

ATODIAD – RHANNAU PERTHNASOL O'R DEDDF A'R RHEOLIADAU PERTHNASOL

17 Application for premises licence

- (1) An application for a premises licence must be made to the relevant licensing authority.
- (2) Subsection (1) is subject to regulations under—
 - (a) section 54 (form etc of applications etc);
 - (b) section 55 (fees to accompany applications etc).
- (3) An application under this section must also be accompanied—
 - (a) by an operating schedule,
 - (b) by a plan of the premises to which the application relates, in the prescribed form, and
 - (c) if the licensable activities to which the application relates (“the relevant licensable activities”) include the supply of alcohol, by a form of consent in the prescribed form given by the individual whom the applicant wishes to have specified in the premises licence as the premises supervisor.
- (4) An “operating schedule” is a document which is in the prescribed form and includes a statement of the following matters—
 - (a) the relevant licensable activities,
 - (b) the times during which it is proposed that the relevant licensable activities are to take place,
 - (c) any other times during which it is proposed that the premises are to be open to the public,
 - (d) where the applicant wishes the licence to have effect for a limited period, that period,
 - (e) where the relevant licensable activities include the supply of alcohol, prescribed information in respect of the individual whom the applicant wishes to have specified in the premises licence as the premises supervisor,
 - (f) where the relevant licensable activities include the supply of alcohol, whether the supplies are proposed to be for consumption on the premises or off the premises, or both,
 - (g) the steps which it is proposed to take to promote the licensing objectives,
 - (h) such other matters as may be prescribed.
- (5) The Secretary of State must by regulations—
 - (a) require an applicant to advertise his application within the prescribed period—
 - (i) in the prescribed form, and
 - (ii) in a manner which is prescribed and is likely to bring the application to the attention of the [persons who live, or are involved in a business, in the relevant licensing authority's area and who are] likely to be affected by it;
 - [(aa) require the relevant licensing authority to advertise the application within the prescribed period—
 - (i) in the prescribed form, and
 - (ii) in a manner which is prescribed and is likely to bring the application to the attention of the persons who are likely to be affected by it; and]
 - (b) . . .
 - (c) prescribe the period during which [responsible authorities and other persons] may make representations to the relevant licensing authority about the application.
- [(6) The Secretary of State may by regulations—
 - (a) require an applicant to give notice of his application to each responsible authority, and such other persons as may be prescribed, within the prescribed period, and
 - (b) in a case where the application is made by means of a relevant electronic facility, require the relevant licensing authority to give notice of the application to such persons as may be prescribed, within the prescribed period.]

S 34 Application to vary premises licence

- (1) The holder of a premises licence may apply to the relevant licensing authority for variation of the licence.
- (2) Subsection (1) is subject to regulations under—
 - (a) section 54 (form etc. of applications etc.);
 - (b) section 55 (fees to accompany applications etc.).
- (3) An application under this section must also be accompanied by the premises licence (or the appropriate part of that licence) or, if that is not practicable, by a statement of the reasons for the failure to provide the licence (or part).
- (4) This section does not apply to an application within section 37(1) (application to vary licence to specify individual as premises supervisor).
- (5) The functions of the Secretary of State under subsections (5) and (6) of section 17 (advertisements etc. of application) apply in relation to applications under this section as they apply in relation to applications under that section.

S 54 Form etc. of applications and notices under Part 3

In relation to any application or notice under this Part, regulations may prescribe—

- (a) its form;
- (b) the manner in which it is to be made or given;
- (c) information and documents that must accompany it.

S 55 Fees

- (1) Regulations may—
 - (a) require applications under any provision of this Part (other than section 51) or notices under section 47 to be accompanied by a fee, and
 - (b) prescribe the amount of the fee.
- (2) Regulations may also require the holder of a premises licence to pay the relevant licensing authority an annual fee.
- (3) Regulations under subsection (2) may include provision prescribing—
 - (a) the amount of the fee, and
 - (b) the time at which any such fee is due.
- (4) Any fee which is owed to a licensing authority under subsection (2) may be recovered as a debt due to the authority

Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 (SI 2005/42)

Regulation 25

In the case of an application for a premises licence under section 17, for a provisional statement under section 29, to vary a premises licence under section 34 [(except where the only variation sought is the inclusion of the alternative licence condition)], for a club premises certificate under section 71 or to vary a club premises certificate under section 84, the person making the application shall advertise the application, in both cases containing the appropriate information set out in regulation 26—

- (a) for a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the relevant licensing authority, by displaying a notice,
 - (i) which is—
 - (aa) of a size equal or larger than A4,
 - (bb) of a pale blue colour,
 - (cc) printed legibly in black ink or typed in black in a font of a size equal to or larger than 16;
 - (ii) in all cases, prominently at or on the premises to which the application relates where it can be conveniently read from the exterior of the premises and in the case of a premises covering an area of more than 50 metres square, a further notice in the same form and subject to the same requirements every fifty metres along the external perimeter of the premises abutting any highway; and
- (b) by publishing a notice—
 - (i) in a local newspaper or, if there is none, in a local newsletter, circular or similar document, circulating in the vicinity of the premises;
 - (ii) on at least one occasion during the period of 10 working days starting on the day after the day on which the application was given to the relevant licensing authority.

Regulation 26

- (1) In the case of an application for a premises licence or a club premises certificate, the notices referred to in regulation 25 shall contain a statement of the relevant licensable activities or relevant qualifying club activities as the case may require which it is proposed will be carried on on or from the premises.
- (2) In the case of an application for a provisional statement, the notices referred to in regulation 25—
 - (a) shall state that representations are restricted after the issue of a provisional statement; and
 - (b) where known, may state the relevant licensable activities which it is proposed will be carried on or from the premises.
- (3) In the case of an application to vary a premises licence or a club premises certificate, the notices referred to in regulation 25 shall briefly describe the proposed variation.

- (4) In all cases, the notices referred to in regulation 25 shall state—
- (a) the name of the applicant or club;
 - (b) the postal address of the premises or club premises, if any, or if there is no postal address for the premises a description of those premises sufficient to enable the location and extent of the premises or club premises to be identified;
 - (c) the postal address and, where applicable, the worldwide web address where the register of the relevant licensing authority is kept and where and when the record of the application may be inspected;
 - (d) the date by which [a responsible authority or any other person] may make representations to the relevant licensing authority;
 - (e) that representations shall be made in writing; and
 - (f) that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence.

Regulation 27 – Notice to responsible authority: applications made by means of relevant facility

- (1) Where—
- (a) an application to which this regulation applies is made by means of a relevant electronic facility, and
 - (b) any plan or document required to accompany the application is given by means of that facility, the relevant licensing authority must, no later than the first working day after the application was given to the authority, give notice of the application to each responsible authority by giving each authority a copy of the application together with any accompanying plan or document.
- (2) This regulation applies to an application for—
- (a) a premises licence under section 17;
 - (b) a provisional statement under section 29;
 - (c) variation of a premises licence under section 34;
 - (d) minor variation of a premises licence under section 41A;
 - (e) a club premises certificate under section 71;
 - (f) variation of a club premises certificate under section 84;
 - (g) minor variation of a club premises certificate under section 86A.]

Regulation 27A – Notice to responsible authority

[In the case of—

- (a) an application of a kind referred to in regulation 27(2) made otherwise than as described in regulation 27(1), or
- (b) an application for a review under section 51 or section 87, the person making the application must give notice of the application to each responsible authority by giving each authority a copy of the application together with its accompanying plan, document or other information on the same day as the day on which the application is given to the relevant licensing authority