



Police Reform and Social Responsibility Act 2011

2011 CHAPTER 13

PART 2

LICENSING

CHAPTER 1

AMENDMENTS OF THE LICENSING ACT 2003

Removing the vicinity test

105 Premises licences: who may make relevant representations

- (1) The Licensing Act 2003 is amended as set out in subsections (2) to (9).
- (2) In section 13 (authorised persons, interested parties and responsible authorities)—
 - (a) in the title, omit “, interested parties”,
 - (b) in subsection (1), omit ““interested party””, and
 - (c) omit subsection (3).
- (3) In section 17(5) (application for premises licence)—
 - (a) in paragraph (a)(ii), for “interested parties” substitute “ persons who live, or are involved in a business, in the relevant licensing authority’s area and who are ”,
 - (b) after paragraph (a) insert—
 - “(aa) require the relevant licensing authority to advertise the application within the prescribed period—
 - (i) in the prescribed form, and

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- (ii) in a manner which is prescribed and is likely to bring the application to the attention of the persons who are likely to be affected by it; and”, and”
- (c) in paragraph (c), for “interested parties and responsible authorities” substitute “responsible authorities and other persons”.
- (4) In section 18(7) (determination of application for premises licence)—
- (a) in paragraph (a), for “an interested party or responsible authority” substitute “a responsible authority or other person”, and
- (b) in paragraph (c), for “an interested party (who is not also a responsible authority)” substitute “a person who is not a responsible authority”.
- (5) In section 31(6) (determination of application for provisional statement)—
- (a) in paragraph (a), for “an interested party or responsible authority” substitute “a responsible authority or other person”, and
- (b) in paragraph (c), for “an interested party (who is not also a responsible authority)” substitute “a person who is not a responsible authority”.
- (6) In section 35(6) (determination of application to vary premises licence)—
- (a) in paragraph (a), for “an interested party or responsible authority” substitute “a responsible authority or other person”, and
- (b) in paragraph (c), for “an interested party (who is not also a responsible authority)” substitute “a person who is not a responsible authority”.
- (7) In section 41B(2)(b)(ii) (determination of application for minor variation of premises licence), for “an interested party” substitute “any other person”.
- (8) In section 41D(6) (variation of premises licence: supply of alcohol from community premises), for paragraph (b) substitute—
- “(b) subsection (6)(c) were omitted.”.
- (9) In section 194 (index of defined expressions), omit the entry for the expression “interested party, in Part 3”.
- (10) In section 33 of the Policing and Crime Act 2009 (individual members of licensing authorities to be interested parties), omit subsection (1).
- (11) The amendments made by this section apply in relation to applications relating to premises licences that are made on or after the commencement of this section.

Commencement Information

- I1** S. 105(1)(3) in force at 22.3.2012 for specified purposes by S.I. 2012/896, art. 2(a)
- I2** S. 105(1)(3) in force at 25.4.2012 in so far as not already in force by S.I. 2012/1129, art. 2(d)
- I3** S. 105(2)(4)-(11) in force at 25.4.2012 by S.I. 2012/1129, art. 2(d)

106 Premises licences: who may apply for review

- (1) The Licensing Act 2003 is amended as set out in subsections (2) to (6).
- (2) In section 51 (application for review of premises licences)—
- (a) in subsection (1), for “an interested party or a responsible authority” substitute “a responsible authority or any other person”, and

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- (b) in subsection (3)—
 - (i) in paragraph (b), for “interested parties and responsible authorities” substitute “responsible authorities and other persons”, and
 - (ii) in paragraph (c), for “interested party” substitute “other person”.
- (3) In section 52(8) (determination of application for review of premises licence)—
 - (a) in paragraph (a)(i), for “an interested party” substitute “any other person”, and
 - (b) in paragraph (c), for “an interested party (who is not also a responsible authority)” substitute “a person who is not a responsible authority”.
- (4) In section 53A(3) (summary reviews on application of senior police officer)—
 - (a) in paragraph (c), for “interested parties” substitute “other persons”, and
 - (b) in paragraph (e), for “interested party” substitute “other person”.
- (5) In section 53C(8) (review of premises licence following summary review notice)—
 - (a) in paragraph (a), for “an interested party” substitute “any other person”, and
 - (b) in paragraph (c), for “an interested party (who is not also a responsible authority)” substitute “a person who is not a responsible authority”.
- (6) In section 167 (review of premises licence following closure order)—
 - (a) in subsection (4)(b), for “interested parties” substitute “other persons”,
 - (b) in subsection (4)(c), for “interested party” substitute “other person”,
 - (c) in subsection (10)(a), for “an interested party” substitute “any other person”,
 - (d) in subsection (10)(c), for “an interested party (who is not also a responsible authority)” substitute “a person who is not a responsible authority”, and
 - (e) in subsection (14), for ““interested party” and “responsible authority” have” substitute ““responsible authority” has”.
- (7) The amendments made by this section apply in relation to applications for review that are made on or after the commencement of this section.

Commencement Information

- I4** S. 106(1)(2)(4)(6) in force at 22.3.2012 for specified purposes by S.I. 2012/896, **art. 2(b)**
- I5** S. 106(1)(2)(4)(6) in force at 25.4.2012 in so far as not already in force by S.I. 2012/1129, **art. 2(d)**
- I6** S. 106(3)(5)(7) in force at 25.4.2012 by S.I. 2012/1129, **art. 2(d)**

107 Club premises certificates: who may make relevant representations

- (1) The Licensing Act 2003 is amended as set out in subsections (2) to (7).
- (2) In section 69 (authorised persons, interested parties and responsible authorities)—
 - (a) in the title, omit “, interested parties”,
 - (b) in subsection (1), omit ““interested party”,”, and
 - (c) omit subsection (3).
- (3) In section 71(6) (application for club premises certificate)—
 - (a) in paragraph (a)(ii), for “interested parties” substitute “persons who live, or are involved in a business, in the relevant licensing authority's area and who are”,

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- (b) after paragraph (a) insert—
 - “(aa) require the relevant licensing authority to advertise the application within the prescribed period—
 - (i) in the prescribed form, and
 - (ii) in a manner which is prescribed and is likely to bring the application to the attention of the persons who are likely to be affected by it; and”, and”
 - (c) in paragraph (c), for “interested parties and responsible authorities” substitute “responsible authorities and other persons ”.
- (4) In section 72(8) (determination of application for club premises certificate)—
 - (a) in paragraph (a), for “an interested party or responsible authority” substitute “a responsible authority or other person ”, and
 - (b) in paragraph (c), for “an interested party (who is not also a responsible authority)” substitute “a person who is not a responsible authority ”.
- (5) In section 85(6) (determination of application to vary club premises certificate)—
 - (a) in paragraph (a), for “an interested party or responsible authority” substitute “a responsible authority or other person ”, and
 - (b) in paragraph (c), for “an interested party (who is not also a responsible authority)” substitute “a person who is not a responsible authority ”.
- (6) In section 86B(2)(b)(ii) (determination of application for minor variation of club premises certificate), for “an interested party” substitute “any other person ”.
- (7) In section 194 (index of defined expressions), omit the entry for the expression “interested party, in Part 4”.
- (8) In section 33 of the Policing and Crime Act 2009 (individual members of licensing authorities to be interested parties), omit subsection (2).
- (9) The amendments made by this section apply in relation to applications relating to club premises certificates that are made on or after the commencement of this section.

Commencement Information

- I7** S. 107(1)(3) in force at 22.3.2012 for specified purposes by S.I. 2012/896, art. 2(c)
- I8** S. 107(1)(3) in force at 25.4.2012 in so far as not already in force by S.I. 2012/1129, art. 2(d)
- I9** S. 107(2)(4)-(9) in force at 25.4.2012 by S.I. 2012/1129, art. 2(d)

108 Club premises certificates: who may apply for review

- (1) The Licensing Act 2003 is amended as set out in subsections (2) to (4).
- (2) In section 87 (application for review of club premises certificate), for subsection (1) substitute—
 - “(1) Where a club holds a club premises certificate, a responsible authority or any other person may apply to the relevant licensing authority for a review of the certificate.”.
- (3) In section 87(3) (application for review of club premises certificate)—

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- (a) in paragraph (b), after “to the authority” insert “ by the club, responsible authorities and other persons ”, and
 - (b) in paragraph (c), for “interested party” substitute “ other person ”.
- (4) In section 88(8) (determination of application for review of club premises certificate)
- (a) in paragraph (a), for “an interested party” substitute “ any other person ”, and
 - (b) in paragraph (c), for “an interested party (who is not also a responsible authority)” substitute “ a person who is not a responsible authority ”.
- (5) The amendments made by this section apply in relation to applications for review that are made on or after the commencement of this section.

Commencement Information

- I10** S. 108(1)(3) in force at 22.3.2012 for specified purposes by S.I. 2012/896, **art. 2(d)**
- I11** S. 108(1)(3) in force at 25.4.2012 in so far as not already in force by S.I. 2012/1129, **art. 2(d)**
- I12** S. 108(2)(4)(5) in force at 25.4.2012 by S.I. 2012/1129, **art. 2(d)**

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