

Licensing Act 2003 Sections 51 and 52

51 Application for review of premises licence

- (1) Where a premises licence has effect, **[F1]**a responsible authority or any other person] may apply to the relevant licensing authority for a review of the licence.
- (2) Subsection (1) is subject to regulations under section 54 (form etc. of applications etc.).
- (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 holder of the premises licence and each responsible authority within such period as may be prescribed;
 - (b) require the authority to advertise the application and invite representations about it to be made to the authority by **[F2]**responsible authorities and other persons] ;
 - (c) prescribe the period during which representations may be made by the holder of the premises licence, any responsible authority or any **[F3]**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—
- (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 premises licence and determined under section 52, or
 - (ii) representations considered by the relevant licensing authority in accordance with section 18, before it determined the application for the premises licence under that section, or

(iii) representations which would have been so considered but for the fact that they were excluded representations by virtue of section 32, and

(b) a reasonable interval has not elapsed since that earlier application for review or the grant of the licence (as the case may be).

(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 52 (so far as not already met) apply only to so much (if any) of the application as has not been rejected.

52 Determination of application for review

(1) This section applies where—

(a) the relevant licensing authority receives an application made in accordance with section 51,

(b) the applicant has complied with any requirement imposed on him under 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 [F1appropriate] for the promotion of the licensing objectives.

(4) The steps are—

(a) to modify the conditions of the licence;

(b) to exclude a licensable activity from the scope of the licence;

(c) to remove the designated premises supervisor;

(d) to suspend the licence for a period not exceeding three months;

(e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

(5) Subsection (3) is subject to sections [F219 to 21](requirement to include certain conditions in premises licences).

(6) Where the authority takes a step mentioned in 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—

(i) by the holder of the premises licence, a responsible authority or [F3any other person] , and

(ii) within the period prescribed under section 51(3)(c),

(b) that they have not been withdrawn, and

(c) if they are made by [F4a 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 notify the person who made them of the 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 holder of the licence,

(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.