

## SCHEDULES

### SCHEDULE 5

#### APPEALS

##### PART 1

#### PREMISES LICENCES

##### *Rejection of applications relating to premises licences*

- 1 Where a licensing authority—
- (a) rejects an application for a premises licence under section 18,
  - (b) rejects (in whole or in part) an application to vary a premises licence under section 35,
  - (c) rejects an application to vary a premises licence to specify an individual as the premises supervisor under section 39, or
  - (d) rejects an application to transfer a premises licence under section 44,
- the applicant may appeal against the decision.

##### *Decision to grant premises licence or impose conditions etc.*

- 2 (1) This paragraph applies where a licensing authority grants a premises licence under section 18.
- (2) The holder of the licence may appeal against any decision—
- (a) to impose conditions on the licence under subsection (2)(a) or (3)(b) of that section, or
  - (b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor).
- (3) Where a person who made relevant representations in relation to the application desires to contend—
- (a) that the licence ought not to have been granted, or
  - (b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section,
- he may appeal against the decision.
- (4) In sub-paragraph (3) “relevant representations” has the meaning given in section 18(6).

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*Status: This is the original version (as it was originally enacted).*

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#### *Issue of provisional statement*

- 3 (1) This paragraph applies where a provisional statement is issued under subsection (3) (c) of section 31.
- (2) An appeal against the decision may be made by—
- (a) the applicant, or
  - (b) any person who made relevant representations in relation to the application.
- (3) In sub-paragraph (2) “relevant representations” has the meaning given in subsection (5) of that section.

#### *Variation of licence under section 35*

- 4 (1) This paragraph applies where an application to vary a premises licence is granted (in whole or in part) under section 35.
- (2) The applicant may appeal against any decision to modify the conditions of the licence under subsection (4)(a) of that section.
- (3) Where a person who made relevant representations in relation to the application desires to contend—
- (a) that any variation made ought not to have been made, or
  - (b) that, when varying the licence, the licensing authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way, under subsection (4)(a) of that section,
- he may appeal against the decision.
- (4) In sub-paragraph (3) “relevant representations” has the meaning given in section 35(5).

#### *Variation of licence to specify individual as premises supervisor*

- 5 (1) This paragraph applies where an application to vary a premises licence is granted under section 39(2) in a case where a chief officer of police gave a notice under section 37(5) (which was not withdrawn).
- (2) The chief officer of police may appeal against the decision to grant the application.

#### *Transfer of licence*

- 6 (1) This paragraph applies where an application to transfer a premises licence is granted under section 44 in a case where a chief officer of police gave a notice under section 42(6) (which was not withdrawn).
- (2) The chief officer of police may appeal against the decision to grant the application.

#### *Interim authority notice*

- 7 (1) This paragraph applies where—
- (a) an interim authority notice is given in accordance with section 47, and
  - (b) a chief officer of police gives a notice under section 48(2) (which is not withdrawn).

- (2) Where the relevant licensing authority decides to cancel the interim authority notice under subsection (3) of section 48, the person who gave the interim authority notice may appeal against that decision.
- (3) Where the relevant licensing authority decides not to cancel the notice under that subsection, the chief officer of police may appeal against that decision.
- (4) Where an appeal is brought under sub-paragraph (2), the court to which it is brought may, on such terms as it thinks fit, order the reinstatement of the interim authority notice pending—
  - (a) the disposal of the appeal, or
  - (b) the expiry of the interim authority period,whichever first occurs.
- (5) Where the court makes an order under sub-paragraph (4), the premises licence is reinstated from the time the order is made, and section 47 has effect in a case where the appeal is dismissed or abandoned before the end of the interim authority period as if—
  - (a) the reference in subsection (7)(b) to the end of the interim authority period were a reference to the time when the appeal is dismissed or abandoned, and
  - (b) the reference in subsection (9)(a) to the interim authority period were a reference to that period disregarding the part of it which falls after that time.
- (6) In this paragraph “interim authority period” has the same meaning as in section 47.

#### *Review of premises licence*

- 8
- (1) This paragraph applies where an application for a review of a premises licence is decided under section 52.
  - (2) An appeal may be made against that decision by—
    - (a) the applicant for the review,
    - (b) the holder of the premises licence, or
    - (c) any other person who made relevant representations in relation to the application.
  - (3) In sub-paragraph (2) “relevant representations” has the meaning given in section 52(7).

#### *General provision about appeals under this Part*

- 9
- (1) An appeal under this Part must be made to the magistrates' court for the petty sessions area (or any such area) in which the premises concerned are situated.
  - (2) An appeal under this Part must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.
  - (3) On an appeal under paragraph 2(3), 3(2)(b), 4(3), 5(2), 6(2) or 8(2)(a) or (c), the holder of the premises licence is to be the respondent in addition to the licensing authority.

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- (4) On an appeal under paragraph 7(3), the person who gave the interim authority notice is to be the respondent in addition to the licensing authority.