Guidance on Interim Authority Notices

# General

A Premises Licence is in place to allow a premises to undertake licensable activities. A licensable activity could be supply of alcohol or late-night refreshment. More information on what licensable activities are can be found on our website at [www.oldham.gov.uk/licensing](http://www.oldham.gov.uk/licensing).

A Premises Licence will lapse if a Premises Licence Holder:

* Dies
* Becomes mentally incapable
* Becomes insolvent, or
* Is no longer entitled to work in the UK

In the event of one of the above cases, the Licensing Act 2003 provides special arrangements for the continuation of licensable activities under a Premises Licence.

An Interim Authority Notice must be served on the Licensing Authority within 28 days of lapse of the Licence. No licensable activities are permitted to take place in the period between lapse of the Licence and the Interim Authority Notice being served.

# Applying for an Interim Authority Notice

A person can only submit an Interim Authority Notice if:

* The former Licence holder has died, and that person is his personal representative
* The former Licence holder lacks capacity (within the meaning of the Mental Capacity Act 2005) to hold the Licence and the person acts for him under an enduring Power of Attorney or lasting Power of Attorney registered under that Act, or
* The former Licence holder has become insolvent, and that person is his insolvency practitioner

An Interim Authority Notice must be served on the Licensing Authority within 28 days of lapse of the Licence.

The giver of the Notice must also serve a copy upon the Chief Officer of Police (for Oldham) and the Home Office (Immigration). If the Notice is submitted via email the Licensing Authority will forward the application on your behalf.

The Licence will be reinstated from the date the Notice is received by the Licensing Authority. The person who served the Notice then becomes the Licence holder. The Notice will last for a period of no more than 3 months.

# Next Steps

During the 3-month period the Notice is in effect, a Transfer Application must be submitted to transfer the Licence to a new holder (this can be the Notice giver). Failure to do this will result in the lapse of the Premises Licence at the end of the 3-month period.

Relevant application forms and associated guidance on transferring a Premises Licence can be found online at [www.oldham.gov.uk/licensing](http://www.oldham.gov.uk/licensing).

# Useful contact information/links:

The Licensing Service receive applications and respond to queries by email. You can contact a member of the team at [licensing@oldham.gov.uk](mailto:licensing@oldham.gov.uk)

The Licensing Service provides all their application forms and guidance on the Council website. These can be found at [www.oldham.gov.uk/licensing](http://www.oldham.gov.uk/licensing).

The Licensing Act 2003 can be found online at <https://www.legislation.gov.uk/ukpga/2003/17/contents>

Statutory Guidance can be found online at <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>