

Mandatory licensing conditions relating to alcohol

213. Section 32 introduces Schedule 4 which makes provision about mandatory licensing conditions relating to alcohol.

214. Schedule 4 amends the Licensing Act 2003 to create an enabling power that allows the Secretary of State to set out (in secondary legislation) no more than nine mandatory licence conditions relating to the supply of alcohol for all new and existing premises licences and for all new and existing club premises certificates respectively (or for those premises licences or club premises certificates of a particular description);

215. All conditions must be made in accordance with the four licensing objectives set out in the Licensing Act 2003. These are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

216. Paragraph 1 amends the Licensing Act 2003 so that where premises are licensed to sell alcohol, their licence is subject to the mandatory conditions specified in an order made by the Secretary of State.

217. Paragraph 2 amends the Licensing Act 2003 to allow the Secretary of State, in secondary legislation, to specify up to nine mandatory licensing conditions that could apply to all current or future premises licences. Each mandatory condition takes precedence over any existing licensing conditions to the extent the mandatory conditions are identical or inconsistent and more onerous.

218. Paragraphs 3 and 4 are equivalent to paragraphs 1 and 2 respectively, except that they relate to club premises certificates rather than to premises licences (the list of conditions in respect of club premises certificates could be different to that for premises licences). These certificates relate to members' clubs rather than nightclubs.

219. These powers extend to England and Wales.

220. There are further minor and consequential amendments to the Licensing Act 2003 set out in Schedule 7.

Schedule 4 (which makes provision about mandatory licensing conditions relating to alcohol) has effect.

33 Individual members of licensing authorities to be interested parties

221. Section 33 amends sections 13 and 69 of the Licensing Act 2003 to allow members of a licensing authority to act as interested parties. This allows members of licensing authorities to make representations to object to licence applications or to call for a licensing review, powers which under the Licensing Act 2003 are only exercisable by interested parties or responsible authorities.

(1) In section 13(3) of the Licensing Act 2003 (meaning of “interested party”: premises licences) after paragraph (d) insert—

“(e) a member of the relevant licensing authority.”

(2) In section 69(3) of that Act (meaning of “interested party”: club premises certificates) after paragraph (d) insert—

“(e) a member of the relevant licensing authority.”