

*These notes refer to the Licensing Act 2003 (c.17)
which received Royal Assent on 10 July 2003*

LICENSING ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

PART 3: Premises licences

Section 39 – Determination of section 37 application

88. By virtue of this section the relevant licensing authority must grant the application to vary the designated premises supervisor except where the chief officer of police for the area gives notice that to do so would undermine the crime prevention objective, in which case a hearing must be held. The need for a hearing can be dispensed with by agreement of the authority, the applicant for the variation and the police.
89. In any case where the police have given notice of objection under section 37 (5), the licensing authority must, if it considers it necessary for the promotion of the licensing objectives (see section 4), reject the application for this variation. In any other case the variation must be granted.
90. The authority must notify its decision to the applicant, the police and the proposed new designated premises supervisor, and must give reasons for its decision.