on the promotion of the licensing objectives.

#### **41C Supplementary provision about determinations under section 41B**

- (1) Where an application is granted under section 41B, the relevant licensing authority must forthwith give a notice to that effect to the applicant.
- (2) The notice under subsection (1) must specify—
  - (a) any variation of the premises licence which is to have effect as a result of the grant of the application, and
  - (b) the time at which that variation takes effect.
- (3) The time referred to in subsection (2)(b) is the time specified in the application or, if that time is before the applicant is given the notice referred to in subsection (2), such later time as the authority specifies in the notice.
- (4) Where an application is rejected under section 41B, the relevant licensing authority must forthwith give a notice to that effect to the applicant.
- (5) The notice under subsection (4) must include a statement by the authority of the reasons for its decision.

*Status: Point in time view as at 01/10/2010.*

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## **41D** Variation of premises licence: supply of alcohol from community premises

- (1) Where a management committee which holds a premises licence in respect of community premises makes an application under section 34 for variation of the licence so as to authorise the supply of alcohol, the application may include an application for the alternative licence condition to be included in the licence instead of the conditions in section 19(2) and (3).
- (2) A management committee which holds a premises licence in respect of community premises which includes the conditions in section 19(2) and (3) may make an application under section 34 for (or which includes an application for) variation of the licence to include the alternative licence condition instead of those conditions.
- (3) In this section “the alternative licence condition” is the condition that every supply of alcohol under the premises licence must be made or authorised by the management committee.
- (4) In a case where an application under section 34 includes an application under subsection (1), or is made pursuant to subsection (2), section 19 (as it applies by virtue of section 35(7)) and section 35 are modified as follows.
- (5) Section 19 has effect as if at the end there were inserted—
- [<sup>F25</sup>(5)] But where—
- (a) the relevant licensing authority is satisfied that the arrangements for the management of the premises by the applicant are sufficient to ensure adequate supervision of the supply of alcohol on the premises, and
- (b) if any representations are made pursuant to section 35(5)(aa), the authority does not consider the inclusion of the conditions in subsections (2) and (3) to be necessary to promote the crime prevention objective,
- the licence must not include the conditions in subsections (2) and (3) but must include the alternative licence condition referred to in section 41D(3) instead.”.
- (6) Section 35 has effect as if—
- (a) after subsection (5)(a) there were inserted—
- “(aa) if they relate to the inclusion of the alternative licence condition referred to in section 41D(3)—
- (i) were made by the chief officer of police for a police area in which the premises are situated, and
- (ii) include a statement that, due to the exceptional circumstances of the case, he is satisfied that including the alternative licence condition instead of the conditions in section 19(2) and (3) would undermine the crime prevention objective, and” , and
- (b) in subsection (6)-
- (i) in paragraph (a) “by an interested party or responsible authority” were omitted, and
- (ii) paragraph (c) were omitted.]

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#### Textual Amendments

- F24** S. 41D inserted (29.7.2009) by [The Legislative Reform \(Supervision of Alcohol Sales in Church and Village Halls &.\) Order 2009 \(S.I. 2009/1724\)](#), [art. 4](#)
- F25** Word in s. 41D(5) substituted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 112, 116, [Sch. 7 para. 33](#); S.I. 2010/125, [art. 2\(f\)](#)

### *Transfer of premises licence*

#### 42 Application for transfer of premises licence

- (1) Subject to this section, any person mentioned in section 16(1) (applicant for premises licence) may apply to the relevant licensing authority for the transfer of a premises licence to him.
- (2) Where the applicant is an individual he must be aged 18 or over.
- (3) Subsection (1) is subject to regulations under—
  - (a) section 54 (form etc. of applications etc.);
  - (b) section 55 (fees to accompany applications etc.).
- (4) An application under this section must also be accompanied by the premises licence or, if that is not practicable, a statement of the reasons for the failure to provide the licence.
- (5) The [<sup>F26</sup>relevant person must give notice of the] application to the chief officer of police for the police area (or each police area) in which the premises are situated.

[ In subsection (5), “relevant person” means—

- <sup>F27</sup>(5A) (a) the relevant licensing authority, in a case where the applicant submitted the application to the relevant licensing authority by means of a relevant electronic facility;
- (b) the applicant, in any other case.]
- (6) Where a chief officer of police notified under subsection (5) is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective, he must give the relevant licensing authority a notice stating the reasons why he is so satisfied.
  - (7) The chief officer of police must give that notice within the period of 14 days beginning with the day on which he is notified of the application under subsection (5).

#### Textual Amendments

- F26** Words in s. 42(5) substituted (28.12.2009) by [The Provision of Services Regulations 2009 \(S.I. 2009/2999\)](#), [reg. 49\(6\)](#) (with [regs. 2, 5](#))
- F27** S. 42(5A) inserted (28.12.2009) by [The Provision of Services Regulations 2009 \(S.I. 2009/2999\)](#), [reg. 49\(7\)](#) (with [regs. 2, 5](#))

#### 43 Circumstances in which transfer application given interim effect

- (1) Where—

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- (a) an application made in accordance with section 42 includes a request that the transfer have immediate effect, and
  - (b) the requirements of this section are met,
- then, by virtue of this section, the premises licence has effect during the application period as if the applicant were the holder of the licence.
- (2) For this purpose “the application period” means the period which—
- (a) begins when the application is received by the relevant licensing authority, and
  - (b) ends—
    - (i) when the licence is transferred following the grant of the application, or
    - (ii) if the application is rejected, when the applicant is notified of the rejection, or
    - (iii) when the application is withdrawn.
- (3) Subject to subsections (4) and (5), an application within subsection (1)(a) may be made only with the consent of the holder of the premises licence.
- (4) Where a person is the holder of the premises licence by virtue of an interim authority notice under section 47, such an application may also be made by that person.
- (5) The relevant licensing authority must exempt the applicant from the requirement to obtain the holder’s consent if the applicant shows to the authority’s satisfaction—
- (a) that he has taken all reasonable steps to obtain that consent, and
  - (b) that, if the application were one to which subsection (1) applied, he would be in a position to use the premises during the application period for the licensable activity or activities authorised by the premises licence.
- (6) Where the relevant licensing authority refuses to exempt an applicant under subsection (5), it must notify the applicant of its reasons for that decision.

#### Commencement Information

**III** S. 43(1)(2)(5)(6) in force and s. 43(3) in force "apart from the reference to subsection (4)" at 7.8.2005 by [S.I. 2005/2090](#), [art. 2](#), [Sch.](#); s. 43 otherwise in force in force at 24.11.2005 by [S.I. 2005/3056](#), [art. 2](#) (with [Sch.](#))

#### 44 Determination of transfer application

- (1) This section applies where an application for the transfer of a licence is made in accordance with section 42.
- (2) Subject to subsections (3) and (5), the authority must transfer the licence in accordance with the application.
- (3) The authority must reject the application if none of the conditions in subsection (4) applies.
- (4) The conditions are—
  - (a) that section 43(1) (applications given interim effect) applies to the application,
  - (b) that the holder of the premises licence consents to the transfer,

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- (c) that the applicant is exempted under subsection (6) from the requirement to obtain the holder's consent to the transfer.
- (5) Where a notice is given under section 42(6) (and not withdrawn), and subsection (3) above does not apply, the authority must—
  - (a) hold a hearing to consider it, unless the authority, the applicant and the chief officer of police who gave the notice agree that a hearing is unnecessary, and
  - (b) having regard to the notice, reject the application if it considers it necessary for the promotion of the crime prevention objective to do so.
- (6) The relevant licensing authority must exempt the applicant from the requirement to obtain the holder's consent if the applicant shows to the authority's satisfaction—
  - (a) that he has taken all reasonable steps to obtain that consent, and
  - (b) that, if the application were granted, he would be in a position to use the premises for the licensable activity or activities authorised by the premises licence.
- (7) Where the relevant licensing authority refuses to exempt an applicant under subsection (6), it must notify the applicant of its reasons for that decision.

#### **45 Notification of determination under section 44**

- (1) Where an application under section 42 is granted or rejected, the relevant licensing authority must give a notice to that effect to—
  - (a) the applicant, and
  - (b) the chief officer of police for the police area (or each police area) in which the premises are situated.
- (2) Where a chief officer of police gave a notice under subsection (6) of that section (and it was not withdrawn), the notice under subsection (1) of this section must state the licensing authority's reasons for granting or rejecting the application.
- (3) Where the application is granted, the notice under subsection (1) must specify the time when the transfer takes effect.

That time is the time specified in the application or, if that time is before the applicant is given that notice, such later time as the relevant licensing authority specifies in the notice.

- (4) The relevant licensing authority must also give a copy of the notice given under subsection (1)—
  - (a) where the application is granted—
    - (i) to the holder of the licence immediately before the application was granted, or
    - (ii) if the application was one to which section 43(1) applied, to the holder of the licence immediately before the application was made (if any),
  - (b) where the application is rejected, to the holder of the premises licence (if any).

#### **46 Duty to notify designated premises supervisor of transfer**

- (1) This section applies where—
  - (a) an application is made in accordance with section 42 to transfer a premises licence in respect of which there is a designated premises supervisor, and

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- (b) the applicant and that supervisor are not the same person.
- (2) Where section 43(1) applies in relation to the application, the applicant must forthwith notify the designated premises supervisor of the application.
- (3) If the application is granted, the applicant must forthwith notify the designated premises supervisor of the transfer.
- (4) A person commits an offence if he fails, without reasonable excuse, to comply with this section.
- (5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### *Interim authority notices*

### **47 Interim authority notice following death etc. of licence holder**

- (1) This section applies where—
  - (a) a premises licence lapses under section 27 in a case within subsection (1)(a), (b) or (c) of that section (death, incapacity or insolvency of the holder), but
  - (b) no application for transfer of the licence has been made by virtue of section 50 (reinstatement of licence on transfer following death etc.).
- (2) A person who—
  - (a) has a prescribed interest in the premises concerned, or
  - (b) is connected to the person who held the premises licence immediately before it lapsed (“the former holder”),
 may, during the initial [<sup>F28</sup>28 day] period, give to the relevant licensing authority a notice (an “interim authority notice”) in respect of the licence.
- (3) Subsection (2) is subject to regulations under—
  - (a) section 54 (form etc. of notices etc.);
  - (b) section 55 (fees to accompany applications etc.).
- (4) Only one interim authority notice may be given under subsection (2).
- (5) For the purposes of subsection (2) a person is connected to the former holder of the premises licence if, and only if—
  - (a) the former holder has died and that person is his personal representative,
  - [<sup>F29</sup>(b) the former holder lacks capacity (within the meaning of the Mental Capacity Act 2005) to hold the licence and that person acts for him under an enduring power of attorney or lasting power of attorney registered under that Act,]
  - (c) the former holder has become insolvent and that person is his insolvency practitioner.
- (6) Where an interim authority notice is given in accordance with this section—
  - (a) the premises licence is reinstated from the time the notice is received by the relevant licensing authority, and
  - (b) the person who gave the notice is from that time the holder of the licence.
- (7) But the premises licence lapses again—

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- (a) at the end of the initial [<sup>F28</sup>28 day] period unless before that time the person who gave the interim authority notice has given a copy of the notice to the chief officer of police for the police area (or each police area) in which the premises are situated;
- (b) at the end of the interim authority period, unless before that time a relevant transfer application is made to the relevant licensing authority.

[ Where the interim authority notice was given to the relevant licensing authority by <sup>F30</sup>(7A) means of a relevant electronic facility—

- (a) subsection (7)(a) does not apply, and
- (b) the relevant licensing authority must forthwith give a copy of the notice to the chief officer of police for the police area (or each police area) in which the premises are situated.]

(8) Nothing in this section prevents the person who gave the interim authority notice from making a relevant transfer application.

(9) If—

- (a) a relevant transfer application is made during the interim authority period, and
  - (b) that application is rejected or withdrawn,
- the licence lapses again at the time of the rejection or withdrawal.

(10) In this section—

“becomes insolvent” is to be construed in accordance with section 27;

[<sup>F31</sup>“initial 28 day period”, in relation to a licence which lapses as mentioned in subsection (1), means the period of 28 days beginning with the day after the day the licence lapses;]

“insolvency practitioner”, in relation to a person, means a person acting as an insolvency practitioner in relation to him (within the meaning of section 388 of the Insolvency Act 1986 (c. 45));

“interim authority period” means the period beginning with the day on which the interim authority notice is received by the relevant licensing authority and ending—

- (a) [<sup>F32</sup>three months] after that day, or
- (b) if earlier, when it is terminated by the person who gave the interim authority notice notifying the relevant licensing authority to that effect;

<sup>F33</sup>  
.....

“relevant transfer application” in relation to the premises licence, is an application under section 42 which is given interim effect by virtue of section 43.

#### Textual Amendments

- F28** Words in s. 47(2)(7)(a) substituted (1.10.2010) by [The Legislative Reform \(Licensing\) \(Interim Authority Notices etc\) Order 2010 \(S.I. 2010/2452\)](#), **art. 2(1)(a)** (with art. 4)
- F29** S. 47(5)(b) substituted (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\)](#), ss. 67(1), 68(1)-(3), **Sch. 6 para. 46(3)(a)** (with ss. 27, 28, 29, 62); S.I. 2007/1897, **art. 2**
- F30** S. 47(7A) inserted (28.12.2009) by [The Provision of Services Regulations 2009 \(S.I. 2009/2999\)](#), **reg. 49(8)** (with regs. 2, 5)
- F31** S. 47(10): definition of initial seven day period" substituted (1.10.2010) by [The Legislative Reform \(Licensing\) \(Interim Authority Notices etc\) Order 2010 \(S.I. 2010/2452\)](#), **art. 2(1)(b)(i)** (with art. 4)

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- F32** S. 47(10): words in definition of "interim authority period" substituted (1.10.2010) by [The Legislative Reform \(Licensing\) \(Interim Authority Notices etc\) Order 2010 \(S.I. 2010/2452\)](#), **art. 2(1)(b)(ii)** (with art. 4)
- F33** S. 47(10): definition of "mentally incapable" repealed (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\)](#), ss. 67(1)(2), 68(1)-(3), Sch. 6 para. 46(3)(b), **Sch. 7** (with ss. 27, 28, 29, 62); S.I. 2007/1897, **art. 2**

#### Commencement Information

- I12** S. 47(2)(a) in force at 16.12.2003 by [S.I. 2003/3222](#), **art. 2**, **Sch.** and s. 47 otherwise in force at 24.11.2005 by [S.I. 2005/3056](#), **art. 2** (with **Sch.**)

## 48 Cancellation of interim authority notice following police objections

- (1) This section applies where—
- (a) an interim authority notice by a person (“the relevant person”) is given in accordance with section 47,
  - (b) the chief officer of police for the police area (or each police area) in which the premises are situated is given a copy of the interim authority notice before the end of the initial [<sup>F34</sup>28 day] period (within the meaning of that section), and
  - (c) that chief officer (or any of those chief officers) is satisfied that the exceptional circumstances of the case are such that a failure to cancel the interim authority notice would undermine the crime prevention objective.
- (2) The chief officer of police must [<sup>F35</sup>before the end of the second working day following the day on which] he receives the copy of the interim authority notice give the relevant licensing authority a notice stating why he is so satisfied.
- (3) Where a notice is given by the chief officer of police (and not withdrawn), the authority must—
- (a) hold a hearing to consider it, unless the authority, the relevant person and the chief officer of police agree that a hearing is unnecessary, and
  - (b) having regard to the notice given by the chief officer of police, cancel the interim authority notice if it considers it necessary for the promotion of the crime prevention objective to do so.
- (4) An interim authority notice is cancelled under subsection (3)(b) by the licensing authority giving the relevant person a notice stating that it is cancelled and the authority’s reasons for its decision.
- (5) The licensing authority must give a copy of a notice under subsection (4) to the chief officer of police for the police area (or each police area) in which the premises are situated.
- (6) The premises licence lapses if, and when, a notice is given under subsection (4).
- This is subject to paragraph 7(5) of Schedule 5 (reinstatement of premises licence where appeal made against cancellation of interim authority notice).
- (7) The relevant licensing authority must not cancel an interim authority notice after a relevant transfer application (within the meaning of section 47) is made in respect of the premises licence.



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#### Textual Amendments

- F34** Words in s. 48(1)(b) substituted (1.10.2010) by [The Legislative Reform \(Licensing\) \(Interim Authority Notices etc\) Order 2010 \(S.I. 2010/2452\)](#), **art. 2(2)(a)** (with art. 4)
- F35** Words in s. 48(2) substituted (1.10.2010) by [The Legislative Reform \(Licensing\) \(Interim Authority Notices etc\) Order 2010 \(S.I. 2010/2452\)](#), **art. 2(2)(b)** (with art. 4)

### 49 Supplementary provision about interim authority notices

- (1) On receipt of an interim authority notice, the relevant licensing authority must issue to the person who gave the notice a copy of the licence and a copy of the summary (in each case certified by the authority to be a true copy).
- (2) The copies issued under this section must be copies of the premises licence and summary in the form in which they existed immediately before the licence lapsed under section 27, except that they must specify the person who gave the interim authority notice as the person who is the holder.
- (3) This Act applies in relation to a copy issued under this section as it applies in relation to an original licence or summary.
- (4) Where a person becomes the holder of a premises licence by virtue of section 47, he must (unless he is the designated premises supervisor under the licence) forthwith notify the supervisor (if any) of the interim authority notice.
- (5) A person commits an offence if he fails, without reasonable excuse, to comply with subsection (4).
- (6) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

*Transfer following death etc. of licence holder*

### 50 Reinstatement of licence on transfer following death etc. of holder

- (1) This section applies where—
  - (a) a premises licence lapses by virtue of section 27 (death, incapacity or insolvency etc. of the holder), but no interim authority notice has effect, or
  - (b) a premises licence lapses by virtue of section 28 (surrender).
- (2) For the purposes of subsection (1)(a) an interim authority notice ceases to have effect when it is cancelled under section 48 or withdrawn.
- (3) Notwithstanding the lapsing of the licence, a person mentioned in section 16(1) (who, in the case of an individual, is aged 18 or over) may apply under section 42 for the transfer of the licence to him provided that the application—
  - (a) is made no later than [<sup>F36</sup>28 days] after the day the licence lapsed, and
  - (b) is one to which section 43(1)(a) applies.
- (4) Where an application is made in accordance with subsection (3), section 43(1)(b) must be disregarded.

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- (5) Where such an application is made, the premises licence is reinstated from the time the application is received by the relevant licensing authority.
- (6) But the licence lapses again if, and when—
  - (a) the applicant is notified of the rejection of the application, or
  - (b) the application is withdrawn.
- (7) Only one application for transfer of the premises licence may be made in reliance on this section.

#### Textual Amendments

**F36** Words in s. 50(3)(a) substituted (1.10.2010) by [The Legislative Reform \(Licensing\) \(Interim Authority Notices etc\) Order 2010 \(S.I. 2010/2452\)](#), **art. 2(3)** (with art. 4)

### *Review of licences*

#### **51 Application for review of premises licence**

- (1) Where a premises licence has effect, an interested party or a responsible authority may apply to the relevant licensing authority for a review of the licence.
- (2) Subsection (1) is subject to regulations under section 54 (form etc. of applications etc.).
- (3) The Secretary of State must by regulations under this section—
  - (a) require the applicant to give a notice containing details of the application to the holder of the premises licence and each responsible authority within such period as may be prescribed;
  - (b) require the authority to advertise the application and invite representations about it to be made to the authority by interested parties and responsible authorities;
  - (c) prescribe the period during which representations may be made by the holder of the premises licence, any responsible authority or any interested party;
  - (d) require any notice under paragraph (a) or advertisement under paragraph (b) to specify that period.
- (4) The relevant licensing authority may, at any time, reject any ground for review specified in an application under this section if it is satisfied—
  - (a) that the ground is not relevant to one or more of the licensing objectives, or
  - (b) in the case of an application made by a person other than a responsible authority, that—
    - (i) the ground is frivolous or vexatious, or
    - (ii) the ground is a repetition.
- (5) For this purpose a ground for review is a repetition if—
  - (a) it is identical or substantially similar to—
    - (i) a ground for review specified in an earlier application for review made in respect of the same premises licence and determined under section 52, or

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- (ii) representations considered by the relevant licensing authority in accordance with section 18, before it determined the application for the premises licence under that section, or
  - (iii) representations which would have been so considered but for the fact that they were excluded representations by virtue of section 32, and
- (b) a reasonable interval has not elapsed since that earlier application for review or the grant of the licence (as the case may be).
- (6) Where the authority rejects a ground for review under subsection (4)(b), it must notify the applicant of its decision and, if the ground was rejected because it was frivolous or vexatious, the authority must notify him of its reasons for making that decision.
- (7) The application is to be treated as rejected to the extent that any of the grounds for review are rejected under subsection (4).

Accordingly the requirements imposed under subsection (3)(a) and (b) and by section 52 (so far as not already met) apply only to so much (if any) of the application as has not been rejected.

#### Commencement Information

**I13** S. 51(3) in force at 16.12.2003 by [S.I. 2003/3222](#), [art. 2](#), [Sch.](#); s. 51(1)(2)(4)-(7) in force at 24.11.2005 by [S.I. 2005/3056](#), [art. 2](#) (with [Sch.](#))

## 52 Determination of application for review

- (1) This section applies where—
- (a) the relevant licensing authority receives an application made in accordance with section 51,
  - (b) the applicant has complied with any requirement imposed on him under subsection (3)(a) or (d) of that section, and
  - (c) the authority has complied with any requirement imposed on it under subsection (3)(b) or (d) of that section.
- (2) Before determining the application, the authority must hold a hearing to consider it and any relevant representations.
- (3) The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.
- (4) The steps are—
- (a) to modify the conditions of the licence;
  - (b) to exclude a licensable activity from the scope of the licence;
  - (c) to remove the designated premises supervisor;
  - (d) to suspend the licence for a period not exceeding three months;
  - (e) to revoke the licence;
- and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.
- (5) Subsection (3) is subject to sections [\[<sup>F37</sup>19 to 21\]](#)(requirement to include certain conditions in premises licences).

*Status: Point in time view as at 01/10/2010.*

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- (6) Where the authority takes a step mentioned in subsection (4)(a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.
- (7) In this section “relevant representations” means representations which—
- (a) are relevant to one or more of the licensing objectives, and
  - (b) meet the requirements of subsection (8).
- (8) The requirements are—
- (a) that the representations are made—
    - (i) by the holder of the premises licence, a responsible authority or an interested party, and
    - (ii) within the period prescribed under section 51(3)(c),
  - (b) that they have not been withdrawn, and
  - (c) if they are made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- (9) Where the relevant licensing authority determines that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for that determination.
- (10) Where a licensing authority determines an application for review under this section it must notify the determination and its reasons for making it to—
- (a) the holder of the licence,
  - (b) the applicant,
  - (c) any person who made relevant representations, and
  - (d) the chief officer of police for the police area (or each police area) in which the premises are situated.
- (11) A determination under this section does not have effect—
- (a) until the end of the period given for appealing against the decision, or
  - (b) if the decision is appealed against, until the appeal is disposed of.

#### Textual Amendments

**F37** Words in s. 52(5) substituted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 112, 116, [Sch. 7 Pt. 5 para. 34](#); S.I. 2010/125, [art. 2\(t\)](#)

#### <sup>F38</sup> **52A** Review: supply of alcohol from community premises

- (1) In a case where an application is made under section 51 for review of a premises licence which—
- (a) is held by a management committee in respect of community premises, and
  - (b) includes the alternative licence condition,
- section 52 is modified as follows.
- (2) Subsection (4) has effect as if paragraph (c) were omitted.
- (3) Subsection (5) has effect as if for that subsection there were substituted—

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“(5) Subsection (3) is subject—

- (a) to the requirement that the licence must include—
  - (i) the conditions in section 19(2) and (3), or
  - (i) the alternative licence condition referred to in section 52A(4) (but not both), and
- (b) to sections [F39 19(4) and 19A to 21](requirement to include certain conditions in premises licences).”.

(4) In this section “the alternative licence condition” is the condition that every supply of alcohol under the premises licence must be made or authorised by the management committee.]

#### Textual Amendments

**F38** S. 52A inserted (29.7.2009) by [The Legislative Reform \(Supervision of Alcohol Sales in Church and Village Halls &c.\) Order 2009 \(S.I. 2009/1724\)](#), [art. 5](#)

**F39** Words in s. 52A(3) substituted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 112, 116, [Sch. 7 para. 35](#); [S.I. 2010/125](#), [art. 2\(t\)](#)

### 53 Supplementary provision about review

- (1) This section applies where a local authority is both—
  - (a) the relevant licensing authority, and
  - (b) a responsible authority,in respect of any premises.
- (2) The authority may, in its capacity as a responsible authority, apply under section 51 for a review of any premises licence in respect of the premises.
- (3) The authority may, in its capacity as licensing authority, determine that application.

*[F40 Summary reviews in serious cases of crime or disorder*

#### Textual Amendments

**F40** Ss. 53A-53C and cross-heading inserted (1.10.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), ss. 21, 66(2)(3); [S.I. 2007/2180](#), [art. 3\(a\)](#)

### 53A Summary reviews on application of senior police officer

- (1) The chief officer of police of a police force for a police area may apply under this section to the relevant licensing authority for a review of the premises licence for any premises wholly or partly in that area if—
  - (a) the premises are licensed premises in relation to the sale of alcohol by retail; and
  - (b) a senior member of that force has given a certificate that it is his opinion that the premises are associated with serious crime or serious disorder or both; and that certificate must accompany the application.

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- (2) On receipt of such an application, the relevant licensing authority must—
- (a) within 48 hours of the time of its receipt, consider under section 53B whether it is necessary to take interim steps pending the determination of a review of the premises licence; and
  - (b) within 28 days after the day of its receipt, review that licence in accordance with section 53C and reach a determination on that review.
- (3) The Secretary of State must by regulations—
- (a) require a relevant licensing authority to whom an application for a review under this section has been made to give notice of the review to the holder of the premises licence and to every responsible authority;
  - (b) prescribe the period after the making of the application within which the notice under paragraph (a) must be given;
  - (c) require a relevant licensing authority to advertise the review, inviting representations about it to be made to the authority by the responsible authorities and interested parties;
  - (d) prescribe the period after the making of the application within which the advertisement must be published;
  - (e) prescribe the period after the publication of the advertisement during which representations may be made by the holder of the premises licence, any responsible authority or any interested party; and
  - (f) require a notice or advertisement under paragraph (a) or (c) to specify the period prescribed under paragraph (e).
- (4) In this section—
- “senior member”, in relation to a police force, means a police officer who is a member of that force and of or above the rank of superintendent; and
- “serious crime” has the same meaning as in the Regulation of Investigatory Powers Act 2000 (c. 23) (see section 81(2) and (3) of that Act).
- (5) In computing the period of 48 hours mentioned in subsection (2)(a) time that is not on a working day is to be disregarded.

### **53B Interim steps pending review**

- (1) This section applies to the consideration by a relevant licensing authority on an application under section 53A whether it is necessary to take interim steps pending the determination of the review applied for.
- (2) The consideration may take place without the holder of the premises licence having been given an opportunity to make representations to the relevant licensing authority.
- (3) The interim steps the relevant licensing authority must consider taking are—
  - (a) the modification of the conditions of the premises licence;
  - (b) the exclusion of the sale of alcohol by retail from the scope of the licence;
  - (c) the removal of the designated premises supervisor from the licence;
  - (d) the suspension of the licence.
- (4) For the purposes of subsection (3)(a) the conditions of a premises licence are modified if any of them is altered or omitted or any new condition is added.

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- (5) Where on its consideration of whether to take interim steps the relevant licensing authority does take one or more such steps—
  - (a) its decision takes effect immediately or as soon after that as that authority directs; but
  - (b) it must give immediate notice of its decision and of its reasons for making it to—
    - (i) the holder of the premises licence; and
    - (ii) the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated).
- (6) If the holder of the premises licence makes, and does not withdraw, representations against any interim steps taken by the relevant licensing authority, the authority must, within 48 hours of the time of its receipt of the representations, hold a hearing to consider those representations.
- (7) The relevant licensing authority must give advance notice of the hearing to—
  - (a) the holder of the premises licence;
  - (b) the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated).
- (8) At the hearing, the relevant licensing authority must—
  - (a) consider whether the interim steps are necessary for the promotion of the licensing objectives; and
  - (b) determine whether to withdraw or modify the steps taken.
- (9) In considering those matters the relevant licensing authority must have regard to—
  - (a) the certificate that accompanied the application;
  - (b) any representations made by the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated); and
  - (c) any representations made by the holder of the premises licence.
- (10) In computing the period of 48 hours mentioned in subsection (6) time that is not on a working day is to be disregarded.

### **53C Review of premises licence following review notice**

- (1) This section applies to a review of a premises licence which a relevant licensing authority has to conduct on an application under section 53A.
- (2) The relevant licensing authority must—
  - (a) hold a hearing to consider the application for the review and any relevant representations;
  - (b) take such steps mentioned in subsection (3) (if any) as it considers necessary for the promotion of the licensing objectives; and
  - (c) secure that, from the coming into effect of the decision made on the determination of the review, any interim steps having effect pending that determination cease to have effect (except so far as they are comprised in steps taken in accordance with paragraph (b)).
- (3) Those steps are—
  - (a) the modification of the conditions of the premises licence,

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- (b) the exclusion of a licensable activity from the scope of the licence,
  - (c) the removal of the designated premises supervisor from the licence,
  - (d) the suspension of the licence for a period not exceeding three months, or
  - (e) the revocation of the licence.
- (4) For the purposes of subsection (3)(a) the conditions of a premises licence are modified if any of them is altered or omitted or any new condition is added.
- (5) Subsection (2)(b) is subject to sections [F41 19 to 21](requirement to include certain conditions in premises licences).
- (6) Where the authority takes a step within subsection (3)(a) or (b), it may provide that the modification or exclusion is to have effect only for a specified period (not exceeding three months).
- (7) In this section “relevant representations” means representations which—
- (a) are relevant to one or more of the licensing objectives, and
  - (b) meet the requirements of subsection (8).
- (8) The requirements are—
- (a) that the representations are made by the holder of the premises licence, a responsible authority or an interested party within the period prescribed under subsection 53A(3)(e),
  - (b) that they have not been withdrawn, and
  - (c) if they are made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- (9) Where the relevant licensing authority determines that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for that determination.
- (10) Where a relevant licensing authority determines a review under this section it must notify the determination and its reasons for making it to—
- (a) the holder of the premises licence,
  - (b) any person who made relevant representations, and
  - (c) the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated).
- (11) A decision under this section does not have effect until—
- (a) the end of the period given for appealing against the decision, or
  - (b) if the decision is appealed against, the time the appeal is disposed of.]

#### Textual Amendments

**F41** Words in s. 53C(5) substituted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 112, 116, [Sch. 7 Pt. 5 para. 36](#); S.I. 2010/125, [art. 2\(t\)](#)



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### *General provision*

#### **54 Form etc. of applications and notices under Part 3**

In relation to any application or notice under this Part, regulations may prescribe—

- (a) its form;
- (b) the manner in which it is to be made or given;
- (c) information and documents that must accompany it.

#### **55 Fees**

- (1) Regulations may—
  - (a) require applications under any provision of this Part (other than section 51) or notices under section 47 to be accompanied by a fee, and
  - (b) prescribe the amount of the fee.
- (2) Regulations may also require the holder of a premises licence to pay the relevant licensing authority an annual fee.
- (3) Regulations under subsection (2) may include provision prescribing—
  - (a) the amount of the fee, and
  - (b) the time at which any such fee is due.
- (4) Any fee which is owed to a licensing authority under subsection (2) may be recovered as a debt due to the authority.

### *Production of licence, rights of entry, etc.*

#### **56 Licensing authority's duty to update licence document**

- (1) Where—
  - (a) the relevant licensing authority, in relation to a premises licence, makes a determination or receives a notice under this Part,
  - (b) a premises licence lapses under this Part, or
  - (c) an appeal against a decision under this Part is disposed of,the relevant licensing authority must make the appropriate amendments (if any) to the licence and, if necessary, issue a new summary of the licence.
- (2) Where a licensing authority is not in possession of the licence (or the appropriate part of the licence) it may, for the purposes of discharging its obligations under subsection (1), require the holder of a premises licence to produce the licence (or the appropriate part) to the authority within 14 days from the date on which he is notified of the requirement.
- (3) A person commits an offence if he fails, without reasonable excuse, to comply with a requirement under subsection (2).
- (4) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

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## 57 Duty to keep and produce licence<sup>F42</sup> etc.]

- (1) This section applies whenever premises in respect of which a premises licence has effect are being used for one or more licensable activities authorised by the licence.
- (2) The holder of the premises licence must secure that the licence or a certified copy of it <sup>F43</sup> and a list of any relevant mandatory conditions applicable to the licence are] kept at the premises in the custody or under the control of—
  - (a) the holder of the licence, or
  - (b) a person who works at the premises and whom the holder of the licence has nominated in writing for the purposes of this subsection.
- (3) The holder of the premises licence must secure that—
  - (a) the summary of the licence or a certified copy of that summary, and
  - (b) a notice specifying the position held at the premises by any person nominated for the purposes of subsection (2),
 are prominently displayed at the premises.
- (4) The holder of a premises licence commits an offence if he fails, without reasonable excuse, to comply with subsection (2) or (3).
- (5) A constable or an authorised person may require the person who, by virtue of arrangements made for the purposes of subsection (2), is required to have the premises licence (or a certified copy of it <sup>F44</sup> or a list of relevant mandatory conditions]) in his custody or under his control to produce the licence (or such a copy <sup>F45</sup> or the list]) for examination.
- (6) An authorised person exercising the power conferred by subsection (5) must, if so requested, produce evidence of his authority to exercise the power.
- (7) A person commits an offence if he fails, without reasonable excuse, to produce a premises licence or certified copy of a premises licence <sup>F46</sup> or a list of relevant mandatory conditions] in accordance with a requirement under subsection (5).
- (8) 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.
- (9) In subsection (3) the reference to the summary of the licence is a reference to the summary issued under section 23 or, where one or more summaries have subsequently been issued under section 56, the most recent summary to have been so issued.
- (10) Section 58 makes provision about certified copies of documents for the purposes of this section.

[ In this section “relevant mandatory conditions”, in relation to a premises licence, <sup>F47</sup>(11) means conditions applicable to the licence by virtue of section 19(4) or 19A.]

### Textual Amendments

- F42** S. 57: word in heading inserted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 112, 116, [Sch. 7 para. 37\(2\)](#); [S.I. 2010/125](#), [art. 2\(t\)](#)
- F43** Words in s. 57(2) substituted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 112, 116, [Sch. 7 para. 37\(3\)](#); [S.I. 2010/125](#), [art. 2\(t\)](#)
- F44** Words in s. 57(5) inserted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 112, 116, [Sch. 7 para. 37\(4\)\(a\)](#); [S.I. 2010/125](#), [art. 2\(t\)](#)

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- F45** Words in s. 57(5) inserted (29.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112, 116, **Sch. 7 para. 37(4)(b)**; S.I. 2010/125, **art. 2(t)**
- F46** Words in s. 57(7) inserted (29.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112, 116, **Sch. 7 para. 37(5)**; S.I. 2010/125, **art. 2(t)**
- F47** S. 57(11) inserted (29.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112, 116, **Sch. 7 para. 37(6)**; S.I. 2010/125, **art. 2(t)**

## 58 Provision supplementary to section 57

- (1) Any reference in section 57 to a certified copy of any document is a reference to a copy of that document which is certified to be a true copy by—
- the relevant licensing authority,
  - a solicitor or notary, or
  - a person of a prescribed description.
- (2) Any certified copy produced in accordance with a requirement under section 57(5) must be a copy of the document in the form in which it exists at the time.
- (3) A document which purports to be a certified copy of a document is to be taken to be such a copy, and to comply with the requirements of subsection (2), unless the contrary is shown.

[ In this section “notary” means a person (other than a solicitor) who, for the purposes of <sup>F48</sup>(4) the Legal Services Act 2007, is an authorised person in relation to any activity which constitutes a notarial activity (within the meaning of that Act).]

### Textual Amendments

- F48** S. 58(4) inserted (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 208, 211, **Sch. 21 para. 140** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(h)**

### Commencement Information

- I14** S. 58(1)(c) in force at 16.12.2003 by S.I. 2003/3222, **art. 2, Sch.**; s. 58(1)(a)(b)(2)(3) in force at 24.11.2005 by S.I. 2005/3056, **art. 2** (with Sch.)

## 59 Inspection of premises before grant of licence etc.

- (1) In this section “relevant application” means an application under—
- section 17 (grant of licence),
  - section 29 (provisional statement),
  - section 34 (variation of licence), or
  - section 51 (review of licence).
- (2) A constable or an authorised person may, at any reasonable time before the determination of a relevant application, enter the premises to which the application relates to assess—
- in a case within subsection (1)(a), (b) or (c), the likely effect of the grant of the application on the promotion of the licensing objectives, and
  - in a case within subsection (1)(d), the effect of the activities authorised by the premises licence on the promotion of those objectives.

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- (3) An authorised person exercising the power conferred by this section must, if so requested, produce evidence of his authority to exercise the power.
- (4) A constable or an authorised person exercising the power conferred by this section in relation to an application within subsection (1)(d) may, if necessary, use reasonable force.
- (5) A person commits an offence if he intentionally obstructs an authorised person exercising a power conferred by this section.
- (6) 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.]

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**Commencement Information**

**I15** S. 59(1)(a)(b)(2)(a)(3)-(6) in force and s. 59(1)(c) in force for certain purposes at 7.2.2005 and at 24.11.2005 otherwise by [S.I. 2004/2360](#), **art. 2** (Sch.); [S.I. 2005/3056](#), **art. 2**, (with Sch.)

**Status:**

Point in time view as at 01/10/2010.

**Changes to legislation:**

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