

# **POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011**

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## **EXPLANATORY NOTES**

### **OVERVIEW**

#### **Part 2 – Licensing**

#### **Amendments of the Licensing Act 2003**

#### ***Section 109: Reducing the burden: premises licences***

319. The Licensing Act 2003 imposes a general duty on licensing authorities to exercise their licensing functions with a view to promoting the licensing objectives; the objectives are the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. A number of specific processes require licensing authorities to take steps which are “necessary” for the promotion of the objectives. This requirement is imposed on licensing authorities by a range of provisions in the Act; this primarily arises when licensing authorities are considering whether to grant or refuse an authorisation in relation to which relevant representations or objections have been made.
320. **Sections 109 to 111** amend those provisions by instead requiring licensing authorities to take steps which are “appropriate” for the promotion of the objectives. This has the effect of reducing the threshold which licensing authorities must meet to achieve the promotion of the objectives, but ensures that their decisions continue to be solely for the purpose of promoting the objectives. These sections introduce this amendment into provisions according to whether these relate to premises licences (Part 3 of the Act), club premises certificates (Part 4) or various discrete processes, for example in relation to temporary event notices or applications for personal licences.
321. **Section 109**, at *subsections (2) to (14)*, amends a number of provisions in the Licensing Act 2003 that relate to premises licences to reflect the introduction of this measure. The basis on which a licensing authority makes decisions in a range of processes relating to premises licences is correspondingly modified. These are the processes governing applications for the:
- a. grant or variation of a licence following relevant representations,
  - b. imposition of conditions on licences which authorise the performance of plays at a premises to promote public safety,
  - c. removal of the requirement to have a designated premises supervisor in relation to a community premises following a police objection,
  - d. grant of a provisional statement following relevant representations,
  - e. variation of a licence to specify an individual as a designated premises supervisor following a police objection,

*These notes refer to the Police Reform and Social Responsibility Act 2011 (c.13) which received Royal Assent on 15 September 2011*

- f. minor variation of a licence following representations,
  - g. transfer of a licence following a police objection,
  - h. review of a licence, and
  - i. summary review of a licence (in relation to whether interim steps should be taken and what steps to take following the review determination). This amendment also relates to a licensing authority's decision to cancel an interim authority notice following police objections.
322. *Subsections (15) and (16)* make provision for the application of these amendments.