Draft Order laid before Parliament under section 14(1) of the Legislative and Regulatory Reform Act 2006; draft to lie for forty days, pursuant to section 16(3) of that Act, during which period either House of Parliament may resolve that the Order not be made; or, during the first thirty days a committee of either House may recommend that the Order not be made, which recommendation may be rejected by resolution of that House in the same Session.

DRAFT STATUTORY INSTRUMENTS

2009 No.

LICENSES AND LICENSING
REGULATORY REFORM

The Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls &c.) Order 2009

Made - - - - 2009

Coming into force in accordance with article 1(1)

The Secretary of State for Culture, Media and Sport makes the following Order in exercise of the powers conferred by section 1 of the Legislative and Regulatory Reform Act 2006(**1**) ("the Act").

He considers that the conditions referred to in section 3(2) of the Act are, where relevant, satisfied in relation to each provision made in the Order.

He has consulted in accordance with section 13(1) of the Act.

He laid a draft of the Order and an explanatory document before Parliament in accordance with section 14(1) of the Act.

Pursuant to section 15 of the Act, the negative resolution procedure (within the meaning of Part 1 of the Act) applies in relation to the Order.

Neither House of Parliament resolved, within the 40-day period referred to in section 16(3) of the Act, that he should not make the Order.

Citation, commencement and extent

1.—(1) This Order may be cited as the Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls &c.) Order 2009 and comes into force on the twenty-first day after the day on which it is made.

(2) This Order extends to England and Wales only.

(**1**) 2006 c. 51; section 1(6) was amended by S.I. 2007/1388.

Amendment of the Licensing Act 2003

2. The Licensing Act 2003(**2**) is amended as set out in articles 3 to 6.

Application for licence in respect of community premises: supervision of alcohol sales

3. After section 25 insert—

"**Grant of premises licence: supply of alcohol from community premises**

25A.—(1) Where a management committee of community premises makes an application under section 17 for a premises licence authorising the supply of alcohol, the application may include an application for the alternative licence condition to be included in the licence instead of the conditions in section 19(2) and (3).

(2) In this section "the alternative licence condition" is the condition that every supply of alcohol under the premises licence must be made or authorised by the management committee.

(3) In a case where an application under section 17 includes an application under subsection (1), sections 17 to 19 are modified as follows.

(4) Section 17 has effect as if subsections (3)(c) and (4)(e) were omitted.

(5) Section 18 has effect as if—

(a) subsection (4)(c) were omitted;

(b) in subsection (6)(c), the reference to the identity of the person named in the application as the proposed premises supervisor were to the inclusion of the alternative licence condition;

(c) in subsection (9)(b), the reference to the designation of the person concerned as the premises supervisor under the premises licence were to the inclusion of the alternative licence condition.

(6) Section 19 has effect as if at the end there were inserted—

"(4) But where—

(a) the relevant licensing 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, and

(b) if any representations are made pursuant to section 18(6)(c), the authority does not consider the inclusion of the conditions in subsections (2) and (3) to be necessary to promote the crime prevention objective,

the licence must not include the conditions in subsections (2) and (3) but must include the alternative licence condition referred to in section 25A(2) instead."."

Variation of licence in respect of community premises: supervision of alcohol sales

4. After section 41C insert—

"**Variation of premises licence: supply of alcohol from community premises**

41D.—(1) Where a management committee which holds a premises licence in respect of community premises makes an application under section 34 for variation of the licence

(**2**) 2003 c. 17. The Licensing Act 2003 is further amended by the Legislative Reform (Minor Variations to Premises Licences and Club Premises Certificates) Order 2009 (S.I. 2009/ ... ...) which, inter alia, inserts sections 41A to 41C and 86A to 86C into that Act.

so as to authorise the supply of alcohol, the application may include an application for the alternative licence condition to be included in the licence instead of the conditions in section 19(2) and (3).

(2) A management committee which holds a premises licence in respect of community premises which includes the conditions in section 19(2) and (3) may make an application under section 34 for (or which includes an application for) variation of the licence to include the alternative licence condition instead of those conditions.

(3) In this section "the alternative licence condition" is the condition that every supply of alcohol under the premises licence must be made or authorised by the management committee.

(4) In a case where an application under section 34 includes an application under subsection (1), or is made pursuant to subsection (2), section 19 (as it applies by virtue of section 35(7)) and section 35 are modified as follows.

(5) Section 19 has effect as if at the end there were inserted—

"(4) But where—

(a) the relevant licensing 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, and

(b) if any representations are made pursuant to section 35(5)(aa), the authority does not consider the inclusion of the conditions in subsections (2) and (3) to be necessary to promote the crime prevention objective,

the licence must not include the conditions in subsections (2) and (3) but must include the alternative licence condition referred to in section 41D(3) instead.".

(6) Section 35 has effect as if—

(a) after subsection (5)(a) there were inserted—

"(aa) if they relate to the inclusion of the alternative licence condition referred to in section 41D(3)—

(i) were made by the chief officer of police for a police area in which the premises are situated, and

(ii) include a statement that, due to the exceptional circumstances of the case, he is satisfied that including the alternative licence condition instead of the conditions in section 19(2) and (3) would undermine the crime prevention objective, and", and

(b) in subsection (6)—

(i) in paragraph (a) "by an interested party or responsible authority" were omitted, and

(ii) paragraph (c) were omitted."

Review of licence in respect of community premises: supervision of alcohol sales

5. After section 52 insert—

"**Review: supply of alcohol from community premises**

52A.—(1) In a case where an application is made under section 51 for review of a premises licence which—

(a) is held by a management committee in respect of community premises, and