



Licensing Act 2003

2003 CHAPTER 17

PART 4

CLUBS

Variation of certificates

85 Determination of application under section 84

- (1) This section applies where the relevant licensing authority—
 - (a) receives an application, made in accordance with section 84, to vary a club premises certificate, and
 - (b) is satisfied that the applicant has complied with any requirement imposed by virtue of subsection (4) of that section.
- (2) Subject to subsection (3) and section 86(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 necessary for the promotion of the licensing objectives.
- (4) The steps are—
 - (a) to modify the conditions of the certificate;
 - (b) to reject the whole or part of the application;and for this purpose the conditions of the certificate 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Status: Point in time view as at 29/07/2005. This version of this provision has been superseded.

Changes to legislation: Licensing Act 2003, Section 85 is up to date with all changes known to be in force on or before 19 January 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 an interested party or responsible authority within the period prescribed under section 71(6)(c) by virtue of section 84(4),
 - (b) that they have not been withdrawn, and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.
- (7) Subsections (2) and (3) are subject to sections 73 [^{F1}to 74](mandatory conditions relating to [^{F2}alcohol] and to exhibition of films).

Textual Amendments

- F1** Words in s. 85(7) substituted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 112, 116, [Sch. 7 para. 40\(a\)](#); [S.I. 2010/125](#), [art. 2\(t\)](#)
- F2** Words in s. 85(7) substituted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 112, 116, [Sch. 7 para. 40\(b\)](#); [S.I. 2010/125](#), [art. 2\(t\)](#)
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Commencement Information

- I1** S. 85 in force at 2.7.2005 for certain purposes and 7.8.2005 otherwise by [S.I. 2004/2360](#), [art. 2\(1\)](#), [Sch.](#); [S.I. 2005/2090](#), [art. 2](#), [Sch.](#)

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