

Premises Licences: when a licence holder dies, is incapable or becomes insolvent.

Licensing Act 2003 – Interim Authority Notice

When can an Interim Authority Notice be served?

A Premises Licence will lapse on the death, incapacity or insolvency of the Premises Licence Holder, unless an application to transfer the licence is made no later than 28 days following the day the licence lapsed.

Alternatively a person who has a prescribed interest in the premises concerned or who is connected to the person who held the premises licence immediately before it lapsed may, no later than 28 days following the day the licence lapsed, submit an Interim Authority Notice.

A person is deemed to be connected to the previous licence holder if;

- a) The former licence holder has died and that person is his personal representative; or
- b) The former licence holder has become mentally incapable and that person acts for him under a power of attorney created by an instrument registered under section 6 of the Enduring Powers of Attorney Act 1985; or
- c) The former licence holder has become insolvent and that person is his insolvency practitioner.

What is the process for giving an Interim Authority Notice?

The Interim Authority notice must be served on the Licensing Authority at the address below, together with the prescribed fee of £23.00 (cheques payable to Wychavon District Council). A copy of the notice must also be served on West Mercia Police at the address given below within 28 days of the day that the licence lapsed.

What is the effect of giving an Interim Authority Notice?

This interim authority notice will have the effect of reinstating the premises licence from the time that the notice is received by the Licensing Authority, and the person who gave the notice is from that time the holder of the licence. Only one Interim Authority Notice may be given.

What happens after an Interim Authority Notice is given?

On receipt of an Interim Authority Notice the Licensing Authority will issue a certified copy of the licence and a certified copy of the summary to the person who gave the notice. The copy will state the person who gave the notice as being the premises licence holder.

The person who becomes the premises licence holder must forthwith notify the Designated Premises Supervisor (DPS) of the Interim Authority Notice (Unless he is the DPS stated on the licence). Failure to comply with this requirement is an offence liable on summary conviction to a fine not exceeding £1000.

How long can an Interim Authority Notice last?

The Interim Authority Notice will lapse if an application for transfer is not submitted within a period of three months after the day when the notice is received.

Where an application for transfer is received during the interim authority period and this application is rejected or withdrawn then the premises licence is deemed to lapse again at the time of the rejection or withdrawal.

Can anyone object to an Interim Authority Notice?

Where the Chief Officer of Police is satisfied that the exceptional circumstances of the case are such that failure to cancel an Interim Authority Notice would undermine the crime prevention objective they may, before the end of the second working day following the day on which they received a copy of the notice, give the Licensing Authority notice of their objection.

What happens if an objection is received?

Where an objection notice is given the licensing authority must hold a hearing, unless all parties agree a hearing is unnecessary. The licensing authority may decide that the Interim Authority Notice should be

cancelled in order to promote the prevention of crime objective. A notice to this effect will be given to the person who gave the Interim Authority Notice.

The person who gave the Interim Authority Notice has a right of appeal to the Magistrates Court within 21 days of receipt of the notice of the decision appealed against.

This leaflet has been made as comprehensive as possible. However, in attempting to simplify the law, certain requirements have been omitted. Full details of what is required are in the legislation itself. Laws can and do change. This information was accurate when produced, but may have changed since. The Council must advise that only the Courts can give an authoritative opinion on statute law.

Application forms can be downloaded by following the links on our Internet site at www.wychavon.gov.uk/lic), or direct from the DCMS Internet site at http://www.culture.gov.uk/what_we_do/alcohol_and_entertainment/default.aspx)

Please note - the only address where we will accept service of applications and Notices is:

Licensing,
Worcestershire Regulatory Services
Wychavon District Council,
Civic Centre
Queen Elizabeth Drive,
Persore, WR10 1PT.

Contact details for the Police (who require copies of Notices) are:

The Chief Officer of Police
C/o Licensing Officer
West Mercia Police
Castle Street
Worcester, WR1 3QX
Phone 01905 331037
Email: licensing.southworcs@westmercia.pnn.police.uk

Payment for changes to existing licences can be made at any time by visiting our web site at www.wychavon.gov.uk. Click on the "online payments" button and follow the instructions. The licence number will be needed as a reference (starts 1840\), the user will need to know what fee is to be paid. An Interim Authority Notice costs £23.

Other ways to pay :

- By post, to the licensing unit at the address below – cheques and postal orders made payable to Wychavon District Council. Cash should not be sent by post. Name and address of the licensed premises should be written on the back of the cheque.
- By Phone, we can accept payment using Visa, Switch, Mastercard, Visa Electron or Solo. Please phone the licensing unit on 01386 565016 during office hours; you will need to have your licence number and payment card details to hand.
- In Person at the Civic Centre in Persore and at Droitwich Community Contact Centre (Monday to Friday 9am – 5pm, Saturday 9am – 12.30pm), or at Evesham Community Contact Centre (Monday to Friday 8am – 8pm, Saturday 9am – 5pm, Sunday 10am – 4pm). You will need to give the cashier your licence number as a reference.

Fees and charges are on our website, with other useful factsheets at: www.wychavon.gov.uk/lic

Get help at:

Licensing Unit, Environmental Services
Wychavon District Council
Civic Centre
Queen Elizabeth Drive
Persore
Worcestershire WR10 1PT

Phone	01386 565016
Fax	01386 561826
Web	http://www.wychavon.gov.uk/lic
Email	licensing@wychavon.gov.uk