



Licensing Act 2003

2003 CHAPTER 17

PART 3

PREMISES LICENCES

Variation of licences

35 Determination of application under section 34

- (1) This section applies where the relevant licensing authority—
 - (a) receives an application, made in accordance with section 34, to vary a premises licence, and
 - (b) is satisfied that the applicant has complied with any requirement imposed on him by virtue of subsection (5) of that section.
- (2) Subject to subsection (3) and section 36(6), the authority must grant the application.
- (3) Where relevant representations are made, the authority must—
 - (a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and
 - (b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers [^{F1}appropriate] for the promotion of the licensing objectives.
- (4) The steps are—
 - (a) to modify the conditions of the licence;
 - (b) to reject the whole or part of the application;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) In this section “relevant representations” means representations which—

Changes to legislation: Licensing Act 2003, Section 35 is up to date with all changes known to be in force on or before 05 August 2026. 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) View outstanding changes

- (a) are about the likely effect of the grant of the application on the promotion of the licensing objectives, and
 - (b) meet the requirements of subsection (6).
- (6) The requirements are—
- (a) that the representations are made by [^{F2}a responsible authority or other person] within the period prescribed under section 17(5)(c) by virtue of section 34(5),
 - (b) that they have not been withdrawn, and
 - (c) in the case of representations made by [^{F3}a person who is not a responsible authority], that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- (7) Subsections (2) and (3) are subject to sections [^{F4}19 to 21](which require certain conditions to be included in premises licences).
- [^{F5}(8) Where a London licensing authority is to hold a hearing in accordance with subsection (3) in relation to an application to vary of potential strategic importance to Greater London, the authority must give to the Greater London Authority—
- (a) in advance of the hearing, specified information relating to the hearing within the specified period;
 - (b) following the hearing, specified information relating to the hearing within the specified period.
- (9) In this section—
- “application to vary of potential strategic importance to Greater London” means an application to vary a premises licence that has been notified to the London licensing authority by the Greater London Authority under section 34A(3);
- “specified” means specified in regulations made by the Secretary of State.]

Textual Amendments

- F1** Word in s. 35(3)(b) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011](#) (c. 13), **ss. 109(6), 157(1)** (with s. 109(15)); S.I. 2012/1129, art. 2(d)
- F2** Words in s. 35(6)(a) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011](#) (c. 13), **ss. 105(6)(a), 157(1)** (with s. 105(11)); S.I. 2012/1129, art. 2(d)
- F3** Words in s. 35(6)(c) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011](#) (c. 13), **ss. 105(6)(b), 157(1)** (with s. 105(11)); S.I. 2012/1129, art. 2(d)
- F4** Words in s. 35(7) substituted (29.1.2010) by [Policing and Crime Act 2009](#) (c. 26), ss. 112, 116, **Sch. 7 para. 32**; S.I. 2010/125, art. 2(t)
- F5** [S. 35\(8\)\(9\)](#) inserted (29.4.2026 for specified purposes, 29.6.2026 in so far as not already in force) by [English Devolution and Community Empowerment Act 2026](#) (c. 23), s. 108(1)(5), **Sch. 26 para. 14** (with s. 102, Sch. 26 para. 21)

Commencement Information

- I1** S. 35 in force for certain purposes at 7.2.2005 and 7.8.2005 otherwise by [S.I. 2004/2360](#), **art. 2(1)**, [Sch.](#); [S.I. 2005/2090](#), **art. 2**, [Sch.](#)

Changes to legislation:

Licensing Act 2003, Section 35 is up to date with all changes known to be in force on or before 05 August 2026. 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.

View outstanding changes

Changes and effects yet to be applied to :

- Pt. 5A inserted by 2015 c. 20 s. 67(2)Sch. 17
- s. 2(1A) inserted by 2015 c. 20 s. 67(1)
- s. 8(1A) inserted by 2025 c. 10 Sch. 4 para. 2(b)
- s. 10(4)(e) and word inserted by 2011 c. 13 s. 121(3)(b)
- s. 17(3)(ba) inserted by 2025 c. 10 Sch. 4 para. 3
- s. 29(6)(ba) inserted by 2025 c. 10 Sch. 4 para. 4
- s. 71(4)(ba) inserted by 2025 c. 10 Sch. 4 para. 5
- s. 140(2)(e) inserted by 2015 c. 20 s. 67(4)(b)
- s. 141(2)(e) inserted by 2015 c. 20 s. 67(5)(b)
- s. 143(2)(e) inserted by 2015 c. 20 s. 67(6)(b)
- s. 144(2)(e) inserted by 2015 c. 20 s. 67(7)(b)
- s. 147A(4)(c) inserted by 2015 c. 20 s. 67(8)(b)
- s. 153(4)(d) inserted by 2015 c. 20 s. 67(9)(b)
- s. 197(3)(cza) inserted by 2015 c. 20 s. 67(12)(a)
- s. 197A197B inserted by 2011 c. 13 s. 121(2)
- Sch. 3 Pt. 1 heading inserted by 2025 c. 10 Sch. 4 para. 6(3)
- Sch. 3 Pt. 2 inserted by 2025 c. 10 Sch. 4 para. 6(5)
- Sch. 3 Pt. 1 para. 1 words in Sch. 3 renumbered as Sch. 3 Pt. 1 para. 1 by 2025 c. 10 Sch. 4 para. 6(4)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 5A inserted by 2015 c. 20 s. 67(2)Sch. 17
- s. 2(1A) inserted by 2015 c. 20 s. 67(1)
- s. 8(1A) inserted by 2025 c. 10 Sch. 4 para. 2(b)
- s. 10(4)(e) and word inserted by 2011 c. 13 s. 121(3)(b)
- s. 17(3)(ba) inserted by 2025 c. 10 Sch. 4 para. 3
- s. 29(6)(ba) inserted by 2025 c. 10 Sch. 4 para. 4
- s. 71(4)(ba) inserted by 2025 c. 10 Sch. 4 para. 5
- s. 140(2)(e) inserted by 2015 c. 20 s. 67(4)(b)
- s. 141(2)(e) inserted by 2015 c. 20 s. 67(5)(b)
- s. 143(2)(e) inserted by 2015 c. 20 s. 67(6)(b)
- s. 144(2)(e) inserted by 2015 c. 20 s. 67(7)(b)
- s. 147A(4)(c) inserted by 2015 c. 20 s. 67(8)(b)
- s. 153(4)(d) inserted by 2015 c. 20 s. 67(9)(b)
- s. 197(3)(cza) inserted by 2015 c. 20 s. 67(12)(a)
- s. 197A197B inserted by 2011 c. 13 s. 121(2)
- Sch. 3 Pt. 1 heading inserted by 2025 c. 10 Sch. 4 para. 6(3)
- Sch. 3 Pt. 2 inserted by 2025 c. 10 Sch. 4 para. 6(5)
- Sch. 3 Pt. 1 para. 1 words in Sch. 3 renumbered as Sch. 3 Pt. 1 para. 1 by 2025 c. 10 Sch. 4 para. 6(4)