



Gambling Act 2005

2005 CHAPTER 19

PART 8

PREMISES LICENCES

Review

197 Application for review

- (1) A responsible authority or interested party may apply to the licensing authority for a review by the authority of a premises licence.
- (2) An application must—
 - (a) be made in the prescribed form and manner,
 - (b) specify the grounds on which the review is sought, and
 - (c) contain or be accompanied by the prescribed information or documents.
- (3) The Secretary of State may make regulations requiring an applicant—
 - (a) to give notice of his application to the licensee;
 - (b) to give notice of his application to the responsible authorities in relation to the premises.
- (4) The Secretary of State may make regulations requiring the licensing authority to whom an application is made under this section to publish notice of the application.
- (5) Regulations under subsection (2), (3) or (4) shall include provision—
 - (a) about the manner and form in which notice is to be published or given,
 - (b) about the period of time within which notice is to be published or given, and
 - (c) for the consequences of failure to comply with the regulations.
- (6) Regulations by virtue of subsection (5)(a) shall, in particular, require a notice to specify a period of time during which representations about the application may be made to the licensing authority by—
 - (a) the licensee,

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- (b) a responsible authority, or
- (c) an interested party.

(7) In relation to applications to authorities in Scotland, subsections (3) and (4) shall have effect as if the references to the Secretary of State were references to the Scottish Ministers.

198 Rejection of application

- (1) A licensing authority may reject an application under section 197 for the review of a premises licence if they think that the grounds on which the review is sought—
- (a) do not raise an issue relevant to the principles to be applied in accordance with section 153,
 - (b) are frivolous,
 - (c) are vexatious,
 - (d) will certainly not cause the authority to wish to take action of a kind specified in section 202(1),
 - (e) are substantially the same as the grounds specified in an earlier application under section 197 in respect of the premises licence, or
 - (f) are substantially the same as representations made under section 161 in relation to the application for the premises licence.
- (2) In determining whether to exercise the power to reject an application under section 197 in accordance with subsection (1)(e) or (f), a licensing authority shall consider the length of time that has elapsed since the making of the earlier application or since the making of the representations under section 161.
- (3) If a licensing authority consider that paragraphs (a) to (f) apply to some but not all of the grounds on which a review is sought, they may reject the application in so far as it relies on grounds to which those paragraphs apply.
- (4) In this section a reference to section 161 includes a reference to that section as applied by section 187(3).

199 Grant of application

- (1) This section applies where an application for review has been made to a licensing authority under section 197.
- (2) If, or in so far as, the licensing authority do not reject the application under section 198 they shall grant it.

200 Initiation of review by licensing authority

- (1) A licensing authority may review in relation to premises licences of a particular class—
- (a) the use made of premises, and
 - (b) in particular, arrangements made by licensees to ensure compliance with conditions attached under section 167, 168 or 169 or by a provision of this Part.
- (2) A licensing authority may review any matter connected with the use of premises in reliance on a premises licence if the authority—

- (a) have reason to suspect that the premises may have been used in purported reliance on a licence but not in accordance with a condition of the licence, or
 - (b) for any reason (which may relate to the receipt of a complaint about the use of the premises) think that a review would be appropriate.
- (3) Before reviewing a premises licence under subsection (2) the licensing authority shall—
 - (a) give notice of their intention to hold the review to the licensee, and
 - (b) publish notice of their intention to hold the review.
- (4) The Secretary of State may make regulations about—
 - (a) the manner and form in which notice under subsection (3) is to be given or published, and
 - (b) the period of time within which notice is to be given or published.
- (5) Regulations by virtue of subsection (4)(a) shall, in particular, require a notice to specify a period of time during which representations about the review may be made to the licensing authority by—
 - (a) the licensee,
 - (b) a responsible authority, or
 - (c) an interested party.
- (6) In relation to notice given by a licensing authority in Scotland, subsection (4) shall have effect as if the reference to the Secretary of State were a reference to the Scottish Ministers.

201 Review

- (1) This section applies where a licensing authority—
 - (a) have granted an application for a review of a premises licence under section 199, or
 - (b) have given notice under section 200 of their intention to hold a review of a premises licence.
- (2) As soon as is reasonably practicable after the expiry of any period for representations prescribed under section 197(6) or 200(5), the licensing authority shall review the premises licence.
- (3) The purpose of the review shall be to consider whether to take action of a kind specified in section 202(1) in relation to the licence.
- (4) In conducting a review of a premises licence a licensing authority shall hold a hearing unless—
 - (a) the applicant for the review (if there is one), and each person who has made representations about the review under section 197(6) or 200(5), have consented to the conduct of the review without a hearing, or
 - (b) the licensing authority think that each representation made about the review in accordance with section 197(6) or 200(5)—
 - (i) is frivolous,
 - (ii) is vexatious, or
 - (iii) will certainly not influence the review.

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- (5) In considering whether to take action of a kind specified in section 202(1) the licensing authority shall have regard (in addition to the matters specified in section 153) to—
- (a) any representations made in accordance with section 197(6) or 200(5),
 - (b) any representations made at the hearing of the review (if there is one), and
 - (c) in the case of a review held in response to an application under section 197, the grounds specified in the application for the review (apart from any in relation to which the application was rejected under section 198(3)).

202 Action following review

- (1) As a result of a review of a premises licence under section 201 a licensing authority may—
- (a) revoke the licence;
 - (b) suspend the licence for a specified period not exceeding three months;
 - (c) exclude a condition attached to the licence under section 168 or remove or amend an exclusion;
 - (d) add, remove or amend a condition under section 169.
- (2) If the licensing authority decide to take action of a kind specified in subsection (1) they shall specify the time at which the action shall take effect.
- (3) A licensing authority may, in particular, take action under subsection (1) on the grounds that the licensee has not used the licence.

203 Determination

- (1) As soon as possible after completion of a review of a premises licence under section 201 a licensing authority shall give notice of their decision on the review to—
- (a) the licensee,
 - (b) the applicant for the review (if any),
 - (c) the Commission,
 - (d) any person who made representations in accordance with section 197 or 200,
 - (e) either—
 - (i) in England and Wales, the chief officer of police for any area in which the premises are wholly or partly situated, or
 - (ii) in Scotland, the chief constable of the police force maintained for a police area in which the premises are wholly or partly situated, and
 - (f) Her Majesty's Commissioners of Customs and Excise.
- (2) A notice under subsection (1)—
- (a) must be in the prescribed form, and
 - (b) must give the authority's reasons for their decision.