



# Licensing Act 2003

## 2003 CHAPTER 17

### PART 3

#### PREMISES LICENCES

##### *Grant of premises licence*

#### **16 Applicant for premises licence**

- (1) The following persons may apply for a premises licence—
- (a) a person who carries on, or proposes to carry on, a business which involves the use of the premises for the licensable activities to which the application relates,
  - (b) a person who makes the application pursuant to—
    - (i) any statutory function discharged by that person which relates to those licensable activities, or
    - (ii) any function discharged by that person by virtue of Her Majesty's prerogative,
  - (c) a recognised club,
  - (d) a charity,
  - (e) the proprietor of an educational institution,
  - (f) a health service body,
  - (g) a person who is registered under Part 2 of the Care Standards Act 2000 (c. 14) in respect of an independent hospital,
  - (h) the chief officer of police of a police force in England and Wales,
  - (i) a person of such other description as may be prescribed.
- (2) But an individual may not apply for a premises licence unless he is aged 18 or over.
- (3) In this section—  
“charity” has the same meaning as in section 96(1) of the Charities Act 1993 (c. 10);

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“educational institution” means—

- (a) a school, or an institution within the further or higher education sector, within the meaning of section 4 of the Education Act 1996 (c. 56), or
- (b) a college (including any institution in the nature of a college), school, hall or other institution of a university, in circumstances where the university receives financial support under section 65 of the Further and Higher Education Act 1992 (c. 13);

“health service body” means—

- (a) an NHS trust established by virtue of section 5 of the National Health Service and Community Care Act 1990 (c. 19),
- (b) a Primary Care Trust established by virtue of section 16A of the National Health Service Act 1977 (c. 49), or
- (c) a Local Health Board established by virtue of section 16BA of that Act;

“independent hospital” has the same meaning as in section 2(2) of the Care Standards Act 2000 (c. 14);

“proprietor”—

- (a) in relation to a school within the meaning of section 4 of the Education Act 1996, has the same meaning as in section 579(1) of that Act, and
- (b) in relation to an educational institution other than such a school, means the governing body of that institution within the meaning of section 90(1) of the Further and Higher Education Act 1992; and

“statutory function” means a function conferred by or under any enactment.

#### Commencement Information

- II** S. 16(1)(i) in force at 16.12.2003 by [S.I. 2003/3222](#), [art. 2](#), [Sch.](#) and s. 16 otherwise in force at 7.2.2005 by [S.I. 2004/2360](#), [art. 2](#), [Sch.](#)

## 17 Application for premises licence

- (1) An application for a premises licence must be made to the relevant licensing authority.
- (2) Subsection (1) is subject to regulations under—
  - (a) section 54 (form etc. of applications etc.);
  - (b) section 55 (fees to accompany applications etc.).
- (3) An application under this section must also be accompanied—
  - (a) by an operating schedule,
  - (b) by a plan of the premises to which the application relates, in the prescribed form, and
  - (c) if the licensable activities to which the application relates (“the relevant licensable activities”) include the supply of alcohol, by a form of consent in the prescribed form given by the individual whom the applicant wishes to have specified in the premises licence as the premises supervisor.
- (4) An “operating schedule” is a document which is in the prescribed form and includes a statement of the following matters—
  - (a) the relevant licensable activities,
  - (b) the times during which it is proposed that the relevant licensable activities are to take place,

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- (c) any other times during which it is proposed that the premises are to be open to the public,
  - (d) where the applicant wishes the licence to have effect for a limited period, that period,
  - (e) where the relevant licensable activities include the supply of alcohol, prescribed information in respect of the individual whom the applicant wishes to have specified in the premises licence as the premises supervisor,
  - (f) where the relevant licensable activities include the supply of alcohol, whether the supplies are proposed to be for consumption on the premises or off the premises, or both,
  - (g) the steps which it is proposed to take to promote the licensing objectives,
  - (h) such other matters as may be prescribed.
- (5) The Secretary of State must by regulations—
- (a) require an applicant to advertise his application within the prescribed period—
    - (i) in the prescribed form, and
    - (ii) in a manner which is prescribed and is likely to bring the application to the attention of the interested parties likely to be affected by it;
  - (b) require an applicant to give notice of his application to each responsible authority, and such other persons as may be prescribed, within the prescribed period;
  - (c) prescribe the period during which interested parties and responsible authorities may make representations to the relevant licensing authority about the application.

#### **Commencement Information**

**I2** S. 17(3)(b)(c)(4)(5) in force at 16.12.2003 by [S.I. 2003/3222](#), [art. 2](#), [Sch.](#) and s. 17 otherwise in force at 7.2.2005 by [S.I. 2004/2360](#), [art. 2](#), [Sch.](#)

## **18 Determination of application for premises licence**

- (1) This section applies where the relevant licensing authority—
- (a) receives an application for a premises licence made in accordance with section 17, and
  - (b) is satisfied that the applicant has complied with any requirement imposed on him under subsection (5) of that section.
- (2) Subject to subsection (3), the authority must grant the licence in accordance with the application subject only to—
- (a) such conditions as are consistent with the operating schedule accompanying the application, and
  - (b) any conditions which must under section 19, 20 or 21 be included in the licence.
- (3) Where relevant representations are made, the authority must—
- (a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and

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- (b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.
- (4) The steps are—
- (a) to grant the licence subject to—
    - (i) the conditions mentioned in subsection (2)(a) modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and
    - (ii) any condition which must under section 19, 20 or 21 be included in the licence;
  - (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
  - (c) to refuse to specify a person in the licence as the premises supervisor;
  - (d) to reject the application.
- (5) For the purposes of subsection (4)(a)(i) the conditions mentioned in subsection (2)(a) are modified if any of them is altered or omitted or any new condition is added.
- (6) For the purposes of this section, “relevant representations” means representations which—
- (a) are about the likely effect of the grant of the premises licence on the promotion of the licensing objectives,
  - (b) meet the requirements of subsection (7),
  - (c) if they relate to the identity of the person named in the application as the proposed premises supervisor, meet the requirements of subsection (9), and
  - (d) are not excluded representations by virtue of section 32 (restriction on making representations following issue of provisional statement).
- (7) The requirements of this subsection are—
- (a) that the representations were made by an interested party or responsible authority within the period prescribed under section 17(5)(c),
  - (b) that they have not been withdrawn, and
  - (c) in the case of representations made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- (8) Where the authority determines for the purposes of subsection (7)(c) that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for its determination.
- (9) The requirements of this subsection are that the representations—
- (a) were made by a chief officer of police for a police area in which the premises are situated, and
  - (b) include a statement that, due to the exceptional circumstances of the case, he is satisfied that the designation of the person concerned as the premises supervisor under the premises licence would undermine the crime prevention objective.
- (10) In discharging its duty under subsection (2) or (3)(b), a licensing authority may grant a licence under this section subject to different conditions in respect of—
- (a) different parts of the premises concerned;

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- (b) different licensable activities.

## 19 Mandatory conditions where licence authorises supply of alcohol

- (1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
- (2) The first condition is that no supply of alcohol may be made under the premises licence—
  - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

VALID FROM 29/01/2010

### **[<sup>F1</sup>19A Power of Secretary of State to impose section 19(4) mandatory conditions**

- (1) The Secretary of State may by order specify conditions relating to the supply of alcohol and applicable to all relevant premises licences or relevant premises licences of a particular description if the Secretary of State considers it appropriate to do so for the promotion of the licensing objectives.
- (2) The number of conditions in force by virtue of subsection (1) in relation to all relevant premises licences and the number of conditions in force by virtue of that subsection in relation to relevant premises licences of particular descriptions must not (when added together) exceed at any time nine.
- (3) An order under subsection (1) may—
  - (a) relate to existing or future relevant premises licences,
  - (b) specify conditions which involve, or consist of, the exercise of a discretion by any person.
- (4) Any conditions specified by an order under subsection (1) in relation to existing relevant premises licences are to be treated as—
  - (a) included in those licences from the coming into force of the order, and
  - (b) overriding any conditions already included in those licences (“the existing conditions”) so far as they are—
    - (i) identical to the existing conditions, or
    - (ii) inconsistent with, and more onerous than, the existing conditions.
- (5) Any conditions included, or treated as included, in relevant premises licences by virtue of section 19(4) and this section cease to have effect so far as they cease to be specified under this section in relation to those licences.
- (6) Any conditions treated as mentioned in subsection (4)(b) cease to be so treated so far as they cease to be specified under this section in relation to the relevant premises licences concerned.

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- (7) So far as conditions cease to be treated as mentioned in subsection (4)(b), the existing conditions revive.
- (8) Subsections (5) to (7) are subject to any alternative transitional or saving provision made by the order revoking the specification.
- (9) In this section—
- “existing relevant premises licence”, in relation to an order, means a relevant premises licence granted before the coming into force of the order and in effect, or capable of having effect, on its coming into force,
- “future relevant premises licence”, in relation to an order, means a relevant premises licence granted on or after the coming into force of the order,
- “relevant premises licence” means a premises licence authorising the supply of alcohol.]

#### Textual Amendments

- F1** S. 19A inserted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 32, 116, [Sch. 4 para. 2](#); [S.I. 2010/125](#), [art. 2\(r\)](#)

## 20 Mandatory condition: exhibition of films

- (1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
- (2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
- (3) Where—
- (a) the film classification body is not specified in the licence, or
- (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,
- admission of children must be restricted in accordance with any recommendation made by that licensing authority.
- (4) In this section—
- “children” means persons aged under 18; and
- “film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c. 39) (authority to determine suitability of video works for classification).

## 21 Mandatory condition: door supervision

- (1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.

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- (2) But nothing in subsection (1) requires such a condition to be imposed—
- (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c. 12) (premises with premises licences authorising plays or films), or
  - (b) in respect of premises in relation to—
    - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
    - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- (3) For the purposes of this section—
- (a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and
  - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

## **22 Prohibited conditions: plays**

- (1) In relation to a premises licence which authorises the performance of plays, no condition may be attached to the licence as to the nature of the plays which may be performed, or the manner of performing plays, under the licence.
- (2) But subsection (1) does not prevent a licensing authority imposing, in accordance with section 18(2)(a) or (3)(b), 35(3)(b) or 52(3), any condition which it considers necessary on the grounds of public safety.

## **23 Grant or rejection of application**

- (1) Where an application is granted under section 18, the relevant licensing authority must forthwith—
- (a) give a notice to that effect to—
    - (i) the applicant,
    - (ii) any person who made relevant representations in respect of the application, and
    - (iii) the chief officer of police for the police area (or each police area) in which the premises are situated, and
  - (b) issue the applicant with the licence and a summary of it.
- (2) Where relevant representations were made in respect of the application, the notice under subsection (1)(a) must state the authority’s reasons for its decision as to the steps (if any) to take under section 18(3)(b).
- (3) Where an application is rejected under section 18, the relevant licensing authority must forthwith give a notice to that effect, stating its reasons for the decision, to—
- (a) the applicant,
  - (b) any person who made relevant representations in respect of the application, and
  - (c) the chief officer of police for the police area (or each police area) in which the premises are situated.

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(4) In this section “relevant representations” has the meaning given in section 18(6).

## 24 Form of licence and summary

- (1) A premises licence and the summary of a premises licence must be in the prescribed form.
- (2) Regulations under subsection (1) must, in particular, provide for the licence to—
  - (a) specify the name and address of the holder;
  - (b) include a plan of the premises to which the licence relates;
  - (c) if the licence has effect for a limited period, specify that period;
  - (d) specify the licensable activities for which the premises may be used;
  - (e) if the licensable activities include the supply of alcohol, specify the name and address of the individual (if any) who is the premises supervisor in respect of the licence;
  - (f) specify the conditions subject to which the licence has effect.

## 25 Theft, loss, etc. of premises licence or summary

- (1) Where a premises licence or summary is lost, stolen, damaged or destroyed, the holder of the licence may apply to the relevant licensing authority for a copy of the licence or summary.
- (2) Subsection (1) is subject to regulations under section 55(1) (fee to accompany applications).
- (3) Where an application is made in accordance with this section, the relevant licensing authority must issue the holder of the licence with a copy of the licence or summary (certified by the authority to be a true copy) if it is satisfied that—
  - (a) the licence or summary has been lost, stolen, damaged or destroyed, and
  - (b) where it has been lost or stolen, the holder has reported that loss or theft to the police.
- (4) The copy issued under this section must be a copy of the premises licence or summary in the form in which it existed immediately before it was lost, stolen, damaged or destroyed.
- (5) This Act applies in relation to a copy issued under this section as it applies in relation to an original licence or summary.

VALID FROM 29/07/2009

### **[<sup>F2</sup>25A Grant of premises licence: supply of alcohol from community premises**

- (1) Where a management committee of community premises makes an application under section 17 for a premises licence authorising the supply of alcohol, the application may include an application for the alternative licence condition to be included in the licence instead of the conditions in section 19(2) and (3).



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- (2) In this section “the alternative licence condition” is the condition that every supply of alcohol under the premises licence must be made or authorised by the management committee.
- (3) In a case where an application under section 17 includes an application under subsection (1), sections 17 to 19 are modified as follows.
- (4) Section 17 has effect as if subsections (3)(c) and (4)(e) were omitted.
- (5) Section 18 has effect as if—
- (a) subsection (4)(c) were omitted;
  - (b) in subsection (6)(c), the reference to the identity of the person named in the application as the proposed premises supervisor were to the inclusion of the alternative licence condition;
  - (c) in subsection (9)(b), the reference to the designation of the person concerned as the premises supervisor under the premises licence were to the inclusion of the alternative licence condition.
- (6) Section 19 has effect as if at the end there were inserted—
- “(4) But where—
- (a) the relevant licensing authority is satisfied that the arrangements for the management of the premises by the applicant are sufficient to ensure adequate supervision of the supply of alcohol on the premises, and
  - (b) if any representations are made pursuant to section 18(6)(c), the authority does not consider the inclusion of the conditions in subsections (2) and (3) to be necessary to promote the crime prevention objective,
- the licence must not include the conditions in subsections (2) and (3) but must include the alternative licence condition referred to in section 25A(2) instead.”.]

#### Textual Amendments

- F2** S. 25A inserted (29.7.2009) by [The Legislative Reform \(Supervision of Alcohol Sales in Church and Village Halls &.\) Order 2009 \(S.I. 2009/1724\)](#), **art. 3**

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