



London Local Authorities Act 2000

2000 CHAPTER vii

PART IV

LICENSING

22 Music and dancing, sports, boxing and wrestling licences

- (1) Schedule 12 to the London Government Act 1963 is amended in accordance with the following subsections in its application to the area of a participating council and that schedule, as amended by this Act is set out in Schedule 1 to this Act.
- (2) In paragraph 1—
 - (a) in sub-paragraph (1) the words “Subject to sub-paragraph (6) of this paragraph” are left out;
 - (b) in sub-paragraph (2)—
 - (i) the words “any applicant therefor” are replaced by the words “an applicant”;
 - (ii) after the word “renew” the words “or transfer” are inserted;
 - (c) sub-paragraph (5) is left out;
 - (d) in sub-paragraph (6) the words “the Theatre Royal Drury Lane, the Royal Covent Garden Opera House, the Theatre Royal Haymarket or to” are left out.
- (3) In paragraph 3A—
 - (a) in sub-paragraph (4)—
 - (i) the words “any applicant” are replaced by the words “an applicant”;
 - (ii) after the word “renew” the words “or transfer” are inserted;
 - (b) sub-paragraph (7) is left out.
- (4) In paragraph 4—
 - (a) in sub-paragraph (3)—
 - (i) the words “any applicant therefor” are replaced by the words “an applicant”;
 - (ii) after the word “renew” the words “or transfer” are inserted; and

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- (b) sub-paragraph (6) is left out.
- (5) In paragraph 6A, at the beginning, the words “Subject to paragraph 6C of this Schedule,” are inserted.
- (6) In paragraph 6B, at the beginning, the words “Subject to paragraph 6C of this Schedule,” are inserted.
- (7) At the end of paragraph 6B, the following paragraphs are inserted:—
- “6C (1) The following provisions of this paragraph shall have effect as respects cases where, before the date of expiry of a licence granted under paragraph 1, 3A or 4 of this Schedule an application for renewal of the licence has been made (“a renewal case”) or an application for transfer of the licence has been made (“a transfer case”).
- (2) If the application is not determined before the prospective expiry date, the licence shall not be deemed to remain in force under paragraph 6A or 6B of this Schedule, as the case may be, after that date and the application shall be deemed to be withdrawn on that date, unless before then the applicant pays the council a continuation fee.
- (3) Where a continuation fee is paid in pursuance of sub-paragraph (2) of this paragraph in a renewal case, the applicant’s application for renewal shall be deemed to be an application for renewal for a period of twelve months starting on the day following the prospective expiry date.
- (4) Where a continuation fee is paid in pursuance of sub-paragraph (2) of this paragraph in a transfer case—
- (a) the applicant shall be deemed to have made an application for the renewal of the licence for a period of twelve months starting on the day following the prospective expiry date;
- (b) the Council shall determine the application for transfer and deemed application for renewal together; and
- (c) in the following provisions of this paragraph, references to “the application” in a transfer case are references to the application for transfer and the application for renewal.
- (5) If the application is not determined before the date of the expiry of the renewal period under sub-paragraph (3) or (4) of this paragraph, as the case may be, the licence shall not be deemed to remain in force under paragraph 6A or 6B of this Schedule, as the case may be, after that date, and the application shall be deemed to be withdrawn on that date, unless before then the applicant pays the council a further continuation fee.
- (6) Where a further continuation fee is paid in pursuance of sub-paragraph (5) of this paragraph, then—
- (a) in a renewal case, the applicant’s application for renewal shall be deemed to be an application for renewal for a period starting on the day following the date of the expiry of the renewal period under sub-paragraph (3) of this paragraph; and
- (b) in a transfer case, the applicant’s application so far as it is a deemed application for renewal shall be deemed to be an application for renewal for a period starting on the day

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following the date of the expiry of the renewal period under sub-paragraph (4) of this paragraph.

(7) A deemed application for renewal under paragraph (6) shall be for a period expiring—

- (a) where the application is withdrawn, on the date of withdrawal;
- (b) where the application is refused, on the date of the refusal;
- (c) where the application is granted, on one or other of the following:

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- (i) the date twelve months after the beginning of the period;
or
- (ii) such other date as may be specified by the Council when allowing the application.

(8) In this paragraph—

“the prospective expiry date” means—

- (a) in a transfer case, the date on which the licence would have expired if the application for transfer had not been made; and
- (b) in a renewal case, the date of the expiry of the period in respect of which the application for renewal of the licence was made;

“a continuation fee” is a fee of the same amount as the fee payable in respect of an application for renewal of a licence.

6D Where an applicant for the transfer of a licence granted under paragraph 1, 3A or 4 of this Schedule is carrying on at the premises in respect of which the licence was granted the functions to which the licence relates, “any necessary modifications” where those words appear in paragraph 6B of this Schedule, means the substitution for the name of the licence holder of the name of the applicant for the transfer of the licence and any other necessary modifications.”.

(8) Paragraph 9 is left out and the following paragraph is inserted:—

“9 (1) The Council may make regulations prescribing standard conditions applicable to all, or any class of, licences which may be granted under paragraph 1, 3A or 4 of this Schedule.

(2) Where the Council have made regulations under this paragraph, every licence granted, renewed or transferred by them shall be deemed to have been so granted, renewed or transferred subject to any standard conditions except so far as they are expressly excluded or amended in any particular case.”.

(9) In paragraph (2) of paragraph 10 at the end of sub-paragraph (a) the following sub-paragraph is inserted:—

“(aa) any person is an applicant for the transfer of a licence granted under paragraph 1, 3A or 4 of this Schedule where he is carrying on at the premises in respect of which the licence was granted the functions to which the licence relates in respect of any premises which have been used in contravention of any term, condition or restriction on or subject to which the licence is held; or”.

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(10) In paragraph 17—

- (a) In sub-paragraph (1) the words “in accordance with plans deposited” are left out; and
- (b) In sub-paragraph (2)—
 - (i) the words “, on an application being made for the appropriate variation of the licence,” are inserted after the word “shall”;
 - (ii) the words “plans aforesaid” are replaced by the words “requirements aforesaid”; and
 - (iii) the words “plans as modified with the approval of the Council” are replaced with the words “requirements as modified by the Council”.

(11) In paragraph 19—

- (a) at the beginning of sub-paragraph (3) the words “Subject to paragraph 19AA of this Schedule” are inserted; and
- (b) at the end of sub-paragraph (4) the following sub-paragraph is added:—
 - “(5) Where any licence is renewed under paragraph 1, 3A or 4 of this Schedule and the Council specify any term, condition or restriction which was not previously specified in relation to that licence, the licence shall be deemed to be free of it until the time for bringing an appeal under this paragraph has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal.”.

(12) Before paragraph 19A, the following paragraph is inserted:—

- “19AA(1) The following provisions of this paragraph shall have effect as respects cases where an appeal under paragraph 19 of this Schedule is brought, within the period for doing so, against the revocation of a licence (“a revocation case”) or against the refusal of an application for renewal of a licence (“a refusal case”).
- (2) If the appeal is not determined before the prospective expiry date, the licence shall not be deemed to remain in force under paragraph 19(3) of this Schedule after that date, and the appeal shall be deemed to be abandoned on that date, unless before then—
 - (a) in a revocation case, the appellant makes an application for the renewal of the licence for a period of twelve months starting on the day following the prospective expiry date;
 - (b) in a refusal case the appellant pays the council a continuation fee.
 - (3) Where a continuation fee is paid in pursuance of sub-paragraph (2)(b) of this paragraph, the appellant’s refused application for renewal shall be deemed to be an application for renewal for a period of twelve months starting on the day following the prospective expiry date.
 - (4) If the appeal is not determined before the date of the expiry of the renewal period under sub-paragraph (2)(a) or (3) of this paragraph, as the case may be, the licence shall not be deemed to remain in force under paragraph 19(3) of this Schedule after that date, and the appeal shall be deemed to be abandoned on that date, unless before then the appellant pays the council a continuation fee or, as the case may be, a further continuation fee.

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- (5) Where a continuation fee or a further continuation fee is paid in pursuance of sub-paragraph (4) of this paragraph, the appellant's application for renewal or, as the case may be, refused application for renewal shall be deemed to be an application for renewal for a period starting on the day following the date of the expiry of the renewal period under sub-paragraph (2)(a) or, as the case may be, sub-paragraph (3) of this paragraph.
- (6) A deemed application for renewal under sub-paragraph (5) shall be for a period expiring—
- (a) where the appeal is withdrawn, on the date of withdrawal;
 - (b) where the appeal is unsuccessful—
 - (i) if a further appeal is available but is not made within the period for doing so, on the date of the expiry of that period;
 - (ii) if no further appeal is available, on the date of the decision of the court;
 - (c) where the appeal is successful, on the day before the date of the next anniversary of the beginning of the period; provided that where the period, at the time of the decision of the court, has been running for more than twelve months, the court may specify an earlier date.
- (7) In this paragraph—
- “the prospective expiry date” means—
- (a) in a revocation case, the date on which the licence would have expired if it had not been revoked; and
 - (b) in a refusal case, the date of the expiry of the period in respect of which the refused application for renewal of the licence was made;
- “a continuation fee” is a fee of the same amount as the fee payable in respect of an application for renewal of a licence.”.