



London Local Authorities Act 2000

2000 CHAPTER vii

PART IV

LICENSING

26 Night cafés

- (1) Part II of the London Local Authorities Act 1990 (Night Café Licensing) applies in the area of a participating council in accordance with the following subsections.
- (2) In section 7 (Applications)—
 - (a) in subsection (7)—
 - (i) at the beginning, the words “Subject to section 7A (Renewal and transfer of licence: supplementary) of this Act,” are inserted;
 - (ii) the words “or transfer” and the words “or as the case may require, to have effect with any necessary modifications” are left out;
 - (b) at the end the following subsections are inserted:—
 - “(8) Subject to section 7A (Renewal and transfer of licence: supplementary) of this Act, where, before the date of expiry of a night café licence, 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 council or the withdrawal of the application.
 - (9) Where an applicant for the transfer of a night café licence is carrying on the functions to which the licence relates, “any necessary modifications” where those words appear in subsection (8) above, means the substitution for the name of the licence holder by the name of the applicant for the transfer of the licence and any other necessary modifications.”.
- (3) After the said section 7, the following section is inserted:—

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“7A 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 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 subsection (7) or (8) of section 7 (Applications) of this Act, after that date and the application shall be deemed to be withdrawn on that date, unless before then the applicant pays the council a continuation fee.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) above 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) above 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) above, as the case may be, the licence shall not be deemed to remain in force under subsection (7) or (8) of the said section 7, 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) above, 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) above; 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) above.
- (7) A deemed application for renewal under subsection (6) above shall be for a period expiring—
 - (a) where the application is withdrawn, on the date of withdrawal;
 - (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:—

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- (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.”.
- (4) In section 11 (Provisional grant of night café licences)—
 - (a) in subsection (1) the words “in accordance with plans deposited” are left out; and
 - (b) in subsection (2)—
 - (i) the words “plans referred to in the said subsection (1)” are replaced by the words “requirements aforesaid”; and
 - (ii) the words “plans as modified with the approval of the council” are replaced with the words “requirements as modified by the council”.
- (5) In section 14 (Appeals) at the beginning of subsection (5) the words “Subject to section 14A below” are inserted.
- (6) After section 14, the following section is inserted:—

“14A Appeals: supplementary provisions

- (1) The following provisions of this section shall have effect as respects cases where an appeal under section 14 (Appeals) 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 subsection (5) of the said section 14 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) above, 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) above, as the case may be, the licence shall not be deemed to remain in force under the said section 14 after that date, and the appeal shall be deemed to be abandoned on that date, unless before

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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.
- (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.”.
- (7) In subsection (2) of section 15 (Enforcement) after the words “holder of the licence” the words “, an applicant for the transfer of a licence where he is carrying out the functions to which the licence relates;” are inserted.