
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Licensing Act 2003 (c. 17) (“the Act”) in exercise of the power conferred by section 1 of the Legislative and Regulatory Reform Act 2006 (c. 51).

The effect of the amendments is to allow licensing authorities in some circumstances to include an alternative licence condition relating to the supervision of alcohol sales in premises licences relating to community premises. Community premises are defined to mean any church or chapel hall (or other similar building), or any village, parish or community hall (or other similar building).

Normally, a premises licence that authorises the supply of alcohol must include the conditions set out in section 19(2) and (3) of the Act (“the normal mandatory conditions”). These mandatory conditions prohibit the supply of alcohol under the licence at any time where there is no designated premises supervisor (“DPS” - see section 15 of the Act) specified in the licence, or at any time when the DPS does not hold a personal licence under Part 6 of the Act (or that licence is suspended). They also require every supply of alcohol under the licence to be made or authorised by a person who holds a personal licence.

The amendments introduced by this Order allow a committee or board of individuals with responsibility for the management of community premises (“the management committee”) to apply to have an alternative licence condition included in a premises licence in place of the normal mandatory conditions. The alternative condition is that every supply of alcohol under the licence be made or authorised by the management committee.

Articles 3, 4 and 5 of the Order insert new sections 25A, 41D and 52A into the Act which modify, respectively, sections 17 to 19 (in relation to applications for licences), 19 and 35 (in relation to applications to vary licences) and 52 (in relation to applications to review licences).

The first set of modifications (in the new section 25A) permit a management committee of community premises to include in its application for a premises licence authorising the supply of alcohol an application for the alternative licence condition to apply instead of the normal mandatory conditions. In such a case, the application does not have to include any form of consent from a person who is to be the DPS, nor any prescribed information regarding such a person. Relevant representations (following which a hearing on the application must be held unless all parties agree it is unnecessary) relating to the inclusion of the alternative licence condition may be made by the chief officer of police for an area in which the premises are situated. Such representations must include a statement that due to the exceptional circumstances of the case, the officer is satisfied that the inclusion of the alternative condition instead of the normal mandatory conditions would undermine the crime prevention objective in section 4(2)(a) of the Act. If no such representations are made, or the licensing authority does not consider that the normal mandatory conditions are needed to promote the crime prevention objective; and the authority is satisfied that the arrangements for the management of the premises by the applicant are sufficient to ensure adequate supervision of the supply of alcohol on the premises, then the alternative licence condition is to be included in the licence instead of the normal mandatory conditions.

Broadly similar modifications are made in relation to the variation of licences by the second set of modifications (in the new section 41D). These apply where a management committee of community premises already holds a premises licence and applies to vary it so as to authorise the supply of alcohol; and where such a committee already holds a licence authorising the supply of alcohol subject to the normal mandatory conditions. In either case, the committee may apply for the alternative licence condition to be included in the licence instead of the normal mandatory conditions. The

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licensing authority may grant such an application in accordance with the same criteria as apply in relation to initial licence applications, as described above. Relevant representations are defined in the same way.

The third set of modifications (in the new section 52A) relate to applications for the review of licences which are held by a management committee in respect of community premises, and which include the alternative licence condition instead of the normal mandatory conditions. In relation to such applications, the licensing authority may determine that the normal mandatory conditions should apply instead of the alternative condition if it considers this to be necessary for the promotion of the licensing objectives. Such a determination may be reached following the usual procedure for review applications set out in sections 51 to 53 of the Act.

Article 6 of the Order inserts new definitions of “community premises” and “management committee” into section 193 of the Act.