

Interim Authority Notices

1 Introduction

Where the holder of a Premises Licence

- dies
- becomes bankrupt
- becomes mentally incapable
- surrenders the Premises Licence

the Premises Licence lapses and no sale of alcohol, regulated entertainment or late night refreshments can take place until a new Premises Licence is issued.

To avoid this problem an Interim Authority notice can be served on the Council and the business can continue to operate for two months while an application to Transfer the Premises Licence is made ¹.

Note

- 1 A licence can be reinstated by way of an immediate transfer application instead. There is little to choose between the two procedures but the immediate transfer option may be appropriate where there is someone who is able and willing to take on the licence straight away. The Interim Authority Notice procedure may be more appropriate when a problem comes 'out of the blue' and there is not enough time to consider a transfer application.

What is the effect of an Interim Authority Notice?

The Premises Licence is reinstated from the time the Interim Authority Notice is received by the Council. The person giving the Interim Authority Notice can continue to operate pending a full Transfer Application.

Note

The Interim Authority Notice lapses:

- after 28 days unless the police are given a copy of the application.
- after 3 months unless an application to Transfer the Premises Licence has been made.

Who can apply?

Provided that no application has yet been made to Transfer the Premises Licence, the following can apply:

- A person with a freehold or leasehold interest in the premises
- A personal representative (where the licence holder dies)
- A person with a power of attorney (where the licence holder has become mentally incapable)

- An insolvency practitioner (where the licence holder has become insolvent ie 'gone bust').

How do I apply?

There are 2 steps

- Making the Application
- Notification

The Application

Send to the Council

- an Interim Authority Notice **within 28 days** of the premises licence lapsing
- the fee

Notification

You need to send a copy of the Interim Authority Notice (and any attachments) to the chief officer of police and Home Office Immigration Enforcement on the same day as you make your application.

You need to notify the Designated Premises Supervisor (if there is one) of the application straight away.

What happens next?

If there is no Police/Home Office Immigration Enforcement objection the Council will give you a copy of the licence and a copy of the summary

You **MUST** apply to the Council for a Transfer within 3 months of the date you gave the Interim Authority Notice to the Council. If you don't the Premises Licence will lapse again.

If the Police or Home Office Immigration Enforcement objects within 48 hours, the Council will normally hold a hearing to decide the matter. If the objection is upheld the notice will be cancelled.