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STATUTORY INSTRUMENTS

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**2009 No. 1772**

**The Legislative Reform (Minor Variations to Premises Licences and Club Premises Certificates) Order 2009**

**Amendment of the Licensing Act 2003: club premises certificates**

- 3.—(1) The Licensing Act 2003 is amended as follows.  
(2) After section 86, insert—

*“Variation of certificates: minor variations*

**86A Application for minor variation of club premises certificate**

(1) Subject to subsection (3), a club which holds a club premises certificate may apply under this section (instead of under section 84) to the relevant licensing authority for variation of the certificate.

(2) Subsection (1) is subject to regulations under—

- (a) section 91 (form etc. of applications etc.);
- (b) section 92 (fees to accompany applications etc.).

(3) An application may not be made under this section to vary a club premises certificate so as to—

- (a) vary substantially the premises to which it relates,
- (b) add the supply of alcohol to members or guests as an activity authorised by the certificate, or
- (c) authorise—
  - (i) the supply of alcohol to members or guests at any time between 11pm and 7am, or
  - (ii) an increase in the amount of time on any day during which alcohol may be supplied to members or guests.

(4) The duty to make regulations imposed on the Secretary of State by subsection (6)(a) of section 71 (advertisement etc. of application) applies in relation to applications under this section as it applies in relation to applications under that section.

**86B Determination of application under section 86A**

(1) This section applies where the relevant licensing authority receives an application made under section 86A.

(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,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 86A,
  - (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.

### **86C Supplementary provision about determinations under section 86B**

- (1) Where an application is granted under section 86B, 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 club premises certificate 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 86B, 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.”.