



Licensing Act 2003

2003 CHAPTER 17

PART 9

MISCELLANEOUS AND SUPPLEMENTARY

Small premises

177 Dancing^{F1}... in certain small premises

- (1) Subsection (2) applies where—
- (a) a premises licence authorises—
 - (i) the supply of alcohol for consumption on the premises, and
 - (ii) [^{F2}dancing], and
 - (b) the premises—
 - (i) are used primarily for the supply of alcohol for consumption on the premises, and
 - (ii) have a permitted capacity of not more than 200 persons.
- (2) At any time when—
- (a) the premises—
 - (i) are open for the purposes of being used for the supply of alcohol for consumption on the premises, and
 - (ii) are being used for [^{F3}dancing], ^{F4}...
 - ^{F4}(b)
any licensing authority imposed condition of the premises licence which relates to [^{F3}dancing] does not have effect ^{F5}... unless it falls within subsection (5) or (6).

^{F6}(3)

^{F6}(4)

Status: Point in time view as at 01/10/2012.

Changes to legislation: Licensing Act 2003, Section 177 is up to date with all changes known to be in force on or before 18 September 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) A condition falls within this subsection if the premises licence specifies that the licensing authority which granted the licence considers the imposition of the condition ^{F7}[appropriate] on one or both of the following grounds—
- (a) the prevention of crime and disorder,
 - (b) public safety.
- (6) A condition falls within this subsection if, on a review of the premises licence—
- (a) it is altered so as to include a statement that this section does not apply to it, or
 - (b) it is added to the licence and includes such a statement.
- (7) This section applies in relation to a club premises certificate as it applies in relation to a premises licence except that, in the application of this section in relation to such a certificate, the definition of “licensing authority imposed condition” in subsection (8) has effect as if for “section 18(3)(b)” to the end there were substituted “section 72(3)(b) (but is not referred to in section 72(2)) or which is imposed by virtue of section 85(3)(b) or 88(3)”.
- (8) In this section—
- “licensing authority imposed condition” means a condition which is imposed by virtue of section 18(3)(b) (but is not referred to in section 18(2)(a)) or which is imposed by virtue of 35(3)(b), 52(3) or 167(5)(b) or in accordance with section 21;
- “^{F8}[dancing]” means—
- (a) entertainment of a description falling within, or of a similar description to that falling within, paragraph 2(1) ^{F9}... (g) of Schedule 1, ^{F10}...
 - (b) ^{F10}...
- “permitted capacity”, in relation to any premises, means—
- (a) ^{F11}.....
 - (b) ^{F12}... the limit on the number of persons who may be on the premises at any one time in accordance with a recommendation made by, or on behalf of, the ^{F13}[fire and rescue authority] for the area in which the premises are situated (or, if the premises are situated in the area of more than one ^{F13}[fire and rescue authority], those authorities); and
- “supply of alcohol” means—
- (a) the sale by retail of alcohol, or
 - (b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.

Textual Amendments

- F1** Words in s. 177 heading omitted (1.10.2012) by virtue of [Live Music Act 2012 \(c. 2\)](#), **ss. 1(1)(e)**, 4(2); [S.I. 2012/2115](#), art. 2
- F2** Word in s. 177(1) substituted (1.10.2012) by [Live Music Act 2012 \(c. 2\)](#), **ss. 1(1)(a)**, 4(2); [S.I. 2012/2115](#), art. 2
- F3** Word in s. 177(2) substituted (1.10.2012) by [Live Music Act 2012 \(c. 2\)](#), **ss. 1(1)(a)**, 4(2); [S.I. 2012/2115](#), art. 2
- F4** S. 177(2)(b) and word omitted (1.10.2012) by virtue of [Live Music Act 2012 \(c. 2\)](#), **ss. 1(1)(b)(i)**, 4(2); [S.I. 2012/2115](#), art. 2
- F5** Words in s. 177(2) omitted (1.10.2012) by virtue of [Live Music Act 2012 \(c. 2\)](#), **ss. 1(1)(b)(ii)**, 4(2); [S.I. 2012/2115](#), art. 2

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- F6** S. 177(3)(4) omitted (1.10.2012) by virtue of Live Music Act 2012 (c. 2), **ss. 1(1)(c)**, 4(2); S.I. 2012/2115, art. 2
- F7** Word in s. 177(5) substituted (25.4.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 109(14)**, 157(1) (with s. 109(15)); S.I. 2012/1129, art. 2(d)
- F8** Word in s. 177(8) substituted (1.10.2012) by Live Music Act 2012 (c. 2), **ss. 1(1)(d)(i)**, 4(2); S.I. 2012/2115, art. 2
- F9** Words in s. 177(8) omitted (1.10.2012) by virtue of Live Music Act 2012 (c. 2), **ss. 1(1)(d)(i)**, 4(2); S.I. 2012/2115, art. 2
- F10** Words in s. 177(8) omitted (1.10.2012) by virtue of Live Music Act 2012 (c. 2), **ss. 1(1)(d)(ii)**, 4(2); S.I. 2012/2115, art. 2
- F11** S. 177(8): para. (a) in definition of "permitted capacity" omitted (1.10.2006) by virtue of The Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541), art. 53(1), **Sch. 2 para. 50(3)(a)** (as amended by The Regulatory Reform (Fire Safety) Subordinate Provisions Order 2006 (S.I. 2006/484), **arts. 1(1)**, 2)
- F12** S. 177(8): words in para. (b) in definition of "permitted capacity" omitted (1.10.2006) by virtue of The Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541), art. 53(1), **Sch. 2 para. 50(3)(b)** (as amended by The Regulatory Reform (Fire Safety) Subordinate Provisions Order 2006 (S.I. 2006/484), **arts. 1(1)**, 2)
- F13** S. 177(8): words in definition of "permitted capacity" substituted (7.9.2004 for E. for certain purposes and 1.10.2004 otherwise and 10.11.2004 for W.) by Fire and Rescue Services Act 2004 (c. 21), ss. 53, 61, **Sch. 1 para. 98(2)(3)(d)**; S.I. 2004/2304, **art. 2(1){(2)}**; S.I. 2004/2917, **art. 2**

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