
EXPLANATORY NOTE

(This note is not part of the Regulations)

The Licensing Act 2003 (c. 17) (the Act) provides for the licensing of premises for the sale by retail of alcohol, the supply of alcohol by or on behalf of a club to, or to the order of a member of the club, the provision of regulated entertainment and the provision of late night refreshment. These Regulations set out the detailed requirements relating to applications, notices and representations given or made under Parts 3 and 4 of the Act and reviews made under those Parts and Part 8 of the Act.

In particular, these Regulations, provide that weights and measures authorities are responsible authorities (regulation 7). Also, that persons with a prescribed interest in a premises include those with a legal interest as freeholder or leaseholder (regulation 8) and Schedule 1 sets out the form of the notice to be given by a person to notify a relevant licensing authority of his, her or its interest in a licensed premises (regulation 9).

Regulations 10 to 16 and Schedules 2 to 8 set out the form of applications and notices for the grant of a premises licence, the issue of a provisional statement, an application for variation of a premises licence, an application to vary a premises licence to specify the premises supervisor, an application to transfer a premises licence, the giving of an interim authority notice and an application for the review of a premises licence.

Regulations 17 to 20 and Schedules 9 and 10 set out the form of applications and declarations given by qualifying clubs. These include the form of the club declaration in which a club shows that it is a qualifying club, an application for a club premises certificate, and an application to vary a club premises certificate. Schedule 8 also sets out the form for an application to review a club premises certificate.

The Regulations provide that applications, notices and representations must be given or made in writing but includes a discretion for this requirement to be fulfilled by electronic means (regulation 21).

Regulation 22 sets out the time limits during which representations must be made. Regulation 23 sets out the detailed requirements for plans of premises and club premises to be submitted with applications.

Regulation 24 and Schedule 11 set out the form of consents to be given by the premises supervisor of a premises and the holder of the premises licence in certain circumstances.

Regulations 25, 26, 38 and 39 set out the requirements for the advertisement of applications and reviews by applicants and by relevant licensing authorities.

Regulation 27 requires that persons or clubs applying for a premises licence, club premises certificate, provisional statement, variation of a premises licence or club premises certificate, review of a premises licence or club premises certificate give notice of the application by giving each responsible authority a copy of the application together with its accompanying documents on the same day as the day on which that application is given to the relevant licensing authority. Further, regulations 28 and 29 set out the requirements for giving of notices to the chief officer of police, the premises supervisor, the responsible authorities, the holder of the premises licence and the club holding the club premises certificate in a number of circumstances where this is required by the Act.

Regulations 33 to 36 provide for the form of a premises licence and club premises certificate and regulation 30 states that they may not be granted to have effect until the second appointed day.

Status: This is the original version (as it was originally made).

Regulations 31 and 32 provide that the notification from a licensing authority that any representations or a ground for review is frivolous, vexatious or repetitious must be given in writing and as soon as reasonably practicable.

Regulation 37 sets out the requirements for the notice given by the relevant licensing authority to the holder of the premises licence and responsible authorities in respect of the review of a premises licence following a closure order under Part 8 of the Act.

Regulations 40 and 41 provide that the relevant licensing authority must provide the forms listed in the Schedules to these Regulations on request and that a licensing authority cannot reject any application or notice by reason only that it is given on a form provided from another source other than that relevant licensing authority. Finally, regulation 42 requires the relevant licensing authority to acknowledge a notice received by it under section 178 of the Act.

A Regulatory Impact Assessment in relation to these Regulations has been placed in the libraries of both Houses of Parliament and copies may be obtained from the Alcohol and Entertainment Licensing Branch of the Department for Culture, Media and Sport, 3rd Floor, 2-4 Cockspur Street, London SW1Y 5DH or viewed on the Department's website, www.culture.gov.uk.