



Licensing Act 2003

2003 CHAPTER 17

PART 3

PREMISES LICENCES

Variation of licences

35 Determination of application under section 34

- (1) This section applies where the relevant licensing authority—
 - (a) receives an application, made in accordance with section 34, to vary a premises licence, and
 - (b) is satisfied that the applicant has complied with any requirement imposed on him by virtue of subsection (5) of that section.
- (2) Subject to subsection (3) and section 36(6), the authority must grant the application.
- (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
 - (b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers [^{F1}appropriate] for the promotion of the licensing objectives.
- (4) The steps are—
 - (a) to modify the conditions of the licence;
 - (b) to reject the whole or part of the application;and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.
- (5) In this section “relevant representations” means representations which—

Status: Point in time view as at 20/10/2014.

Changes to legislation: Licensing Act 2003, Section 35 is up to date with all changes known to be in force on or before 15 June 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)

- (a) are about the likely effect of the grant of the application on the promotion of the licensing objectives, and
 - (b) meet the requirements of subsection (6).
- (6) The requirements are—
- (a) that the representations are made by [^{F2}a responsible authority or other person] within the period prescribed under section 17(5)(c) by virtue of section 34(5),
 - (b) that they have not been withdrawn, and
 - (c) in the case of representations made by [^{F3}a person who is not a responsible authority], that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- (7) Subsections (2) and (3) are subject to sections [^{F4}19 to 21](which require certain conditions to be included in premises licences).

Textual Amendments

- F1** Word in s. 35(3)(b) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), ss. 109\(6\), 157\(1\)](#) (with s. 109(15)); S.I. 2012/1129, art. 2(d)
- F2** Words in s. 35(6)(a) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), ss. 105\(6\)\(a\), 157\(1\)](#) (with s. 105(11)); S.I. 2012/1129, art. 2(d)
- F3** Words in s. 35(6)(c) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), ss. 105\(6\)\(b\), 157\(1\)](#) (with s. 105(11)); S.I. 2012/1129, art. 2(d)
- F4** Words in s. 35(7) substituted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\), ss. 112, 116, Sch. 7 para. 32](#); S.I. 2010/125, art. 2(t)

Commencement Information

- I1** S. 35 in force for certain purposes at 7.2.2005 and 7.8.2005 otherwise by [S.I. 2004/2360, art. 2\(1\), Sch.](#); S.I. 2005/2090, art. 2, Sch.

Status:

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