
STATUTORY INSTRUMENTS

2005 No. 42

**The Licensing Act 2003 (Premises licences and
club premises certificates) Regulations 2005**

PART 4

GENERAL

Applications, notices and representations

21.—(1) An application, a notice or representations shall be given in writing.

(2) Notwithstanding the requirement in paragraph (1) and subject to paragraph (3), that requirement shall be satisfied in a case where—

- (a) the text of the application, notice or representations—
 - (i) is transmitted by electronic means;
 - (ii) is capable of being accessed by the recipient;
 - (iii) is legible in all material respects; and
 - (iv) is capable of being read and reproduced in written form and used for subsequent reference;
- (b) the person to whom the application or notice is to be given or the representations are to be made has agreed in advance that an application or a notice may be given or representations may be made by electronic means; and
- (c) forthwith on sending the text of the application, notice or representations by electronic means, the application, notice or representations is given or made, as applicable, to the recipient in writing.

(3) Where the text of the application, notice or representations is or are transmitted by electronic means, the giving of the application or notice or the making of the representations shall be effected at the time the requirements of paragraph 2(a) are satisfied, provided that where any application or notice is required to be accompanied by a fee, plan or other document or information that application or notice shall not be treated as given until the fee, plan or other document or information has been received by the relevant licensing authority.

Representations

22.—(1) An interested party or a responsible authority making representations to a relevant licensing authority, may make those representations—

- (a) in the case of a review of a premises licence following a closure order, at any time up to and including seven days starting on the day after the day on which the authority received the notice under section 165(4) in relation to the closure order and any extension to it;

- (b) in any other case, at any time during a period of 28 consecutive days starting on the day after the day on which the application to which it relates was given to the authority by the applicant.

Plans

23.—(1) An application for a premises licence under section 17, or a club premises certificate under section 71, shall be accompanied by a plan of the premises to which the application relates and which shall comply with the following paragraphs of this regulation.

(2) Unless the relevant licensing authority has previously agreed in writing with the applicant following a request by the applicant that an alternative scale plan is acceptable to it, in which case the plan shall be drawn in that alternative scale, the plan shall be drawn in standard scale.

(3) The plan shall show—

- (a) the extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
- (b) the location of points of access to and egress from the premises;
- (c) if different from sub-paragraph (3)(b), the location of escape routes from the premises;
- (d) in a case where the premises is to be used for more than one licensable activity, the area within the premises used for each activity;
- (e) fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
- (f) in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
- (g) in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
- (h) in the case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
- (i) the location and type of any fire safety and any other safety equipment including, if applicable, marine safety equipment; and
- (j) the location of a kitchen, if any, on the premises.

(4) The plan may include a legend through which the matters mentioned or referred to in paragraph (3) are sufficiently illustrated by the use of symbols on the plan.

Consents

24.—(1) In the case of an application under section 17 which relates to the supply of alcohol or section 37, the consent of the individual who the applicant wishes to have specified in the licence as the premises supervisor under section 17(3)(c) or 37(3)(a) in the premises licence shall be in the form set out in Part A of Schedule 11.

(2) In the case of an application to transfer a premises licence under section 42 or 43, the consent of the holder of the premises licence under section 43(3) or 44(4) shall be in the form set out in Part B of Schedule 11.

Advertisement of applications

25. In the case of an application for a premises licence under section 17, for a provisional statement under section 29, to vary a premises licence under section 34, for a club premises certificate under section 71 or to vary a club premises certificate under section 84, the person making the

application shall advertise the application, in both cases containing the appropriate information set out in regulation 26—

- (a) for a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the relevant licensing authority, by displaying a notice,
 - (i) which is—
 - (aa) of a size equal or larger than A4,
 - (bb) of a pale blue colour,
 - (cc) printed legibly in black ink or typed in black in a font of a size equal to or larger than 16;
 - (ii) in all cases, prominently at or on the premises to which the application relates where it can be conveniently read from the exterior of the premises and in the case of a premises covering an area of more than 50 metres square, a further notice in the same form and subject to the same requirements every fifty metres along the external perimeter of the premises abutting any highway; and
- (b) by publishing a notice—
 - (i) in a local newspaper or, if there is none, in a local newsletter, circular or similar document, circulating in the vicinity of the premises;
 - (ii) on at least one occasion during the period of 10 working days starting on the day after the day on which the application was given to the relevant licensing authority.

26.—(1) In the case of an application for a premises licence or a club premises certificate, the notices referred to in regulation 25 shall contain a statement of the relevant licensable activities or relevant qualifying club activities as the case may require which it is proposed will be carried on on or from the premises.

(2) In the case of an application for a provisional statement, the notices referred to in regulation 25—

- (a) shall state that representations are restricted after the issue of a provisional statement; and
- (b) where known, may state the relevant licensable activities which it is proposed will be carried on on or from the premises.

(3) In the case of an application to vary a premises licence or a club premises certificate, the notices referred to in regulation 25 shall briefly describe the proposed variation.

(4) In all cases, the notices referred to in regulation 25 shall state—

- (a) the name of the applicant or club;
- (b) the postal address of the premises or club premises, if any, or if there is no postal address for the premises a description of those premises sufficient to enable the location and extent of the premises or club premises to be identified;
- (c) the postal address and, where applicable, the worldwide web address where the register of the relevant licensing authority is kept and where and when the record of the application may be inspected;
- (d) the date by which an interested party or responsible authority may make representations to the relevant licensing authority;
- (e) that representations shall be made in writing; and
- (f) that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence.

Notice to responsible authority

27. In the case of an application for a premises licence under section 17, a provisional statement under section 29, a variation of a premises licence under section 34, a review under section 51, a club premises certificate under section 71, a review under section 87 or a variation of a club premises certificate under section 84, the person making the application shall give notice of his application to each responsible authority by giving to each authority a copy of the application together with its accompanying documents, if any, on the same day as the day on which the application is given to the relevant licensing authority.

Notice to chief officer of police etc.

28. In the case of—

- (a) an application to vary a premises licence under section 37 (to specify an individual as premises supervisor), the person making the application shall give to—

- (i) the chief officer of police, and
 - (ii) the designated premises supervisor, if any,

a copy of the application together with its accompanying documents, if any, on the same day as the day on which the application is given to the relevant licensing authority;

- (b) an application for the transfer of a premises licence under section 42 or the giving of an interim authority notice under section 47, the person making the application or giving the notice shall give to the chief officer of police a copy of the application or interim authority notice together with its accompanying documents, if any, on the same day as the day on which the application or notice is given to the relevant licensing authority.

Notification of review

29. In the case of an application for a review of a premises licence under section 51 or a review of a club premises certificate under section 87, the person making the application shall give notice of his application to each responsible authority and to the holder of the premises licence or the club in whose name the club premises certificate is held and to which the application relates by giving to the authority, the holder or the club a copy of the application for review together with its accompanying documents, if any, on the same day as the day on which the application for review is given to the licensing authority.