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# Licensing Act 2003

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2/2005



25/04/2012



### Changes to legislation:

Licensing Act 2003, Section 18 is up to date with all changes known to be in force on or before 06 November 2025. 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.

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## 18 Determination of application for premises licence

- (1) This section applies where the relevant licensing authority—
  - (a) receives an application for a premises licence made in accordance with section 17, and
  - (b) is satisfied that the applicant has complied with any requirement imposed on him under subsection (5) of that section.
- (2) Subject to subsection (3), the authority must grant the licence in accordance with the application subject only to—
  - (a) such conditions as are consistent with the operating schedule accompanying the application, and
  - (b) any conditions which must under section 19, 20 or 21 be included in the licence.
- (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 grant the licence subject to—
    - (i) the conditions mentioned in subsection (2)(a) modified to such extent as the authority considers **[F2 appropriate]** for the promotion of the licensing objectives, and
    - (ii) any condition which must under section 19, 20 or 21 be included in the licence;
  - (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
  - (c) to refuse to specify a person in the licence as the premises supervisor;
  - (d) to reject the application.
- (5) For the purposes of subsection (4)(a)(i) the conditions mentioned in subsection (2)(a) are modified if any of them is altered or omitted or any new condition is added.
- (6) For the purposes of this section, “relevant representations” means representations which—
  - (a) are about the likely effect of the grant of the premises licence on the promotion of the licensing objectives,
  - (b) meet the requirements of subsection (7),
  - (c) if they relate to the identity of the person named in the application as the proposed premises supervisor, meet the requirements of subsection (9), and
  - (d) are not excluded representations by virtue of section 32 (restriction on making representations following issue of provisional statement).
- (7) The requirements of this subsection are—
  - (a) that the representations were made by **[F3 a responsible authority or other person]** within the period prescribed under section 17(5)(c),
  - (b) that they have not been withdrawn, and
  - (c) in the case of representations made by **[F4 a person who is not a responsible authority]**, that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- (8) Where the authority determines for the purposes of subsection (7)(c) that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for its determination.
- (9) The requirements of this subsection are that the representations—
  - (a) were made by a chief officer of police for a police area in which the premises are situated, and
  - (b) include a statement that, due to the exceptional circumstances of the case, he is satisfied that the designation of the person concerned as the premises supervisor under the premises licence would undermine the crime prevention objective.
- (10) In discharging its duty under subsection (2) or (3)(b), a licensing authority may grant a licence under this section subject to different conditions in respect of—
  - (a) different parts of the premises concerned;
  - (b) different licensable activities.

## Textual Amendments

- F1** Word in s. 18(3)(b) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 109(2)(a)**, 157(1) (with s. 109(15)); S.I. 2012/1129, art. 2(d)
- F2** Word in s. 18(4)(a)(i) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 109(2)(b)**, 157(1) (with s. 109(15)); S.I. 2012/1129, art. 2(d)
- F3** Words in s. 18(7)(a) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 105(4)(a)**, 157(1) (with s. 105(11)); S.I. 2012/1129, art. 2(d)
- F4** Words in s. 18(7)(c) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 105(4)(b)**, 157(1) (with s. 105(11)); S.I. 2012/1129, art. 2(d)

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