

2012 No. 955

LICENCES AND LICENSING

The Licensing Act 2003 (Premises licences and club premises certificates) (Amendment) Regulations 2012

<i>Made</i> - - - -	<i>24th March 2012</i>
<i>Laid before Parliament</i>	<i>30th March 2012</i>
<i>Coming into force</i> - -	<i>25th April 2012</i>

The Secretary of State, in exercise of the powers conferred by sections 17(5)(aa), 30(2), 34(5), 41A(4), 51(3), 53A(3), 54, 71(6)(aa), 84(4), 86A(4), 87(3), 91, 167(4) and 193(a) of the Licensing Act 2003(b), makes the following Regulations.

Citation and commencement

1. These Regulations may be cited as the Licensing Act 2003 (Premises licences and club premises certificates) (Amendment) Regulations 2012 and come into force on 25th April 2012.

Premises licences and club premises certificates: amendment to advertising and other requirements

2. The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005(c) are amended in accordance with regulations 3 to 11.

Interpretation

3. In regulation 2(1), in the definition of “representations”, for “an interested party or a responsible authority” substitute “a responsible authority or any other person”.

Representations

4. In regulation 22(1) for “An interested party or a responsible authority” substitute “A responsible authority or any other person”.

Advertisement of applications: applicant

5. Before regulation 25, for the heading substitute—

(a) See the definition of “regulations”.
(b) 2003 c.17. Section 17(5)(aa) was inserted by section 105(1) and 3(b) of the Police Reform and Social Responsibility Act 2011 (c. 13). Section 71(6)(aa) was inserted by section 107(1) and 3(b) of the Police Reform and Social Responsibility Act 2011.
(c) S.I. 2005/42 as amended by S.I. 2009/1809, S.I. 2009/2999, S.I. 2009/3159 and S.I. 2010/2851.

“Advertisement of applications by applicant”.

6. In regulation 26(4)(d) for “an interested party or responsible authority” substitute “a responsible authority or any other person”.

7. In regulation 26A(2)(b)(vii) for “an interested party” substitute “a person”.

Advertisement of applications: licensing authority

8. After regulation 26A, insert—

“Advertisement of applications by licensing authority

26B. In the case of an application for a premises licence under section 17, for a provisional statement under section 29, to vary a premises licence under section 34 (except where the only variation sought is the inclusion of the alternative licence condition), for a club premises certificate under section 71 or to vary a club premises certificate under section 84, the relevant licensing authority shall advertise the application—

- (a) for a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the relevant licensing authority;
- (b) by publication of a notice on its website containing the information set out in regulation 26C.

26C.—(1) In the case of an application for a premises licence or a club premises certificate, the notice referred to in regulation 26B shall contain a statement of the relevant licensable activities or relevant qualifying club activities as the case may require which it is proposed will be carried on on or from the premises.

(2) In the case of an application for a provisional statement, the notice referred to in regulation 26B—

- (a) shall state that representations are restricted after the issue of a provisional statement; and
- (b) where known, may state the relevant licensable activities which it is proposed will be carried on on or from the premises.

(3) In the case of an application to vary a premises licence or a club premises certificate, the notice referred to in regulation 26B shall briefly describe the proposed variation.

(4) In all cases, the notice referred to in regulation 26B shall state—

- (a) the name of the applicant or club;
- (b) the postal address of the premises or club premises, if any, or if there is no postal address for the premises a description of those premises sufficient to enable the location and extent of the premises or club premises to be identified;
- (c) the postal address and, where applicable, the worldwide web address where the register of the relevant licensing authority is kept and where and when the record of the application may be inspected;
- (d) the date by which a responsible authority or any other person may make representations to the relevant licensing authority;
- (e) that representations must be made in writing; and
- (f) that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence.”.

Review of premises licence: representations

9. In regulations 37(b) and 39(b) for “interested parties and responsible authorities” substitute “responsible authorities and any other persons”.

Transfer of premises licence: form

10. For the form in Schedule 6 substitute the form in Schedule 1 to these Regulations.

Review of premises licence or club premises certificate: form

11. For the form in Schedule 8 substitute the form in Schedule 2 to these Regulations.

Home Office
24th March 2012

Lord Henley
Minister of State

SCHEDULE 1

Regulation 10

Application to transfer premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We
(Insert name of applicant)

apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	

Post town	Post code
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Telephone number at premises (if any)
--

Please give a brief description of the premises

Name of current premises licence holder

Part 2 - Applicant details

In what capacity are you applying for the premises licence to be transferred to you?

- Please tick yes
- a) an individual or individuals* please complete section (A)
- b) a person other than an individual *
- i. as a limited company please complete section (B)
- ii. as a partnership please complete section (B)
- iii. as an unincorporated association or please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in respect of an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post code

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post code

Daytime contact telephone number

**E-mail address
(optional)**

--

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3

Please tick yes

Are you the holder of the premises licence under an interim authority notice?

Do you wish the transfer to have immediate effect?

If not when would you like the transfer to take effect?

Day Month Year

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Please tick yes

I have enclosed the consent form signed by the existing premises licence holder

If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?

Please tick yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)

Please tick yes

I have enclosed the premises licence

If you have not enclosed premises licence referred to above please give the reasons why not.

- I have made or enclosed payment of the fee
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
- I have enclosed the premises licence or relevant part of it or explanation
- I have sent a copy of this application to the chief officer of police today
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE , UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 2)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 3). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

.....

Capacity

.....

For joint applicants signature of second applicant, second applicant's solicitor or other authorised agent (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

.....

Capacity

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

Notes for Guidance

1. Describe the premises. For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.

SCHEDULE 2

Regulation 11

[Insert name and address of relevant licensing authority and its reference number (optional)]

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I
(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Post town	Post code (if known)

Name of premises licence holder or club holding club premises certificate (if known)

Number of premises licence or club premises certificate (if known)

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates
(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
 - 2) public safety
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 2)

Please provide as much information as possible to support the application (please read guidance note 3)

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

.....

Capacity

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

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 2005 Regulations”) to give effect to certain amendments made to the Licensing Act 2003 (“the 2003 Act”) by the Police Reform and Social Responsibility Act 2011. The category of “interested party” is removed from the 2003 Act to enable any person to participate in the various processes set out in that Act, regardless of their physical proximity to the premises concerned. Moreover, the Secretary of State must by regulations require licensing authorities to advertise certain applications in a prescribed form and in a prescribed manner which is likely to bring the application to the attention of persons likely to be affected by it.

These Regulations prescribe new requirements in relation to the applications, notices and representations given or made under Parts 3 and 4 of the 2003 Act.

Regulations 3, 4, 6, 7 and 9 amend regulations 2, 22, 26, 26A, 37 and 39 of the 2005 Regulations so as to replace references in them to interested parties with references to any person.

Regulation 5 amends the heading to regulation 25 of the 2005 regulations so as to clarify the subject to which this provision relates.

Regulation 8 inserts new regulations 26B and 26C into the 2005 Regulations. Regulation 26B sets out the requirement on a licensing authority to advertise an application for the grant or variation of a licence or certificate, or the application for a provisional statement. The licensing authority must advertise the application for the period of 28 days starting on the day after the day on which it receives the application, and it must publish a notice on its website containing the information set out in regulation 26C. Under regulation 26C, that information depends on the type of application being made but, in all cases, must include the applicant’s name, certain addresses, the date by which persons can make representations and the manner in which such representations should be made.

Under regulations 10 and 11, the forms prescribed in Schedules 1 and 2 to these Regulations replace the forms prescribed respectively in Schedules 6 and 8 to the 2005 Regulations. Regulation 10 has the effect of removing a minor error in the preceding version of the form. Regulation 11 has the effect of removing a reference to an interested party from the preceding version of the form.

An impact assessment has not been produced for this instrument as no impact on businesses, charities, voluntary bodies or the public sector is foreseen.

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STATUTORY INSTRUMENTS

2012 No. 955

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