
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision about:

- the form of, and procedure for, applications for a review of a premises licence made under section 197 of the Gambling Act 2005 (“the 2005 Act”);
- the form of notices under section 200(3) of the 2005 Act (which indicate a licensing authority’s intention to hold a review of a premises licence), and the procedure to be adopted in connection with such notices; and
- the form of the notice under section 203(1) of the 2005 Act setting out a licensing authority’s decision on a review of a premises licence.

Regulation 3 requires an application for a review of a premises licence to be in the form, and contain the information, specified in Schedule 1.

Regulation 4 requires a person applying for a review of a premises licence to give a notice of his application to the person holding the premises licence and to the responsible authorities in relation to the premises. Regulation 4 specifies the period within which the notice is to be given, and the form of the notice. In particular it provides for the notice to be in the form specified in Schedule 2.

Regulation 5 requires the licensing authority to which an application for a review is made to publish notice of the application in the ways described in sub-paragraphs (a) and (b) of paragraph (1). Paragraphs (3) and (4) specify the period within which publication must take place. Regulation 5 also specifies the form of the notices. In particular it provides for a notice to be in the form specified in Schedule 3.

Regulation 6 makes provision for those cases where a person applying for a review fails to give notice to the premises licence holder or a responsible authority in the appropriate form and manner within the required period. In these circumstances, the applicant is required to give notice in the appropriate form and manner as soon as practicable after the end of that period. In such a case, the period by which (as the case may be) the premises licence holder or the responsible authority is required to make representations is extended so that it runs until the end of the period of 28 days beginning on the date on which the notice in the proper form and manner is received. The licensing authority may not grant the application until that period has elapsed. Subject to that, the licensing authority may disregard any irregularity in the giving of the notice under regulation 4.

Regulation 7 makes provision for those cases where the licensing authority fails to publish a notice of an application for a review in the appropriate form or manner and within the required period. Provisions similar to those in regulation 6 apply to extend the period by which interested parties may make representations about the application for a review.

Regulation 8 makes provision about the notice of intention to hold a review which is to be given and published by a licensing authority under section 200(3) of the 2005 Act. The regulation specifies the form of the notice in each case and the matters to be contained in it. In particular, it provides for a notice given under section 200(3)(a) to be in the form specified in Schedule 4; and for a notice published under section 200(3)(b) to be in the form specified in Schedule 5. Regulation 8 also makes provision about the period within which a notice under section 200(3)(b) must be given or published and the manner of publication.

Regulation 9 makes provision for those cases where the licensing authority gives notice under section 200(3)(a) of the 2005 Act to the holder of the premises licence, but the notice does not

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comply with the requirements of the Regulations as to the form and manner for the giving of the notice. In such a case the notice is of no effect and the licensing authority must give a further notice to the person concerned.

Regulation 10 makes provision for those cases where the licensing authority gives notice under section 200(3)(a) of the 2005 Act to a responsible authority in relation to the premises but the notice does not comply with the requirements of the Regulations as to the form of the notice and manner in which it is to be given. Provisions similar to those in regulation 6 apply to require the giving of a further notice which complies with the relevant requirements, and to extend the period within which the authority concerned may make representations about the review.

Regulation 11 makes provision for those cases where the licensing authority fails to publish a notice of their intention to hold a review in the appropriate form or manner. Provisions similar to those in regulation 7 apply to extend the period by which interested parties may make representations about the review.

Regulation 12 makes provision about the manner in which applications for a review and notices under regulation 4 and under section 200(3)(a) of the 2005 Act are to be made or given.

Regulation 13 specifies the form of a notice under section 203(1) of the 2005 Act setting out the licensing authority's decision on a review. In particular, it provides for the notice to be in the form specified in Schedule 6.

Regulation 14 makes further provision about the form of an application or notice to be given or published under these Regulations.

A full Regulatory Impact Assessment of the costs and benefits of these Regulations is available from the Premises Licensing Team, Department for Culture, Media and Sport, 2-4 Cockspur Street, London SW1Y 5DH, telephone 020 7211 6420.