

**2007 No.**

**BETTING, GAMING AND LOTTERIES**

**The Gambling Act 2005 (Premises Licences) (Review)  
Regulations 2007**

*Made* - - - - - \*\*\*

*Laid before Parliament* \*\*\*

*Coming into force* - - - - - *1st September 2007*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 197(2) to (6), 200(4) and (5) and 203(2) of the Gambling Act 2005(a).

**Commencement, citation and application**

1.—(1) These Regulations may be cited as the Gambling Act 2005 (Premises Licences) (Review) Regulations 2007 and shall come into force on 1st September 2007.

(2) Subject to paragraphs (3) and (4), these Regulations apply to Great Britain.

(3) The following provisions apply only in relation to applications made to licensing authorities in England and Wales—

- (a) regulations 4 to 7,
- (b) regulation 9 in so far as it has effect in relation to a notice given under regulation 4, and
- (c) regulation 11, in so far as it has effect in relation to the form of a notice given under regulation 4 or published under regulation 5.

(4) The following provisions apply only in so far as they relate to notices given or published by licensing authorities in England and Wales—

- (a) regulation 8, and
- (b) regulation 11, in so far as it has effect in relation to the form of a notice given or published under regulation 8.

**Interpretation**

2. In these Regulations—

“the Act” means the Gambling Act 2005;

“application” means an application for a review under section 197 of the Act;

“review” means a review of a premises licence conducted under section 201 of the Act.

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(a) 2005 c.19.

### **Form and content of applications for a review**

3. Subject to regulation 11, an application must be in the form, and contain the information, specified in Schedule 1 [*Annex A*].

### **Giving of notice of an application**

4.—(1) A person making an application must give notice of the application to—

- (a) the person who holds the premises licence to which the application relates, and
- (b) each of the responsible authorities in relation to the premises to which the application relates.

(2) Subject to regulation 11, a notice under paragraph (1) must be in the form specified in Schedule 2 [*Annex B*], and must in particular specify the period of 28 days beginning on the relevant date as the period during which representations about the application may be made to the licensing authority by—

- (a) the person who holds the premises licence to which the application relates,
- (b) a responsible authority, or
- (c) an interested party.

(3) A notice under paragraph (1) must be given within a period of 7 days beginning on the date on which the application is made.

(4) In this regulation and regulation 5, “relevant date” in relation to an application means the last day of the period referred to in paragraph (3).

### **Publication of notice of an application by the licensing authority**

5.—(1) Where an application is made to a licensing authority, that authority must publish notice of the application—

- (a) in a local newspaper or, if there is none, a local newsletter, circular or similar document, circulating within the licensing authority’s area; and
- (b) by displaying the notice at a place—
  - (i) which is as near as reasonably practicable to the premises to which the application relates, and
  - (ii) where it can conveniently be read by members of the public.

(2) The notice referred to in paragraph (1)(a) must be published on at least one occasion during the period of ten working days starting with the day after the day on which the application is made to the authority.

(3) The notice referred to in paragraph (1)(b) must be displayed for a period of no less than 28 consecutive days starting on a date which is no later than the relevant date.

(4) Subject to regulation 11, a notice under paragraph (1)(a) or (b) must be in the form specified in Schedule 3 [*Annex C*], and must in particular specify the period of 28 days beginning on the relevant date as the period during which representations about the application may be made to the licensing authority by—

- (a) the person who holds the premises licence to which the application relates,
- (b) a responsible authority, or
- (c) an interested party.

### **Failure to give proper notice of application to a responsible authority**

6.—(1) This regulation applies where a person who is making an application fails to give proper notice of his application within the period provided for under paragraph (3) of regulation 4.

(2) For the purposes of paragraph (1), a person fails to give proper notice of his application if, in the case of any one or more of the notices which he is required to give under regulation 4, he fails to give a notice which complies with the requirements of these Regulations as to the form or manner in which it is to be given.

(3) Subject to paragraph (5), where the applicant fails to give proper notice of his application to the person holding the premises licence or, as the case may be, a responsible authority, he must give notice to that person or the authority in a form and manner which complies with the requirements of these Regulations (other than as to the period within which the notice is to be given) as soon as practicable after the end of the period referred to in paragraph (1)).

(4) In a case to which this regulation applies, the person holding the premises licence or, as the case may be, the responsible authority concerned must make any representations within the period of 28 days beginning on the day on which the notice referred to in paragraph (3) is received.

(5) Regulation 4(2) is to have effect in such a case as if it required the notice to specify the period referred to in paragraph (4) as the period during which representations about the application may be made to the licensing authority.

(6) The licensing authority may not grant the application until—

- (a) notice has been given by the applicant in accordance with paragraph (3); and
- (b) the period referred to in paragraph (4) has elapsed,

and if it purports to do so any licence issued by the authority shall be of no effect.

(7) Subject to paragraph (6), the licensing authority may disregard any irregularity in relation to the giving of notice under regulation 4.

#### **Failure properly to publish notice of an application**

**7.—**(1) This regulation applies where a licensing authority, to whom an application is made for a review, fails to publish a proper notice of the application within the period provided for under (as the case may be) sub-paragraph (a) or (b) of paragraph (1) of regulation 5.

(2) For the purposes of paragraph (1), a licensing authority fails to publish a proper notice of an application if the published notice does not comply with the requirements of these Regulations as to the form or manner in which it is to be published.

(3) Subject to paragraph (5), the licensing authority must publish notice of the application in a form and manner which complies with the requirements of these Regulations (other than as to the timing of the publication) as soon as practicable after the end of the period referred to in paragraph (1).

(4) In a case to which this regulation applies an interested party must make any representations under section 161 within the period of 28 days beginning on the day on which the notice referred to in paragraph (3) is published.

(5) Regulation 5(4) is to have effect in such a case as if it required the notice to specify the period referred to in paragraph (4) as the period during which representations about the application may be made to the licensing authority.

(6) The licensing authority may not grant the application until—

- (a) notice has been published in accordance with paragraph (3); and
- (b) the period referred to in paragraph (4) has elapsed,

and if it purports to do so any licence issued by the authority shall be of no effect.

(7) Subject to paragraph (6), the licensing authority may disregard any irregularity in relation to the publication of the notice under sub-paragraph (a) or (b) of paragraph (1) of regulation 5.

#### **Giving and publication of notice of intention to conduct a review**

**8.—**(1) Where a licensing authority give notice under section 200(3)(a) of the Act that they intend to hold a review, (subject to regulation 11) that notice must be in the form specified in Schedule 4 [*Annex D*].

(2) A notice under section 200(3)(a) must in particular specify the period of 28 days beginning on the day on which the notice is given as the period during which representations about the application may be made to the licensing authority by—

- (a) the person who holds the premises licence to which the application relates,
- (b) a responsible authority, or
- (c) an interested party.

(3) The following provisions of this regulation apply where a licensing authority publish notice under section 200(3)(b) of the Act that they intend to hold a review.

(4) Subject to regulation 11, the notice must be in the form specified in Schedule 5 [*ie Annex E*], and must in particular specify the period of 28 days beginning on the day on which the notice is given as the period during which representations about the application may be made to the licensing authority by—

- (a) the person who holds the premises licence to which the notice relates,
- (b) a responsible authority, or
- (c) an interested party.

(5) The licensing authority must publish the notice—

- (a) by displaying the notice at a place—
  - (i) which is as near as reasonably practicable to the premises to which the application relates, and
  - (ii) where it can conveniently be read by members of the public; and
- (b) either—
  - (i) in a local newspaper or, if there is none, a local newsletter, circular or similar document, circulating within the licensing authority's area; or
  - (ii) on the licensing authority's internet website.

(6) Where a licensing authority has more than one website, paragraph (5)(b)(ii) requires the licensing authority to publish notice of the application on the website which is wholly or mainly used by them to publicise matters relating to the licensing of gambling.

(7) The notice referred to in paragraph (5)(a) or (5)(b)(ii) must be displayed or, as the case may be, published for a period of no less than 28 consecutive days beginning on the day on which the licensing authority give notice under section 200(3)(a) of the Act of their intention to hold a review

(8) The notice referred to in paragraph (5)(b)(ii) must be published on at least one occasion during the period of ten working days starting with the day after the day on which the licensing authority give notice under section 200(3)(a) of the Act of their intention to hold a review.

### **Manner of making and giving of applications and notices**

**9.**—(1) An application, a notice under regulation 4 or a notice under section 200(3) of the Act must be made or given in writing.

(2) For the purposes of paragraph (1), an application or notice which is sent by facsimile transmission or electronic mail shall be treated as being made or given in writing if it meets the conditions in paragraph (3).

(3) The conditions are that—

- (a) the text of the application or notice—
  - (i) is capable of being accessed by the recipient,
  - (ii) is legible in all material respects, and
  - (iii) is capable of being read and reproduced in written form and used for subsequent reference by the recipient; and

- (b) the person to whom the application or notice is to be made or given has agreed in advance that an application or notice may be made or given by the particular electronic means used.

(4) Subject to paragraph (5), where an application or notice is sent by facsimile transmission or electronic mail, it is to be treated as having been made or given at the time the conditions specified in paragraph (3)(a) are satisfied.

(5) Where—

- (a) a person making an application specifies a document in the application as being a document which accompanies the application, and

(b) the document has been sent in a form that does not meet the conditions in paragraph (3), the application is not to be treated as having been made until any such document has been received by the licensing authority in hard copy

(6) In paragraph (5), any reference to a document in hard copy is to a written document or a document in the form of a plan.

#### **Notice of the licensing authority's decision on a review**

**10.** Subject to regulation 11, notice under section 203(1) of the Act giving notice of a licensing authority's decision on a review must be in the form specified in Schedule 6 [*Annex F*].

#### **Matters not required to be included in an application or notice**

**11.**—(1) Where matters are included in square brackets in any form in Schedules 1 to 6, they are intended to indicate and explain the information to be specified in the application or notice to which the form relates, and are not required to be included in the application or notice.

(2) The first page of the form used for an application or notice may include any symbol or logo which is commonly used by the licensing authority to identify documents produced by it.

(3) In paragraph (2) “the licensing authority” means—

- (a) in relation to an application or a notice of an application, the licensing authority to whom the application is made, and

- (b) in relation to a notice given or published by a licensing authority in any other circumstances, that authority.