

GLOSSARY

Conditions

Paragraph 7.2 of the Guidance defines conditions to include limitations or restrictions attached to a licence or certificate and essentially are the steps or actions the holder of the premises licence or the club premises certificate will be required to take or refrain from taking at all times when licensable activities are taking place at the premises in question.

Designated premises supervisor

Section 15(1) of the Act says references to “designated premises supervisor”, in relation to a premises licence, are to the individuals for the time being specified in that licence as the premises supervisor. The main purpose of a designated premises supervisor is to ensure that there is always one specified individual, among the personal licence holders within a premises, who can be readily identified for the premises. This person will normally have been given day to day responsibility for running the premises by the premises licence holder. It is essential that the designated premises supervisor holds a personal licence.

Foreign offence

Section 113(3) of the Act defines “foreign offence” to mean an offence (other than a relevant offence) under the law of any place outside England and Wales.

Interested party

Sections 13(3) and 69(3) defines “interested party” to mean a person living in the vicinity of the premises, a body representing persons who live in that vicinity, a person involved in a business in that vicinity, and a body representing persons involved in such businesses.

Late night refreshment

A person provides late night refreshments if at any time between the hours of 11pm and 5am, he supplies hot food or hot drink to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises. Furthermore, a person is deemed to provide late night refreshments if at any time between those hours when a member of the public, or a section of the public, are admitted to any premises, he supplies, or holds himself out as willing to supply, hot food or hot drink to any persons, or to persons of a particular description, on or from those premises, whether for consumption on or off the premises.

Licensing Authority

Section 3 of the Act defines “Licensing Authority” to mean the council of a London borough.

Premises

Premises means any place and includes a vehicle, vessel or moveable structure.

Provisional statement

A provisional statement is a statement given to an applicant by the Licensing Authority when premises are or are about to be constructed for the purpose of being used for one or more licensable activities, or are being or about to be extended or otherwise altered for that purpose. The reason why provisional statements are given is that the necessary investment may not be committed unless investors have some assurance that a premises licence covering the desired licensable activities would be granted for the premises when the building work is completed. Under s31(2) where no relevant representations are made, the Licensing Authority may issue the applicant with a provisional statement to that effect. Under s31(3) the Licensing Authority must hold a hearing when relevant representations are made and must then issue the applicant with a statement which gives the details of that determination and states the reasons.

Following the issue of a provisional statement, the applicant must then apply to the Licensing Authority for a premises licence upon the completion of the work. Under s32 of Act, where the new premises is substantially the same as premises described for the provisional statement, and the work has been satisfactorily completed, representations in respect of the application for the premises licence are excluded. However, representations may be made against the premises licence where there has been a material change in circumstances relating to the premises or to the area in the vicinity of those premises since the provisional statement was made, and where the relevant person making the representation had a reasonable excuse for failing to make a representation about the provisional licence (s32(2) of the Act).

Responsible authority

Responsible authorities are mainly public bodies that under the terms of the Act must be fully notified of applications and are entitled to make representations to the Licensing Authority in relation to the application for the grant, variation or review of a premises licence or club premises certificate or for the issue of a provisional statement.

In summary, s13(4) and 69(4) of the Act defines “responsible authorities” to mean:

- chief officer of police;
- fire authority;
- enforcing authority within meaning Health and safety at Work etc. Act 1974;
- local planning authority;
- local authority by which statutory functions are in relation to minimising or preventing the risk of pollution of the environment or of harm to human health;
- a body which represents matters relating to the protection of children;
- Licensing Authority;
- *vessel only* - navigation authority, Environment Agency, British Waterways Board, Secretary of State.
- the local weights and measures authority (within the meaning of S69 of the Weights and Measures Act 1985 (a))

Relevant offence

Section 113(1) of the Act defines “relevant offence” to mean an offence listed in Schedule 4.

Relevant representation

This is defined in s18(6) of the Act. A “relevant representation” includes a representation which is about the likely effect of the grant of the premises licence on the promotion of the licensing objectives. It is for the Licensing Authority to determine on its merits whether any representation by an interested party is frivolous or vexatious.