



# Licensing Act 2003

## 2003 CHAPTER 17

### PART 3

#### PREMISES LICENCES

##### *Review of licences*

#### [<sup>F1</sup>51] Application for review of premises licence

- (1) Where a premises licence has effect, an interested party or a responsible authority may apply to the relevant licensing authority for a review of the licence.
- (2) Subsection (1) is subject to regulations under section 54 (form etc. of applications etc.).
- (3) The Secretary of State must by regulations under this section—
  - (a) require the applicant to give a notice containing details of the application to the holder of the premises licence and each responsible authority within such period as may be prescribed;
  - (b) require the authority to advertise the application and invite representations about it to be made to the authority by interested parties and responsible authorities;
  - (c) prescribe the period during which representations may be made by the holder of the premises licence, any responsible authority or any interested party;
  - (d) require any notice under paragraph (a) or advertisement under paragraph (b) to specify that period.
- (4) The relevant licensing authority may, at any time, reject any ground for review specified in an application under this section if it is satisfied—
  - (a) that the ground is not relevant to one or more of the licensing objectives, or
  - (b) in the case of an application made by a person other than a responsible authority, that—
    - (i) the ground is frivolous or vexatious, or
    - (ii) the ground is a repetition.

*Status: Point in time view as at 24/11/2005. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: Licensing Act 2003, Cross Heading: Review of licences is up to date with all changes known to be in force on or before 12 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (5) For this purpose a ground for review is a repetition if—
- (a) it is identical or substantially similar to—
    - (i) a ground for review specified in an earlier application for review made in respect of the same premises licence and determined under section 52, or
    - (ii) representations considered by the relevant licensing authority in accordance with section 18, before it determined the application for the premises licence under that section, or
    - (iii) representations which would have been so considered but for the fact that they were excluded representations by virtue of section 32, and
  - (b) a reasonable interval has not elapsed since that earlier application for review or the grant of the licence (as the case may be).
- (6) Where the authority rejects a ground for review under subsection (4)(b), it must notify the applicant of its decision and, if the ground was rejected because it was frivolous or vexatious, the authority must notify him of its reasons for making that decision.
- (7) The application is to be treated as rejected to the extent that any of the grounds for review are rejected under subsection (4).

Accordingly the requirements imposed under subsection (3)(a) and (b) and by section 52 (so far as not already met) apply only to so much (if any) of the application as has not been rejected.

#### Textual Amendments

- F1** Ss. 41A-41C and cross-heading inserted (1.7.2009 for certain purposes and 29.7.2009 otherwise) by [The Legislative Reform \(Minor Variations to Premises Licences and Club Premises Certificates\) Order 2009 \(S.I. 2009/1772\)](#), [art. 2](#)

#### Commencement Information

- II** S. 51(3) in force at 16.12.2003 by [S.I. 2003/3222](#), [art. 2](#), [Sch.](#); s. 51(1)(2)(4)-(7) in force at 24.11.2005 by [S.I. 2005/3056](#), [art. 2](#) (with [Sch.](#))

## 52 Determination of application for review

- (1) This section applies where—
- (a) the relevant licensing authority receives an application made in accordance with section 51,
  - (b) the applicant has complied with any requirement imposed on him under subsection (3)(a) or (d) of that section, and
  - (c) the authority has complied with any requirement imposed on it under subsection (3)(b) or (d) of that section.
- (2) Before determining the application, the authority must hold a hearing to consider it and any relevant representations.
- (3) The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.
- (4) The steps are—

*Status: Point in time view as at 24/11/2005. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: Licensing Act 2003, Cross Heading: Review of licences is up to date with all changes known to be in force on or before 12 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

- (5) Subsection (3) is subject to sections 19, 20 and 21 (requirement to include certain conditions in premises licences).
- (6) Where the authority takes a step mentioned in subsection (4)(a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.
- (7) In this section “relevant representations” means representations which—
  - (a) are relevant to one or more of the licensing objectives, and
  - (b) meet the requirements of subsection (8).
- (8) The requirements are—
  - (a) that the representations are made—
    - (i) by the holder of the premises licence, a responsible authority or an interested party, and
    - (ii) within the period prescribed under section 51(3)(c),
  - (b) that they have not been withdrawn, and
  - (c) if they are made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- (9) Where the relevant licensing authority determines that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for that determination.
- (10) Where a licensing authority determines an application for review under this section it must notify the determination and its reasons for making it to—
  - (a) the holder of the licence,
  - (b) the applicant,
  - (c) any person who made relevant representations, and
  - (d) the chief officer of police for the police area (or each police area) in which the premises are situated.
- (11) A determination under this section does not have effect—
  - (a) until the end of the period given for appealing against the decision, or
  - (b) if the decision is appealed against, until the appeal is disposed of.

VALID FROM 29/07/2009

**[<sup>F2</sup>52A Review: supply of alcohol from community premises**

- (1) In a case where an application is made under section 51 for review of a premises licence which—

*Status: Point in time view as at 24/11/2005. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: Licensing Act 2003, Cross Heading: Review of licences is up to date with all changes known to be in force on or before 12 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) is held by a management committee in respect of community premises, and  
(b) includes the alternative licence condition,  
section 52 is modified as follows.
- (2) Subsection (4) has effect as if paragraph (c) were omitted.
- (3) Subsection (5) has effect as if for that subsection there were substituted—
- “(5) Subsection (3) is subject—
- (a) to the requirement that the licence must include—
- (i) the conditions in section 19(2) and (3), or
- (i) the alternative licence condition referred to in section 52A(4)  
(but not both), and
- (b) to sections 20 and 21 (requirement to include certain conditions in premises licences).”.
- (4) In this section “the alternative licence condition” is the condition that every supply of alcohol under the premises licence must be made or authorised by the management committee.]

#### Textual Amendments

- F1** Ss. 41A-41C and cross-heading inserted (1.7.2009 for certain purposes and 29.7.2009 otherwise) by [The Legislative Reform \(Minor Variations to Premises Licences and Club Premises Certificates\) Order 2009 \(S.I. 2009/1772\)](#), **art. 2**
- F2** S. 52A inserted (29.7.2009) by [The Legislative Reform \(Supervision of Alcohol Sales in Church and Village Halls &c.\) Order 2009 \(S.I. 2009/1724\)](#), **art. 5**

### 53 Supplementary provision about review

- (1) This section applies where a local authority is both—
- (a) the relevant licensing authority, and  
(b) a responsible authority,  
in respect of any premises.
- (2) The authority may, in its capacity as a responsible authority, apply under section 51 for a review of any premises licence in respect of the premises.
- (3) The authority may, in its capacity as licensing authority, determine that application.]

#### Textual Amendments

- F1** Ss. 41A-41C and cross-heading inserted (1.7.2009 for certain purposes and 29.7.2009 otherwise) by [The Legislative Reform \(Minor Variations to Premises Licences and Club Premises Certificates\) Order 2009 \(S.I. 2009/1772\)](#), **art. 2**

**Status:**

Point in time view as at 24/11/2005. This version of this cross heading contains provisions that are not valid for this point in time.

**Changes to legislation:**

Licensing Act 2003, Cross Heading: Review of licences is up to date with all changes known to be in force on or before 12 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.