



# Licensing Act 2003

## 2003 CHAPTER 17

### PART 4

#### CLUBS

##### *Review of certificates*

#### **87 Application for review of club premises certificate**

[<sup>F1</sup>(1) Where a club holds a club premises certificate, a responsible authority or any other person may apply to the relevant licensing authority for a review of the certificate.]

(2) Subsection (1) is subject to regulations under section 91 (form etc. of applications).

(3) The Secretary of State must by regulations under this section—

(a) require the applicant to give a notice containing details of the application to the club and each responsible authority within such period as may be prescribed;

[<sup>F2</sup>(b) require the authority to advertise the application and invite representations relating to it to be made to the authority;

(c) prescribe the period during which representations may be made by the club, any responsible authority and any [<sup>F3</sup>other person];

(d) require any notice under paragraph (a) or advertisement under paragraph (b) to specify that period.

(4) The relevant licensing authority may, at any time, reject any ground for review specified in an application under this section if it is satisfied—

(a) that the ground is not relevant to one or more of the licensing objectives, or

(b) in the case of an application made by a person other than a responsible authority, that—

(i) the ground is frivolous or vexatious, or

(ii) the ground is a repetition.

(5) For this purpose a ground for review is a repetition if—

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- (a) it is identical or substantially similar to—
    - (i) a ground for review specified in an earlier application for review made in respect of the same club premises certificate and determined under section 88, or
    - (ii) representations considered by the relevant licensing authority in accordance with section 72, before it determined the application for the club premises certificate under that section, and
  - (b) a reasonable interval has not elapsed since that earlier application or that grant.
- (6) Where the authority rejects a ground for review under subsection (4)(b), it must notify the applicant of its decision and, if the ground was rejected because it was frivolous or vexatious, the authority must notify him of its reasons for making that decision.
- (7) The application is to be treated as rejected to the extent that any of the grounds for review are rejected under subsection (4).

Accordingly, the requirements imposed under subsection (3)(a) and (b) and by section 88 (so far as not already met) apply only to so much (if any) of the application as has not been rejected.

#### Textual Amendments

- F1** S. 87(1) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 108\(2\)](#), [157\(1\)](#) (with [s. 108\(5\)](#)); [S.I. 2012/1129](#), [art. 2\(d\)](#)
- F2** Words in s. 87(3)(b) inserted (22.3.2012 for specified purposes, 25.4.2012 in so far as not already in force) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 108\(3\)\(a\)](#), [157\(1\)](#) (with [s. 108\(5\)](#)); [S.I. 2012/896](#), [art. 2\(d\)](#); [S.I. 2012/1129](#), [art. 2\(d\)](#)
- F3** Words in s. 87(3)(c) substituted (22.3.2012 for specified purposes, 25.4.2012 in so far as not already in force) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 108\(3\)\(b\)](#), [157\(1\)](#) (with [s. 108\(5\)](#)); [S.I. 2012/896](#), [art. 2\(d\)](#); [S.I. 2012/1129](#), [art. 2\(d\)](#)

#### Commencement Information

- I1** S. 87(3) in force at 16.12.2003 by [S.I. 2003/3222](#), [art. 2](#), [Sch.](#); s. 87 otherwise in force at 24.11.2005 by [S.I. 2005/3056](#), [art. 2](#) (with [Sch.](#))

## 88 Determination of application for review

- (1) This section applies where—
- (a) the relevant licensing authority receives an application made in accordance with section 87,
  - (b) the applicant has complied with any requirement imposed by virtue of subsection (3)(a) or (d) of that section, and
  - (c) the authority has complied with any requirement imposed on it under subsection (3)(b) or (d) of that section.
- (2) Before determining the application, the authority must hold a hearing to consider it and any relevant representations.
- (3) The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers <sup>[F4]</sup>appropriate for the promotion of the licensing objectives.
- (4) The steps are—

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- (a) to modify the conditions of the certificate;
  - (b) to exclude a qualifying club activity from the scope of the certificate;
  - (c) to suspend the certificate for a period not exceeding three months;
  - (d) to withdraw the certificate;
- 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) Subsection (3) is subject to sections 73 [<sup>F5</sup>to 74] (mandatory conditions relating to [<sup>F6</sup>alcohol] and to exhibition of films).
- (6) Where the authority takes a step within subsection (4)(a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.
- (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 club, a responsible authority or [<sup>F7</sup>any other person] within the period prescribed under section 87(3)(c),
  - (b) that they have not been withdrawn, and
  - (c) if they are made by [<sup>F8</sup>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 give the person who made them its reasons for that determination.
- (10) Where a licensing authority determines an application for review under this section it must notify the determination and its reasons for making it to—
- (a) the club,
  - (b) the applicant,
  - (c) any person who made relevant representations, and
  - (d) the chief officer of police for the police area (or each police area) in which the premises are situated.
- (11) A determination under this section does not have effect—
- (a) until the end of the period given for appealing against the decision, or
  - (b) if the decision is appealed against, until the appeal is disposed of.

#### Textual Amendments

- F4** Word in s. 88(3) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 110\(5\)](#), [157\(1\)](#) (with [s. 110\(6\)](#)); [S.I. 2012/1129](#), [art. 2\(d\)](#)
- F5** Words in s. 88(5) substituted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 112](#), [116](#), [Sch. 7 para. 41\(a\)](#); [S.I. 2010/125](#), [art. 2\(t\)](#)
- F6** Words in s. 88(5) substituted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 112](#), [116](#), [Sch. 7 para. 41\(b\)](#); [S.I. 2010/125](#), [art. 2\(t\)](#)
- F7** Words in s. 88(8)(a) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 108\(4\)\(a\)](#), [157\(1\)](#) (with [s. 108\(5\)](#)); [S.I. 2012/1129](#), [art. 2\(d\)](#)

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**F8** Words in s. 88(8)(c) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 108(4)(b)**, 157(1) (with s. 108(5)); S.I. 2012/1129, art. 2(d)

## **89 Supplementary provision about review**

- (1) This section applies where a local authority is both—
  - (a) the relevant licensing authority, and
  - (b) a responsible authority,in respect of any premises.
- (2) The authority may, in its capacity as responsible authority, apply under section 87 for a review of any club premises certificate in respect of the premises.
- (3) The authority may in its capacity as licensing authority determine that application.

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