



Licensing Act 2003

2003 CHAPTER 17

PART 4

CLUBS

Review of certificates

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 necessary for the promotion of the licensing objectives.
- (4) The steps are—
 - (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.

Status: This is the original version (as it was originally enacted).

- (5) Subsection (3) is subject to sections 73 and 74 (mandatory conditions relating to supply of alcohol for consumption off the premises 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 an interested party within the period prescribed under section 87(3)(c),
 - (b) that they have not been withdrawn, and
 - (c) if they are 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.
- (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.