

LICENSING ACT 2003

INTERIM AUTHORITY NOTICES

A Premises Licence lapses if the Premises Licence Holder dies, becomes incapacitated or insolvent. If the Premises Licence Holder is a company, the Licence will lapse if the company becomes insolvent or is dissolved.

If the Premises Licence has lapsed, no licensable activities can take place. This means that the premises must stop selling alcohol, providing regulated entertainment or providing late night refreshment.

If you have an 'interest' in the business, or are connected to the person who was the Premises Licence Holder, you can apply to take over the Premises Licence. This would allow the licensable activities to keep going. If you wish to do this, you have two options:

1) Apply to transfer the Premises Licence

Applying to transfer the Premises Licence allows you to permanently become the new Licence Holder.

There is a box on the transfer application form that you can tick which asks for the application to have 'immediate effect'. This means that the licensable activities can restart as soon as the Licensing Team and the Police have received the application.

Contact the Licensing Team for more information about transfers.

2) Apply for an Interim Authority Notice

This temporarily transfers the Premises Licence into your name so that the licensable activities can continue. This may be useful if, for example, your partner becomes incapacitated and you want to keep the business running until you decide what to do next.

Either of these applications need to be made within 28 days of the Premises Licence lapsing. If an application is not received within 28 days, the Premises Licence lapses permanently and you will need to apply for a new Premises Licence.

Who can give an Interim Authority Notice?

- If the Premises Licence Holder dies – an Interim Authority Notice can be given by a personal representative of the Premises Licence Holder, for example, the next of kin.
- If the Premises Licence Holder becomes mentally incapable – an Interim Authority Notice can be given by a person acting under enduring power of attorney under the Enduring Powers of Attorney Act 1985.
- If the Premises Licence Holder becomes insolvent – an Interim Authority Notice can be given by the insolvency practitioner.
- In all cases – an Interim Authority Notice can be given by the freeholder or leaseholder of the premises.

How long does an Interim Authority Notice last?

An Interim Authority Notice lasts for a maximum of two months. However, it will expire sooner if you or anyone else makes an application to transfer the Premises Licence.

Applying for an Interim Authority Notice

Applications may be downloaded from www.bathnes.gov.uk/licensing or you can contact us directly and we can post/email one to you.

When submitting your application, you must enclose the following:

- A completed application form.
- The fee of £23 made payable to Bath and North East Somerset Council (B&NES).

The application should be sent to the following address:

- Licensing Services
Lewis House
Manvers Street
Bath BA1 1JG

Copies of the application form should be sent to:

- Liquor Licensing
Avon & Somerset Constabulary
PO Box 3259
Bristol
BS2 2EJ Email: liquorlicensing@avonandsomerset.pnn.police.uk
- Home Office Immigration Enforcement
Alcohol Licensing Team
Lunar House
40 Wellesley Road
Croydon
CR9 2BY Email: Alcohol@homeoffice.gsi.gov.uk
- The current DPS, if different from the Premises Licence Holder.

This information has been made as comprehensive as possible. However, in attempting to simplify the law, certain requirements have been omitted. Full details of what you must do are in the legislation itself.

Laws can and do change. This information was accurate when produced, but may have changed since. We must advise that only the Courts can give an authoritative opinion on statute law.