



London Local Authorities Act 2000

2000 CHAPTER vii

PART IV

LICENSING

23 Private places of entertainment

- (1) The Private Places of Entertainment (Licensing) Act 1967 applies to the area of a participating council in accordance with the following subsections.
- (2) In section 3—
 - (a) in subsection (1) after the word “renew” the words “or transfer” are inserted; and
 - (b) subsection (3) is left out.
- (3) The following sections are inserted after section 3A:—

“3B Renewal and transfer of licence

- (1) Subject to section 3C of this Act, where, before the date of expiry of a licence granted under this Act, an application has been made for the renewal of that licence, the licence shall be deemed to remain in force, notwithstanding that the date of expiry of the licence has passed, until the determination of the application by the licensing authority or the withdrawal of the application.
- (2) Subject to section 3C of this Act, where, before the date of expiry of a licence granted under this Act, an application has been made for the transfer of that licence, the licence shall be deemed to remain in force with any necessary modifications notwithstanding that the date of expiry of the licence has passed, until the determination of the application by the licensing authority or the withdrawal of the application.
- (3) Where an applicant for the transfer of a licence granted under this Act 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

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those words appear in subsection (2) of this section, 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.

3C Renewal and transfer of licence: supplementary

- (1) The following provisions of this section shall have effect as respects cases where, before the date of expiry of a licence granted under this Act, 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in force under section 3B(1) or section 3B(2) of this Act, after that date and the application shall be deemed to be withdrawn on that date, unless before then the applicant pays the council a continuation fee.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 subsection (2) of this section 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 subsection (2) of this section 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 section, 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 subsection (3) or (4) of this section, as the case may be, the licence shall not be deemed to remain in force under section 3B(1) or 3B(2) of this section, 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 subsection (5) of this section, 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 subsection (3) of this section; 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 following the date of the expiry of the renewal period under subsection (4) of this section.
- (7) A deemed application for renewal under subsection (6) shall be for a period expiring—
 - (a) where the application is withdrawn, on the date of withdrawal;

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- (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:—
 - (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 section—
- “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.

3D Provisional grants of licences

- (1) Where application is made to the licensing authority for the grant of a licence under this Act in respect of premises which are to be, or are in the course of being, constructed, extended or altered and the licensing authority are satisfied that the premises would, if completed in accordance with the requirements of the licensing authority, be such that the licensing authority would grant the licence, the licensing authority may grant the licence subject to a condition that it shall be of no effect until confirmed by the licensing authority.
- (2) The licensing authority shall, on application being made for the appropriate variation of the licence, confirm any licence granted by virtue of the foregoing subsection if and when they are satisfied that the premises have been completed in accordance with the requirements aforesaid, or in accordance with those requirements as modified by the licensing authority, and that the licence is held by a fit and proper person.

3E Power to prescribe standard terms, conditions and restrictions

- (1) The licensing authority may make regulations prescribing standard conditions applicable to all, or any class of licences which may be granted under this Act.
 - (2) Where the licensing authority have made regulations under this section, every licence granted, renewed or transferred by them shall be deemed to have been so granted, renewed or transferred subject to any standard conditions applicable to it except so far as they are expressly excluded or amended in any particular case.”.
- (4) In subsection (2) of section 4—
- (a) “(i)” is inserted after “(a)”; and
 - (b) the word “and” where it appears at the end of paragraph (a) is replaced by the words—
 - “; or
 - (ii) an applicant for the transfer of the licence where he is carrying on the functions to which the licence relates; and”.

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- (5) In section 5, at the beginning of subsection (5) the words “Subject to section 5B below” are inserted.
- (6) After section 5A, the following section is inserted:—

“5B Appeals: supplementary provisions

- (1) The following provisions of this section shall have effect as respects cases where an appeal under section 5 of this Act 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 section 5(5) of this Act 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 subsection (2)(b) of this section, 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 subsection (2)(a) or (3) of this section, as the case may be, the licence shall not be deemed to remain in force under section 5(5) of this Act 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.
- (5) Where a continuation fee or a further continuation fee is paid in pursuance of subsection (4) above, 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 subsection (2)(a) above or, as the case may be, subsection (3) above.
- (6) A deemed application for renewal under subsection (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.

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(7) In this section—

“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.”.