



Licensing Act 2003

2003 CHAPTER 17

PART 9

MISCELLANEOUS AND SUPPLEMENTARY

[^{F1} Modification of premises licences to authorise off-sales for limited period

[^{F1}172I Off-sales review of premises licence following review application

- (1) This section applies to an off-sales review of a premises licence which a relevant licensing authority has to conduct on an application under section 172G.
- (2) The relevant licensing authority must—
 - (a) hold a hearing to consider the application for the review and any relevant representations, and
 - (b) take such steps mentioned in subsection (3) or (4) (if any) as it considers appropriate for the promotion of the licensing objectives.
- (3) In the case of a premises licence to which section 172F(2) applies, those steps are—
 - (a) the modification of the conditions of the licence in so far as it relates to off-sales authorised by virtue of section 172F(2);
 - (b) the exclusion of off-sales authorised by virtue of section 172F(2) from the scope of the licence;
 - (c) the suspension, for a period not exceeding three months, of off-sales authorised by virtue of section 172F(2).
- (4) In the case of a premises licence to which section 172F(5) applies, the steps referred to in subsection (2)(b) are—
 - (a) the alteration or omission of the section 172F(5) condition or conditions (as the case may be);
 - (b) the addition of one or more new conditions which relate to a section 172F(5) condition.

Status: Point in time view as at 20/12/2020. This version of this provision has been superseded.

Changes to legislation: Licensing Act 2003, Section 172I is up to date with all changes known to be in force on or before 07 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (5) Subsection (2)(b) is subject to sections 19 to 21 (requirement to include certain conditions in premises licences).
- (6) And the steps taken under subsection (4) may not affect any conditions of the premises licence which exist immediately before the day on which section 172F comes into force.
- (7) In this section “relevant representations” means representations which—
- (a) are relevant to one or more of the licensing objectives, and
 - (b) meet the requirements of subsection (8).
- (8) The requirements are—
- (a) that the representations are made by the holder of the premises licence, a responsible authority or any other person within the required period,
 - (b) that they have not been withdrawn, and
 - (c) if they are made by a person who is not a responsible authority, that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- (9) Where the relevant licensing authority determines that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for that determination.
- (10) Where the authority takes a step within subsection (3)(a) or (b) or (4), it may provide that the modification or exclusion is to have effect only for a specified period (not exceeding three months).
- (11) Where a relevant licensing authority determines an off-sales review under this section it must notify the determination and its reasons for making it to—
- (a) the holder of the premises licence,
 - (b) the applicant under section 172G,
 - (c) (if not the applicant), the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated), and
 - (d) any person who made relevant representations.
- (12) A decision under this section does not have effect until—
- (a) the end of the period given for appealing against the decision, or
 - (b) if the decision is appealed against, the time the appeal is disposed of.
- (13) In subsection (8)(a), “the required period” means the period provided for in regulation 39A(2) of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 (S.I. 2005/42) as applied with modifications by section 172K.
- (14) Section 172J makes provision about the application and review of any interim steps that have been taken under section 172H in relation to a premises licence before a decision under this section comes into effect in relation to the licence.]

Textual Amendments

F1 Ss. 172F-172L and cross-heading inserted (temp.) (22.7.2020) by virtue of [Business and Planning Act 2020 \(c. 16\)](#), **ss. 11(2), 25(1)** (with s. 11(13))

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Modifications etc. (not altering text)

- C1** Ss. 172F-172J modified by S.I. 2020/1374, **Sch. 3A para. 13(8)** (as inserted (20.12.2020 at 7.00 a.m.) by **The Health Protection (Coronavirus, Restrictions) (All Tiers and Obligations of Undertakings) (England) (Amendment) Regulations 2020** (S.I. 2020/1611), regs. 1(2), **2(13)**)

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