



# Police Reform and Social Responsibility Act 2011

## 2011 CHAPTER 13

### PART 2

#### LICENSING

### CHAPTER 1

#### AMENDMENTS OF THE LICENSING ACT 2003

VALID FROM 22/03/2012

#### *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—

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- (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 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.

## **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
  - (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)—

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- (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.

## **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 ”,
  - (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”
  - (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)—

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- (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.

#### **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)—
- (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.

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**Changes to legislation:**

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