

## SCHEDULES

### SCHEDULE 2

#### GRANT, RENEWAL, CANCELLATION AND TRANSFER OF LICENCES

##### *Grounds for refusal to grant or renew licence*

- 18 (1) The licensing authority may refuse to grant a licence under this Act if it is not shown to their satisfaction that, in the area of the authority, a substantial demand already exists on the part of prospective players for gaming facilities of the kind proposed to be provided on the relevant premises.
- (2) Where it is shown to the satisfaction of the licensing authority that such a demand already exists, the licensing authority may refuse to grant a licence if it is not shown to their satisfaction—
- (a) that no gaming facilities of the kind in question are available in that area or in any locality outside that area which is reasonably accessible to the prospective players in question, or
  - (b) where such facilities are available, that they are insufficient to meet the demand.
- 19 (1) For the purposes of the last preceding paragraph, the Board may from time to time give advice to any licensing authority as to the extent of the demand on the part of prospective players for gaming facilities of any particular kind, either generally in Great Britain or in any particular part of Great Britain, and as to the extent to which, and the places in which, gaming facilities of any particular kind are available.
- (2) In determining whether, on an application for the grant of a licence under this Act, a licence should be refused on the grounds specified in the last preceding paragraph, the licensing authority shall take into account any advice given to them by the Board in pursuance of this paragraph, as well as any representations which, at the time when the application is being considered by the licensing authority, are made to the authority by or on behalf of the Board or any other person entitled to be heard on the consideration of the application.
- 20 (1) Without prejudice to paragraph 18 of this Schedule, the licensing authority may refuse to grant or renew a licence under this Act on any one or more of the following grounds, that is to say—
- (a) that the relevant premises are unsuitable by reason of their lay-out, character, condition or location ;
  - (b) that the applicant is not a fit and proper person to be the holder of a licence under this Act;
  - (c) that, if the licence were granted or renewed, the club specified in the application would be managed by, or carried on for the benefit of, a person (other than the applicant) who would himself be refused the grant or renewal of a licence under this Act on the grounds that he is not a fit and proper person to be the holder of such a licence ;

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

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- (d) that the licensing authority, the Board, the appropriate officer of police, the appropriate local authority or the appropriate fire authority, or the authorised representatives of any of them, have been refused reasonable facilities to inspect the premises ;
    - (e) that any duty payable in respect of the premises under section 13 or section 14 of the Finance Act 1966 remains unpaid.
  - (2) In determining for the purposes of this paragraph whether the relevant premises are unsuitable by reason of any matter mentioned in sub-paragraph (1)(a) of this paragraph, the licensing authority shall take into account any advice given to them by the Board with respect to that matter.
- 21 (1) The licensing authority may refuse to renew a licence under this Act on any one or more of the following grounds, in addition to those specified in paragraph 20 of this Schedule, that is to say—
- (a) that it is not shown to their satisfaction that, in the area of the authority, a substantial demand exists on the part of players or prospective players for gaming facilities of the kind proposed to be provided on the relevant premises ;
  - (b) that a person has been convicted of an offence under this Act in respect of a contravention, in connection with the relevant premises, of any of the provisions of this Act, or of any regulations made thereunder ;
  - (c) that, while the licence has been in force, the relevant premises have not been so conducted as to prevent disturbance or disorder;
  - (d) that, while the licence has been in force, gaming on the relevant premises has been dishonestly conducted;
  - (e) that, while the licence has been in force, the relevant premises have been used for an unlawful purpose or as a resort of criminals or prostitutes ;
  - (f) that, while the licence has been in force, appropriate precautions against the danger of fire have not been observed, or have been insufficiently observed, in the use of the relevant premises.
- (2) The licensing authority may also refuse to renew a licence under this Act on the grounds that, within the period of twelve months ending with the date on which the licensing authority consider the application for renewal of the licence, a notice under paragraph 7 of Schedule 5 to this Act has been served on a person stating that a relevant certificate issued in respect of him under section 19 of this Act is revoked as from the end of a period specified in that notice.
- (3) For the purposes of sub-paragraph (2) of this paragraph a certificate issued in respect of a person under section 19 of this Act shall be taken to have been a relevant certificate if it was a certificate certifying that he had been approved by the Board under that section—
- (a) in respect of the performance on the relevant premises of a function which, at the time when the notice referred to in that sub-paragraph was served, he was authorised or required to perform on those premises in pursuance of a service agreement which was then in force, or
  - (b) in respect of his acting in relation to those premises in a capacity in which, at the time when that notice was served, he was acting, or was authorised or required to act, in relation to those premises.
- (4) Paragraph 19 of this Schedule shall have effect for the purposes of sub-paragraph (1) (a) of this paragraph as it has effect for the purposes of paragraph 18 of this Schedule.

- (5) In this paragraph " service agreement" has the same meaning as in section 19 of this Act.
- 22 (1) The licensing authority shall refuse to grant or renew a licence under this Act if, by virtue of a disqualification order made under section 24 of this Act, such a licence is for the time being prohibited from being held in respect of the relevant premises.
- (2) The licensing authority shall refuse to renew a licence under this Act if they are satisfied that, while the licence has been in force, the relevant premises have been habitually used for an unlawful purpose or as a resort of criminals or prostitutes.
- 23 Where for the purposes of paragraph 20(1)(a) of this Schedule it falls to be determined whether the relevant premises are unsuitable in respect of their location and those premises were used for the purpose of gaming during a period of not less than six months ending with 19th December 1967.—
- (a) the licensing authority shall consider what (if any) evidence there is that those premises appeared to be unsuitable for that purpose during that period, and
- (b) if it appears to them that there is no evidence, or insufficient evidence, that they were unsuitable as mentioned in the preceding sub-paragraph, the licensing authority shall have regard in particular to that fact in determining that question.