

[REDACTED]

From: Robert Botkai
Sent: 19 January 2016 12:52:57
To: [REDACTED]
Subject: FW: Query re s.182 guidance

From: Dawson Anna [REDACTED]
Sent: 15 April 2015 16:15
To: Robert Botkai
Subject: Query re s.182 guidance

Mr Botkai,

I am writing in response to your query about the guidance issued to licensing authorities under section 182 of the Licensing Act 2003. The guidance was revised and published on 27 March 2015. Changes have been made to paragraphs 5.22 and 5.23 concerning the sale of alcohol at garages and you have asked me to clarify the position described at paragraph 5.23.

At paragraph 5.22 the guidance is now clearer that a decision on whether to grant a premises licence should be based on the documents and information listed in section 17(3) and 17(4) of the Licensing Act 2003; and that in common with all licensing decisions, the statutory licensing objectives form the basis for this decision.

Paragraph 5.23 describes action that may be taken after the licence has been granted. For example, if the primary use of the premises becomes that of a garage rather than a shop then it would no longer be legal to sell alcohol from the premises (prohibited by section 176 of the Licensing Act 2003). This situation may give rise to a review, and paragraph 5.23 states that if a relevant representation is made, the licensing authority must decide whether or not the premises is used primarily as a garage.

You have raised a concern that use of the term 'representation' in this paragraph may cause some confusion as to whether this paragraph relates to representations made *before* the grant of a premises licence, or representations in relation to a review of an *existing* licence. Paragraph 5.23 is concerned with representations made *after* a licence has been granted or in respect of an existing licence. The term 'representation' is also used in this sense in chapter 11 of the guidance which deals with reviews. Chapter 11 refers to representations given in relation to a review, and representations which give rise to a review (also referred to as an application for a review).

I hope this helps to clarify the position.

Regards,
Anna

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