
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 (S.I. 2005/42), the Licensing Act 2003 (Licensing authority's register) (Other information) Regulations 2005 (S.I. 2005/43) and the Licensing Act 2003 (Fees) Regulations 2005 (S.I. 2005/79).

The purpose of the amendments is to prescribe the forms, advertising requirements, fees and content of a licensing authority's register in relation to minor variations of premises licences and club premises certificates under the Licensing Act 2003 (c. 17), and to prescribe the forms etc. and fees in relation to applications from community premises for inclusion of alternative mandatory conditions in their licences as regards the supervision of alcohol sales.

The minor variations process was introduced into the 2003 Act by the Legislative Reform (Minor Variations to Premises Licences and Club Premises Certificates) Order 2009 (S.I. 2009/1772). The purpose of the process is to enable premises licences and club premises certificates to be varied by means of a less costly and less time-consuming procedure where the variations proposed could not have any adverse effect upon the promotion of any of the four licensing objectives set out in section 4 of the 2003 Act (the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm).

The availability of alternative mandatory licence conditions for community premises was introduced into the Act by the Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls &c.) Order 2009 (S.I. 2009/1724). The alternative conditions omit the requirement for a designated premises supervisor, and instead require that the management committee of the community premises be responsible for the supervision of alcohol sales from those premises.

The application form for the inclusion of the alternative licence condition is set out in a new Schedule 4A to the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 ("the 2005 Regulations").

The application form for the minor variations process is set out in a new Schedule 4B to the 2005 Regulations. Those Regulations are also amended so as to remove the requirement that relevant representations from responsible authorities (as defined in sections 13(4) and 69(4) of the 2003 Act) in response to minor variation applications must be in writing, and to exclude the general time limits for representations in relation to such applications. (The relevant time limits for minor variations are contained in the 2003 Act as amended).

The advertising requirements for minor variation applications are set out in a new regulation 26A inserted into the 2005 Regulations. The applicant is required to display a white A4-sized notice at the premises containing the information set out in regulation 26A(2)(b) for a period of ten working days following the day on which the application is given to the relevant licensing authority.

The Licensing Act 2003 (Licensing authority's register)(other information) Regulations 2005 are amended so as to require details of proposed minor variations to be included in a licensing authority's register maintained pursuant to section 8 of the 2003 Act.

The Licensing Act 2003 (Fees) Regulations 2005 are amended to introduce an application fee in respect of minor variations of premises licences and club premises certificates: the fee is set at £89 in each case. Those Regulations are also amended to introduce a fee of £23 in respect of an application to vary a premises licence to include the alternative licence condition, where the only variation sought in the application is to include that condition. There is no change in the fee payable where an

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application to include the alternative licence condition is included in an application for a premises licence, or as part of an application to vary such a licence in which other variations are sought.

An Impact Assessment has been prepared in respect of the Legislative Reform Orders cited above, which includes the impact of these Regulations.