



# Gambling Act 2005

## 2005 CHAPTER 19

### PART 8

#### PREMISES LICENCES

##### *Determination of application*

#### **162 Requirement for hearing**

- (1) In determining an application for a premises licence a licensing authority must hold a hearing if—
  - (a) an interested party or responsible authority has made (and not withdrawn) representations about the application under section 161,
  - (b) the authority propose to attach a condition to the licence under section 169(1)(a), or
  - (c) the authority propose to exclude under section 169(1)(b) a condition that would otherwise be attached to the licence under section 168.
- (2) But a licensing authority may determine an application for a premises licence without a hearing despite subsection (1) with the consent of—
  - (a) the applicant, and
  - (b) any interested party or responsible authority who has made (and not withdrawn) representations about the application under section 161.
- (3) A licensing authority may also determine an application for a premises licence without a hearing despite subsection (1)(a) if the authority think that the representations made under section 161—
  - (a) are vexatious,
  - (b) are frivolous, or
  - (c) will certainly not influence the authority's determination of the application.

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*Status: This is the original version (as it was originally enacted).*

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- (4) If a licensing authority propose to determine an application in reliance on subsection (3) they shall as soon as is reasonably practicable notify any person who made representations under section 161.

### **163 Determination of application**

- (1) On considering an application for a premises licence (whether at a hearing or not) a licensing authority shall—
- (a) grant it, or
  - (b) reject it.
- (2) A licensing authority shall not determine an application for a premises licence made in reliance on section 159(3)(b) until the relevant operating licence has been issued (in a form which authorises the applicant to carry on the activity in respect of which the premises licence is sought).

### **164 Grant of application**

- (1) Where a licensing authority grant an application for a premises licence they shall as soon as is reasonably practicable—
- (a) give notice of the grant to —
    - (i) the applicant,
    - (ii) the Commission,
    - (iii) any person who made representations about the application under section 161,
    - (iv) in England and Wales, the chief officer of police for any area in which the premises are wholly or partly situated,
    - (v) in Scotland, the chief constable of the police force maintained for a police area in which the premises are wholly or partly situated, and
    - (vi) Her Majesty’s Commissioners of Customs and Excise,
  - (b) issue a premises licence to the applicant, and
  - (c) give the applicant a summary of the terms and conditions of the licence in the prescribed form.
- (2) A notice under subsection (1)(a)—
- (a) must be in the prescribed form,
  - (b) if the licensing authority have attached a condition to the licence under section 169(1)(a) or excluded under section 169(1)(b) a condition that would otherwise have attached by virtue of section 168, must give the authority’s reasons, and
  - (c) if representations were made about the application under section 161, must give the authority’s response to the representations.
- (3) In this section “prescribed” means—
- (a) in relation to authorities in England and Wales, prescribed by regulations made by the Secretary of State, and
  - (b) in relation to authorities in Scotland, prescribed by regulations made by the Scottish Ministers.

## **165 Rejection of application**

- (1) Where a licensing authority reject an application for a premises licence they shall as soon as is reasonably practicable give notice of the rejection to—
  - (a) the applicant,
  - (b) the Commission,
  - (c) any person who made representations about the application under section 161,
  - (d) either—
    - (i) in England and Wales, the chief officer of police for any area in which the premises are wholly or partly situated, or
    - (ii) in Scotland, the chief constable of the police force maintained for a police area in which the premises are wholly or partly situated, and
  - (e) Her Majesty’s Commissioners of Customs and Excise.
- (2) A notice under subsection (1)—
  - (a) must be in the prescribed form, and
  - (b) must give the authority’s reasons for rejecting the application.
- (3) In this section “prescribed” means—
  - (a) in relation to authorities in England and Wales, prescribed by regulations made by the Secretary of State, and
  - (b) in relation to authorities in Scotland, prescribed by regulations made by the Scottish Ministers.

## **166 Resolution not to issue casino licences**

- (1) A licensing authority may resolve not to issue casino premises licences.
- (2) In passing a resolution under subsection (1) a licensing authority may have regard to any principle or matter.
- (3) A resolution under subsection (1)—
  - (a) must apply to the issue of casino premises licences generally,
  - (b) must specify the date on which it takes effect,
  - (c) may be revoked by a further resolution, and
  - (d) shall lapse at the end of the period of three years beginning with the date on which it takes effect (without prejudice to the ability to pass a new resolution).
- (4) A resolution under subsection (1)—
  - (a) may be passed whether or not the licensing authority has already issued casino premises licences,
  - (b) shall have no effect in relation to a casino premises licence issued before the resolution takes effect,
  - (c) shall have no effect in relation to premises in respect of which a provisional statement relating to the operation of a casino is in force when the resolution takes effect,
  - (d) shall have no effect in relation to anything converted into a casino premises licence by virtue of Schedule 18,
  - (e) shall not affect the issuing of a casino premises licence in accordance with a requirement by virtue of Schedule 18, and

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- (f) may not be taken into account in conducting a review of a casino premises licence under section 201.
- (5) A resolution under subsection (1) shall be published by being included in a statement or revision under section 349.
- (6) Section 153 is subject to this section.
- (7) The Secretary of State may by order require a licensing authority to consider whether or not to pass a resolution under subsection (1).
- (8) An order under subsection (7) may—
  - (a) be directed to a particular licensing authority or to a class or description of licensing authority;
  - (b) require the licensing authority to consult such persons or classes of persons as they think are likely to be affected by the resolution (having regard to any guidance given by the Secretary of State);
  - (c) require the licensing authority to take other procedural steps;
  - (d) specify a period within which the consideration must take place;
  - (e) require consideration once or at specified intervals.