



Gambling Act 2005

2005 CHAPTER 19

PART 8

PREMISES LICENCES

General

210 Planning permission

- (1) In making a decision in respect of an application under this Part a licensing authority shall not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building.
- (2) A decision by a licensing authority under this Part shall not constrain any later decision by the authority under the law relating to planning or building.

211 Vehicles and vessels

- (1) A premises licence—
 - (a) may not be issued in relation to a vehicle (or part of a vehicle),
 - (b) may be issued in relation to all or part of a passenger vessel,
 - (c) may be issued in relation to all or part of a vessel (within the meaning of section 353(1)) situated at a fixed place in or on water, and
 - (d) may not be issued in relation to all or part of a vessel to which neither of paragraphs (b) and (c) applies.
- (2) A premises licence in relation to a vessel may include a condition imposed by virtue of section 169 about the location of the vessel.
- (3) In relation to a vessel, a reference in this Part to a place in which premises are wholly or partly situated shall be construed—
 - (a) in the case of a vessel (within the meaning of section 353(1)) situated at a fixed place in or on water, as a reference to that place,

Status: This is the original version (as it was originally enacted).

- (b) in the case of a vessel which is permanently moored at a place, as a reference to that place,
 - (c) in the case of a vessel which is habitually moored at one place more frequently or for longer periods than at any other place, as a reference to that place, and
 - (d) in any other case, as a reference to any place at which a vessel is moored or is likely to be moored, or to the place in the United Kingdom nearest to any place at which a vessel is or is likely to be, while activities are carried on in the vessel in reliance on a premises licence.
- (4) In relation to a vessel, the following are responsible authorities for the purposes of this Part (in addition to the persons listed in section 157)—
- (a) a navigation authority, within the meaning of section 221(1) of the Water Resources Act 1991 (c. 57), which has functions in relation to any place where the vessel is or is likely to be while activities are carried on in the vessel in reliance on a premises licence,
 - (b) the Environment Agency,
 - (c) the British Waterways Board, and
 - (d) the Secretary of State.

212 Fees

- (1) Regulations under this Part prescribing a fee—
- (a) may provide for the amount of the fee to be determined by a licensing authority, and
 - (b) may, if they make provision by virtue of paragraph (a), specify constraints on a licensing authority's power to determine the amount of the fee.
- (2) Where provision is made under subsection (1) for the amount of a fee to be determined by a licensing authority, the authority—
- (a) shall determine the amount of the fee,
 - (b) may determine different amounts for different classes of case specified in the regulations (but may not otherwise determine different amounts for different cases),
 - (c) shall publish the amount of the fee as determined from time to time, and
 - (d) shall aim to ensure that the income from fees of that kind as nearly as possible equates to the costs of providing the service to which the fee relates (including a reasonable share of expenditure which is referable only partly or only indirectly to the provision of that service).
- (3) For the purposes of subsection (2)(d) a licensing authority shall compare income and costs in such manner, at such times and by reference to such periods as the authority, having regard to any guidance issued by the Secretary of State, think appropriate.
- (4) Regulations by virtue of this section may (without prejudice to the generality of section 355)—
- (a) make provision which applies generally or only to specified authorities or classes of authority,
 - (b) make different provision for different authorities or classes of authority, and
 - (c) make transitional provision in respect of a case where an authority enters or leaves a class.

- (5) A class of authority for the purposes of subsection (4) may, in particular, be defined by reference to categories assigned under section 99 of the Local Government Act 2003 (c. 26).
- (6) This section does not apply to Scotland.

213 Interpretation

In this Part—

- (a) “authorised activity”, in relation to a premises licence, means an activity specified under section 151(1)(d),
- (b) “chief officer of police” has the meaning given by section 101(1) of the Police Act 1996 (c. 16),
- (c) a reference to a chief officer’s area is a reference to the area in respect of which he has responsibility under that Act,
- (d) “holder”, in relation to a premises licence, means the person to whom the licence is issued,
- (e) “licensee”, in relation to a premises licence, also means the person to whom the licence is issued,
- (f) “the licensing authority”, in relation to a premises licence, means the authority who issued the licence, and
- (g) “prescribed” means (except where the contrary is provided) prescribed by regulations made by the Secretary of State.