

2007 No. 2258

BETTING, GAMING AND LOTTERIES

**The Gambling Act 2005 (Premises Licences) (Review)
Regulations 2007**

<i>Made</i>	- - - -	<i>27th July 2007</i>
<i>Laid before Parliament</i>		<i>31st July 2007</i>
<i>Coming into force</i>	- -	<i>1st September 2007</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 197(2) to (6), 200(4) and (5), 203(2) and 355(1) of the Gambling Act 2005(a).

Commencement, citation and application

1.—(1) These Regulations may be cited as the Gambling Act 2005 (Premises Licences) (Review) Regulations 2007 and shall come into force on 1st September 2007.

(2) Subject to paragraphs (3) and (4), these Regulations apply to applications to, and reviews held or to be held by, licensing authorities in England and Wales and Scotland.

(3) The following provisions apply only in relation to applications made to licensing authorities in England and Wales—

- (a) regulations 4 to 7,
- (b) regulation 12, in so far as it has effect in relation to a notice given under regulation 4, and
- (c) regulation 14, in so far as it has effect in relation to the form of a notice given under regulation 4 or published under regulation 5.

(4) The following provisions apply only in relation to notices given or published under section 200(3) of the Act (notice of intention to hold a review) by licensing authorities in England and Wales—

- (a) regulations 8 to 11,
- (b) regulation 12, in so far as it has effect in relation to a notice given under section 200(3) of the Act, and
- (c) regulation 14, in so far as it has effect in relation to the form of a notice given or published under section 200(3) of the Act.

Interpretation

2. In these Regulations—

“the Act” means the Gambling Act 2005;

“application” means an application under section 197 of the Act for a review;

(a) 2005 c.19. For the definition of “prescribed” see section 213(g) of the Act.

“review” means a review of a premises licence under section 201 of the Act; and

“working day” means a day which is not a Saturday or a Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971(a).

Form and content of applications for a review

3. Subject to regulation 14, an application must be in the form, and contain the information, specified in Schedule 1.

Giving of notice of an application

4.—(1) A person making an application must give notice of the application to—

- (a) the person who holds the premises licence to which the application relates, and
- (b) each of the authorities which in accordance with section 157 of the Act are the responsible authorities in relation to the premises to which the application relates.

(2) Where the application is made by a responsible authority, the reference in paragraph (1)(b) to each of the responsible authorities in relation to the premises does not include a reference to the authority making the application.

(3) Subject to regulation 14, a notice under paragraph (1) must be in the form specified in Schedule 2, and must in particular specify the period of 28 days starting on the relevant date as the period during which representations about the application may be made to the licensing authority by—

- (a) the person who holds the premises licence to which the application relates,
- (b) a responsible authority in relation to the premises, or
- (c) a person who is an interested party(b) in relation to the premises.

(4) A notice under paragraph (1) must be given within the period of 7 days starting on the date on which the application is made.

(5) In this regulation and regulation 5, “the relevant date” in relation to an application means the day immediately following the last day of the period referred to in paragraph (4).

Publication of notice of an application by the licensing authority

5.—(1) Where an application is made to a licensing authority, that authority must publish notice of the application—

- (a) either—
 - (i) in a local newspaper or, if there is none, a local newsletter, circular or similar document, circulating within the licensing authority’s area; or
 - (ii) on the licensing authority’s internet website; and
- (b) by displaying the notice at a place—
 - (i) which is as near as reasonably practicable to the premises to which the application relates, and
 - (ii) where it can conveniently be read by members of the public.

(2) Where a licensing authority have more than one website, paragraph (1)(a)(ii) requires the licensing authority to publish notice of the application on the website which is wholly or mainly used by them to publicise matters relating to the licensing of gambling.

(a) 1971 c. 80.

(b) See section 158 of the Gambling Act 2005 for the meaning of “interested party”.

(3) The notice referred to in paragraph (1)(a)(i) must be published on at least one occasion during the period of ten working days starting on the first working day after the day on which the application is made to the authority.

(4) The notice referred to in paragraph (1)(a)(ii) or (b) must be displayed or, as the case may be, published for a period of no less than 28 consecutive days starting on a date which is no later than the relevant date.

(5) Subject to regulation 14, any notice under paragraph (1) must be in the form specified in Schedule 3, and must in particular specify the period of 28 days starting on the relevant date as the period during which representations about the application may be made to the licensing authority by—

- (a) the person who holds the premises licence to which the application relates,
- (b) a responsible authority in relation to the premises, or
- (c) a person who is an interested party in relation to the premises.

Failure to give proper notice of an application

6.—(1) This regulation applies where a person who is making an application fails to give proper notice of the application within the period provided for under regulation 4(4).

(2) For the purposes of paragraph (1), a person fails to give proper notice of an application if, in the case of any one or more of the notices which that person is required to give under regulation 4, the person fails to give a notice which complies with the requirements of these Regulations as to the form and manner in which it is to be given.

(3) Subject to paragraph (5), where the applicant fails to give proper notice of his application, as the case may be, to the person holding the premises licence or a responsible authority, the applicant must give notice to that person or the authority in a form and manner which complies with the requirements of these Regulations (other than as to the period within which the notice is to be given) as soon as practicable after the end of the period referred to in regulation 4(4).

(4) In a case to which this regulation applies, the person holding the premises licence or, as the case may be, the responsible authority concerned may make any representations about the application within the period of 28 days starting on the day on which the notice referred to in paragraph (3) is received.

(5) Regulation 4(3) is to have effect in relation to the notice to be given under paragraph (3) as if it required the notice to specify the period referred to in paragraph (4) as the period during which representations about the application may be made by the person to whom the notice is given.

(6) The licensing authority may not grant the application until—

- (a) notice has been given by the applicant in accordance with paragraph (3); and
- (b) the period referred to in paragraph (4) has elapsed.

(7) Subject to paragraph (6), the licensing authority may disregard any irregularity in relation to the giving of notice under regulation 4.

Failure properly to publish notice of an application

7.—(1) This regulation applies where a licensing authority to whom an application is made fail to publish a proper notice of the application during or for the period provided for under (as the case may be) paragraph (3) or (4) of regulation 5.

(2) For the purposes of paragraph (1), a licensing authority fail to publish a proper notice of an application if—

- (a) they fail to publish a notice which they are required to publish under sub-paragraph (a) or (b) of regulation 5(1), or
- (b) the published notice does not comply with the requirements of these Regulations as to the form and manner in which it is to be published.

(3) Subject to paragraph (6), the licensing authority must publish notice of the application in a form and manner which complies with the requirements of these Regulations (other than as to the beginning of the period when publication is to be made) as soon as practicable after the end of the period referred to in (as the case may be) paragraph (3) or (4) of regulation 5.

(4) In a case to which this regulation applies an interested party may make any representations about the application within the period of 28 days starting on the day on which the notice referred to in paragraph (3) is published.

(5) Where the notice is published in one of the ways referred to in regulation 5(1)(a)(ii) or 5(1)(b), the period referred to in paragraph (4) above is to start on the date on which the notice is first published.

(6) Regulation 5(5) is to have effect in relation to the notice referred to in paragraph (3) as if it required the notice to specify the period referred to in that paragraph as the period during which representations about the application may be made by an interested party.

(7) The licensing authority may not grant the application until—

- (a) notice has been published in accordance with paragraph (3); and
- (b) the period referred to in paragraph (4) has elapsed.

(8) Subject to paragraph (7), the licensing authority may disregard any irregularity in relation to the publication of a notice under sub-paragraph (a) or (b) of paragraph (1) of regulation 5.

Giving and publication of notice of intention to conduct a review

8.—(1) Subject to regulation 14, a notice given under section 200(3)(a) of the Act (notice of intention to hold a review) must be in the form specified in Schedule 4.

(2) A notice under section 200(3)(a) of the Act must in particular specify the period of 28 days starting on the day on which the notice is given to the holder of the premises licence as the period during which representations about the application may be made to the licensing authority by—

- (a) the person who holds the premises licence to which the review relates,
- (b) each of the authorities which in accordance with section 157 of the Act are the responsible authorities in relation to the premises, or
- (c) a person who is an interested party in relation to the premises.

(3) A notice under section 200(3)(a) of the Act given to a responsible authority must be given within the period of 7 days starting on the day on which such a notice is given to the holder of the premises licence.

(4) The following provisions of this regulation apply to a notice published by a licensing authority under section 200(3)(b) of the Act indicating that they intend to hold a review.

(5) Subject to regulation 14, the notice must be in the form specified in Schedule 5.

(6) The notice must in particular specify the period of 28 days starting on the day on which the notice under section 200(3)(a) of the 2005 Act is given to the holder of the premises licence as the period during which representations about the application may be made to the licensing authority by—

- (a) the person who holds the premises licence to which the notice relates,
- (b) a responsible authority in relation to the premises, or
- (c) a person who is an interested party in relation to the premises.

(7) The licensing authority must publish notice of their intention to hold a review—

- (a) either—
 - (i) in a local newspaper or, if there is none, a local newsletter, circular or similar document, circulating within the licensing authority's area; or
 - (ii) on the licensing authority's internet website; and
- (b) by displaying the notice at a place—

- (i) which is as near as reasonably practicable to the premises to which the application relates, and
- (ii) where it can conveniently be read by members of the public.

(8) Where a licensing authority have more than one website, paragraph (7)(a)(ii) requires the licensing authority to publish notice of their intention to hold a review on the website which is wholly or mainly used by them to publicise matters relating to the licensing of gambling.

(9) The notice referred to in paragraph (7)(a)(i) must be published on at least one occasion during the period of ten working days starting on the first working day after the day on which the licensing authority give notice under section 200(3)(a) of the Act to the holder of the premises licence of their intention to hold a review.

(10) The notice referred to in paragraph (7)(a)(ii) or (7)(b) must be displayed or, as the case may be, published for a period of no less than 28 consecutive days starting on the day on which the licensing authority give notice under section 200(3)(a) of the Act to the holder of the premises licence of their intention to hold a review.

Failure to give proper notice of intention to hold a review to the holder of the premises licence

9.—(1) This regulation applies where a licensing authority give notice under section 200(3)(a) of the 2005 Act to the holder of the premises licence and the notice is not given in all respects in the form and manner required by these Regulations.

(2) The notice given by the licensing authority is of no effect and the licensing authority must give a further notice which complies with the requirements of these Regulations as to the form and manner in which a notice under section 200(3)(a) of the 2005 Act is to be given.

Failure to give proper notice of intention to hold a review to a responsible authority

10.—(1) This regulation applies where a licensing authority, which give notice under section 200(3)(a) of the 2005 Act to a responsible authority, fail to give a proper notice of their intention to hold a review within the period provided for under regulation 8(3).

(2) For the purposes of paragraph (1), a licensing authority fail to give a proper notice of their intention to hold a review if they fail to give a notice to the responsible authority which complies with the requirements of these Regulations as to the form and manner in which it is to be given.

(3) Subject to paragraph (5), where the licensing authority fail to give proper notice of their intention to hold a review to a responsible authority, they must give notice to that authority in a form and manner which complies with the requirements of these Regulations (other than as to the period within which the notice is to be given) as soon as practicable after the end of the period referred to in regulation 8(3)).

(4) In a case to which this regulation applies, the responsible authority concerned may make any representations about the application within the period of 28 days starting on the day on which the notice referred to in paragraph (3) is received.

(5) Regulation 8(2) is to have effect in relation to the notice to be given under paragraph (3) as if it required the notice to specify the period referred to in paragraph (4) as the period during which representations about the application may be made by the responsible authority to which the notice is given.

(6) The licensing authority may not grant the application until—

- (a) notice has been given by the applicant in accordance with paragraph (3); and
- (b) the period referred to in paragraph (4) has elapsed.

(7) Subject to paragraph (6), the licensing authority may disregard any irregularity in relation to the giving of the notice under section 200(3)(a) of the Act to the responsible authority concerned.

Failure properly to publish notice of intention to hold a review

11.—(1) This regulation applies where a licensing authority fail to publish a proper notice of their intention to hold a review during or for the period provided for under (as the case may be) paragraph (9) or (10) of regulation 8.

(2) For the purposes of paragraph (1), a licensing authority fail to publish a proper notice of their intention to hold a review if—

- (a) they fail to publish a notice under section 200(3)(b) of the Act in the manner in which they are required to publish the notice under sub-paragraph (a) or (b) of regulation 8(7), or
- (b) the published notice does not comply with the requirements of these Regulations as to the form and manner in which it is to be published.

(3) Subject to paragraph (6), the licensing authority must publish the notice in a form and manner which complies with the relevant requirements of these Regulations (other than as to the beginning of the period when publication is to be made) as soon as practicable after the end of the period referred to in (as the case may be) paragraph (9) or (10) of regulation 8.

(4) In a case to which this regulation applies an interested party may make any representations about the review within the period of 28 days starting on the day on which the notice referred to in paragraph (3) is published.

(5) Where the notice is published in one of the ways referred to in regulation 8(7)(a)(ii) or 8(7)(b), the period referred to in paragraph (4) above is to start on the date on which the notice is first published.

(6) Regulation 8(6) is to have effect in relation to the notice referred to in paragraph (3) as if it required the notice to specify the period referred to in that paragraph as the period during which representations about the application may be made by an interested party.

(7) The licensing authority may not hold the review until—

- (a) notice has been published in accordance with paragraph (3); and
- (b) the period referred to in paragraph (4) has elapsed.

(8) Subject to paragraph (7), the licensing authority may disregard any irregularity in relation to the publication of a notice under section 200(3)(b) of the 2005 Act.

Manner of making and giving of applications and notices

12.—(1) An application, a notice under regulation 4 or a notice under section 200(3)(a) of the Act must be made or given in writing.

(2) For the purposes of paragraph (1), an application or notice which is sent by facsimile transmission or electronic mail shall be treated as being made or given in writing if it meets the conditions in paragraph (3).

(3) The conditions are that—

- (a) the text of the application or notice—
 - (i) is capable of being accessed by the recipient,
 - (ii) is legible in all material respects, and
 - (iii) is capable of being read and reproduced in written form and used for subsequent reference by the recipient; and
- (b) the person to whom the application or notice is to be made or given has agreed in advance that an application or notice may be made or given by the particular electronic means used.

(4) Subject to paragraph (5), where an application or notice is sent by facsimile transmission or electronic mail, it is to be treated as having been made or given at the time the conditions specified in paragraph (3)(a) are satisfied.

(5) Where—

- (a) a person making an application specifies a document in the application as being a document which accompanies the application, and
 - (b) the document has been sent in a form that does not meet the conditions in paragraph (3),
- the application is not to be treated as having been made until any such document has been received by the licensing authority in hard copy.

(6) In paragraph (5), any reference to a document in hard copy is to a written document or a document in the form of a plan.

Notice of the licensing authority's decision on a review

13. Subject to regulation 14, a notice under section 203(1) of the Act (notice of a licensing authority's decision on a review) must be in the form specified in Schedule 6.

Matters not required to be included in an application or notice

14.—(1) Where matters are included in square brackets in any form in Schedules 1 to 6, they are intended to indicate and explain the information to be specified in the application or notice to which the form relates, and are not required to be included in the application or notice.

(2) The first page of the form used for an application or notice may include any symbol or logo which is commonly used by the licensing authority to identify documents produced by it.

(3) In paragraph (2) “the licensing authority” means—

- (a) in relation to an application or a notice of an application under regulation 4, the licensing authority to whom the application is made, and
- (b) in relation to a notice given or published by a licensing authority, that authority.

27th July 2007

Gerry Sutcliffe
Parliamentary Under Secretary of State
Department for Culture, Media and Sport

Form and content of applications for a review of a premises licence

Application for a review of a premises licence under the Gambling Act 2005
PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST
<p>If you are completing this form by hand, please write legibly in block capitals using ink. Use additional sheets if necessary (marked with the number of the relevant question). You may wish to keep a copy of the completed form for your records.</p>
<p>Part 1 – Applicant Details</p> <p>1. Name of applicant:</p> <p>.....</p> <p><i>[Where the applicant is an individual please give your first name(s) as well as your surname.]</i></p> <p>2. Applicant’s address (home <input type="checkbox"/> or business <input type="checkbox"/> <i>[check or tick the appropriate box]</i>):</p> <p>.....</p> <p>.....</p> <p>..... Postcode:.....</p> <p>3(a) Are you making the application as a responsible authority? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>.....</p> <p>3(b) If the answer to question 3(a) is yes, indicate the type of responsible authority:</p> <p>.....</p> <p>4(a) If the answer to question 3(a) is no, please confirm by ticking or checking the box that you are applying as an interested party. <input type="checkbox"/></p> <p>4(b) If you have ticked or checked the box in answer to question 4(a), please indicate on what basis you qualify as an interested party:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p><i>[Where there are further applicants, the information required by questions 1 to 4(b) should be included on additional sheets attached to this form, and those sheets should be clearly marked “Details of further applicants”.]</i></p>

Part 2 – Premises Details

5. Give the trading name used at the licensed premises to which the application for a review relates:

.....

6. Give the address of the premises or, if not known, give a description of the premises and its location. Where the premises are a vessel, then (if known) give the place indicated in the premises licence as the place in the licensing authority's area where the vessel is wholly or partly situated. If possible, any address given should include a postcode:

.....

.....

.....

.....Postcode:

7. Type of premises:

- | | | | | | |
|-----------------|--------------------------|------------------|--------------------------|--|--------------------------|
| Casino | <input type="checkbox"/> | Bingo hall | <input type="checkbox"/> | Adult Gaming Centre | <input type="checkbox"/> |
| | | | | <small>(arcade restricted to those who are 18 or over)</small> | |
| Betting (track) | <input type="checkbox"/> | Betting (other) | <input type="checkbox"/> | Family Entertainment Centre | <input type="checkbox"/> |
| | | | | <small>(arcade which admits both over and under 18s)</small> | |

8. Premises licence number (if known):.....

9. Give the name of the person(s) or organisation(s) in whose name the licence is held:

.....

.....

[Where an individual is the licence holder please give their first name(s) as well as their surname.]

Part 3 – Details of grounds on which a review is being sought

10(a) Please give details of the grounds on which a review is being sought.

.....

.....

.....

.....

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.....

.....

.....

10(b) Indicate any specific actions you consider the licensing authority should take following the review, including the reasons why you consider those actions are appropriate:

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.....

.....

.....

.....

Part 4 – Supporting Documents

11. List any supporting documents which you are submitting with the application:

.....

.....

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.....

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.....

.....

Part 5 – Declarations and Checklist (Please tick or check the box)

I/ We confirm that, to the best of my/ our knowledge, the information contained in this application is true. I/ We understand that it is an offence under section 342 of the Gambling Act 2005 to give information which is false or misleading in, or in relation to, this application.

I/ we understand that it is now necessary to give notice to the licence holder and the responsible authorities in relation to the premises.

Part 6 – Signatures

12. Signature of applicant or applicant’s solicitor or other duly authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature:

Print Name:

Date: Capacity:.....

[Where there is more than one applicant, please use an additional sheet clearly marked “Signature(s) of further applicant(s)”. The sheet should include, for each additional applicant, all the information requested in paragraph 12.]

[Where the application is to be submitted in an electronic form, the signature should be generated electronically and should be a copy of the person’s written signature.]

Part 7 – Contact Details

13(a) Please give the name of a person who can be contacted about the application:

.....

13(b) Please give one or more telephone numbers at which the person identified in question 13(a) can be contacted:

.....

14. Postal address for correspondence associated with this application:

.....

.....

..... Postcode:.....

15. If you are happy for correspondence in relation to the application to be sent via e-mail, please give the e-mail address to which you would like correspondence to be sent:

.....

SCHEDULE 2

Regulation 4(3)

Form of the notice of application to be given to the holder of the premises licence and the responsible authorities

NOTICE OF APPLICATION FOR A REVIEW OF A PREMISES LICENCE

This notice is given in accordance with regulations made under section 197 of the Gambling Act 2005

Notice is hereby given that:

.....
[Give the full name of the applicant(s) as set out in Part 1 of the application for a review of the premises licence]

has made an application under section 197 of the Gambling Act 2005 for a review of the premises licence which is in force at the following premises:

.....
.....
.....
.....
.....
.....

.....
[Give the trading name used at the premises, and the address of the premises (or, if not known, give a description of the premises and their location).]

The applicant is:

a responsible authority an interested party *[check or tick the appropriate box]*

The following type of premises licence has effect in respect of the premises:

.....
[Indicate the type of premises licence which applies to the premises, eg bingo premises licence, adult gaming centre premises licence etc.]

The application for a review of the premises licence has been made to the following licensing authority:

.....
.....
.....
.....Postcode.....

Website:.....
[Insert name of the licensing authority and the address of its principal office, followed by the address of its website]

Information about the application is available from the licensing authority, including the arrangements for viewing the details of the application.

The following person connected with the applicant is able to give further information about the application:

.....
[This entry is optional and is to be included if the applicant wishes to provide the name, telephone number and (if available) e-mail address of a person connected with the applicant who is able to answer questions and provide further information about the application.]

The grounds on which a review is being sought are:

.....
.....
.....
.....
.....

Representations about the application may be made in writing to the licensing authority by the licence holder, a responsible authority or an interested party during the period of 28 consecutive days beginning on..... (which is 7 days after the date on which the application for a review was made to the licensing authority). The last day for making representations is:

.....

Following a review under section 201 of the Gambling Act 2005 a licensing authority may decide to take any of the following kinds of action:

- **revoke the licence**
- **suspend the licence for a specified period not exceeding 3 months**
- **add, remove or amend a condition attached to the licence**

Form of the notice of application to be published by a licensing authority

NOTICE OF APPLICATION FOR A REVIEW OF A PREMISES LICENCE UNDER THE GAMBLING ACT 2005

An application has been made under section 197 of the Gambling Act 2005 for a review of the premises licence which is in force in respect of the following premises:

.....

[Give the trading name used at the premises, and the address of the premises (or, if not known, give a description of the premises and their location).]

The following type of premises licence applies to the premises:.....

A review is being sought on the following grounds:

.....

The application has been made on:.....
[Insert the date on which the application has been made]

The licence holder or a responsible authority may make representations in writing about the application, as may any of the following persons:

- A person who lives sufficiently close to the premises to be likely to be affected by the authorised activities
- A person who has business interests that might be affected by the authorised activities
- A person who represents someone in any of the above two categories

Any representations are to be made to the following licensing authority:

.....
[Insert the name of licensing authority]

and may be made during the period of 28 consecutive days beginning 7 days after the date on which the application was made. That period ends on :

.....
[Insert last day on which representations may be made in relation to the application.]

Information about the application is available from the licensing authority, including the arrangements for viewing the details of the application.

It is an offence under section 342 of the Gambling Act 2005 if a person, without reasonable excuse, gives to a licensing authority for a purpose connected with that Act information which is false or misleading.

Form of the notice of intention to hold a review to be given to holder of the premises licence and responsible authorities

NOTICE OF INTENTION TO HOLD A REVIEW OF A PREMISES LICENCE

This notice is given in accordance with regulations made under section 200 of the Gambling Act 2005

Notice is hereby given that the following licensing authority:

.....

whose address is:

.....

.....

.....

.....Postcode.....

Website:.....

[Insert the address of the authority's principal office, followed by the address of its website]

intends to hold a review under section 201 of the Gambling Act 2005 of the premises licence which is in force at the following premises:

.....

.....

.....

.....

.....

[Give the trading name used at the premises, and the address of the premises (or, if not known, give a description of the premises and their location).]

The following type of premises licence has effect in respect of the premises:

.....
[Indicate the type of premises licence which applies to the premises, eg bingo premises licence, adult gaming centre premises licence etc.]

The licensing authority intends to hold the review for the following reasons:

.....

.....

.....

.....

.....

.....

.....

.....

The following person connected with the licensing authority is able to give further information about the review:

.....

Representations about the proposed review may be made in writing to the licensing authority by the licence holder, a responsible authority or an interested party during the period of 28 consecutive days beginning on the date on which the notice of the authority's intention to hold the review was given to the licence holder. The last day of the period for making representations is:

.....

Following a review under section 201 of the Gambling Act 2005 a licensing authority may decide to take any of the following kinds of action:

- **revoke the licence**
- **suspend the licence for a specified period not exceeding 3 months**
- **add, remove or amend a condition attached to the licence**

Form of the notice of intention to hold a review to be published by a
licensing authority

**NOTICE OF INTENTION TO HOLD A REVIEW OF A PREMISES
LICENCE UNDER THE GAMBLING ACT 2005**

Notice is hereby given that the following licensing authority:

.....
[Give the name of the licensing authority]

intends to hold a review under section 201 of the Gambling Act 2005 of the premises licence which is in force at the following premises:

.....
.....

.....
[Give the trading name used at the premises, and the address of the premises (or, if not known, give a description of the premises and their location).]

The following type of premises licence applies to the premises:

.....

The licensing authority intends to hold the review for the following reasons:

.....
.....
.....

The licence holder or a responsible authority may make representations in writing to the licensing authority about the review, as may any of the following persons:

- A person who lives sufficiently close to the premises to be likely to be affected by the authorised activities
- A person who has business interests that might be affected by the authorised activities
- A person who represents someone in any of the above two categories

Representations may be made during the period of 28 consecutive days beginning on the date on which notice of the intention to hold a review was given to the licence holder. That period ends on:

.....
[Insert last day on which representations may be made in relation to the application.]

Further information about the review is available from the licensing authority.

It is an offence under section 342 of the Gambling Act 2005 if a person, without reasonable excuse, gives to a licensing authority for a purpose connected with that Act information which is false or misleading.

Form of the notice of the licensing authority’s decision on a review

NOTICE OF THE DECISION ON A REVIEW OF A PREMISES LICENCE

This notice is given in accordance with regulations under section 203(2) of the Gambling Act 2005

[Insert here the name and address of the issuing licensing authority]

The licensing authority has carried out a review of the premises licence which is in force in respect of the following premises:

.....
.....
.....
.....
.....

[Give the trading name used at the premises, and the address of the premises (or, if not known, give a description of the premises and their location).]

The licensing authority has decided to take the following action as a result of the review:

.....
.....
.....

[Where the licensing authority proposes to take no action following the review, the authority should indicate that here.]

The reasons for the licensing authority’s decision are as follows:

.....
.....
.....
.....
.....
.....
.....

Any of the following may appeal against a decision taken by the licensing authority as a result of a review:

- The licensee
- A person who made representations on the review
- The person (if any) who applied for the review, and
- The Gambling Commission

An appeal must be brought:

- In England and Wales, in the magistrates' court for the local justice area in which the premises are wholly or partly situated; or
- In Scotland, to the sheriff within whose sheriffdom the premises are wholly or partly situated.

An appeal must be brought within 21 days of the date on which the appellant received notice of the licensing authority's decision

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision about:

- the form of, and procedure for, applications for a review of a premises licence made under section 197 of the Gambling Act 2005 (“the 2005 Act”);
- the form of notices under section 200(3) of the 2005 Act (which indicate a licensing authority’s intention to hold a review of a premises licence), and the procedure to be adopted in connection with such notices; and
- the form of the notice under section 203(1) of the 2005 Act setting out a licensing authority’s decision on a review of a premises licence.

Regulation 3 requires an application for a review of a premises licence to be in the form, and contain the information, specified in Schedule 1.

Regulation 4 requires a person applying for a review of a premises licence to give a notice of his application to the person holding the premises licence and to the responsible authorities in relation to the premises. Regulation 4 specifies the period within which the notice is to be given, and the form of the notice. In particular it provides for the notice to be in the form specified in Schedule 2.

Regulation 5 requires the licensing authority to which an application for a review is made to publish notice of the application in the ways described in sub-paragraphs (a) and (b) of paragraph (1). Paragraphs (3) and (4) specify the period within which publication must take place. Regulation 5 also specifies the form of the notices. In particular it provides for a notice to be in the form specified in Schedule 3.

Regulation 6 makes provision for those cases where a person applying for a review fails to give notice to the premises licence holder or a responsible authority in the appropriate form and manner within the required period. In these circumstances, the applicant is required to give notice in the appropriate form and manner as soon as practicable after the end of that period. In such a case, the period by which (as the case may be) the premises licence holder or the responsible authority is required to make representations is extended so that it runs until the end of the period of 28 days beginning on the date on which the notice in the proper form and manner is received. The licensing authority may not grant the application until that period has elapsed. Subject to that, the licensing authority may disregard any irregularity in the giving of the notice under regulation 4.

Regulation 7 makes provision for those cases where the licensing authority fails to publish a notice of an application for a review in the appropriate form or manner and within the required period. Provisions similar to those in regulation 6 apply to extend the period by which interested parties may make representations about the application for a review.

Regulation 8 makes provision about the notice of intention to hold a review which is to be given and published by a licensing authority under section 200(3) of the 2005 Act. The regulation specifies the form of the notice in each case and the matters to be contained in it. In particular, it provides for a notice given under section 200(3)(a) to be in the form specified in Schedule 4; and for a notice published under section 200(3)(b) to be in the form specified in Schedule 5. Regulation 8 also makes provision about the period within which a notice under section 200(3)(b) must be given or published and the manner of publication.

Regulation 9 makes provision for those cases where the licensing authority gives notice under section 200(3)(a) of the 2005 Act to the holder of the premises licence, but the notice does not comply with the requirements of the Regulations as to the form and manner for the giving of the notice. In such a case the notice is of no effect and the licensing authority must give a further notice to the person concerned.

Regulation 10 makes provision for those cases where the licensing authority gives notice under section 200(3)(a) of the 2005 Act to a responsible authority in relation to the premises but the notice does not comply with the requirements of the Regulations as to the form of the notice and

manner in which it is to be given. Provisions similar to those in regulation 6 apply to require the giving of a further notice which complies with the relevant requirements, and to extend the period within which the authority concerned may make representations about the review.

Regulation 11 makes provision for those cases where the licensing authority fails to publish a notice of their intention to hold a review in the appropriate form or manner. Provisions similar to those in regulation 7 apply to extend the period by which interested parties may make representations about the review.

Regulation 12 makes provision about the manner in which applications for a review and notices under regulation 4 and under section 200(3)(a) of the 2005 Act are to be made or given.

Regulation 13 specifies the form of a notice under section 203(1) of the 2005 Act setting out the licensing authority's decision on a review. In particular, it provides for the notice to be in the form specified in Schedule 6.

Regulation 14 makes further provision about the form of an application or notice to be given or published under these Regulations.

A full Regulatory Impact Assessment of the costs and benefits of these Regulations is available from the Premises Licensing Team, Department for Culture, Media and Sport, 2-4 Cockspur Street, London SW1Y 5DH, telephone 020 7211 6420.

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