

REPORT OF THE EXECUTIVE DIRECTOR OF CITY SERVICES

LICENSING COMMITTEE – 31 OCTOBER 2011

AMENDMENTS TO THE LICENSING ACT 2003 CONTAINED IN THE POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011

1.0 PURPOSE OF REPORT

- 1.1 To advise the Committee of amendments to the Licensing Act 2003 contained in the Police Reform and Social Responsibility Act 2011.

2.0 DESCRIPTION OF DECISION

- 2.1 The Committee is requested to note the contents of this report.

3.0 INTRODUCTION/BACKGROUND

- 3.1 On 15 September 2011 the Police Reform and Social Responsibility Act 2011 ('the Act') received Royal Assent. Part 2 of the Act contains amendments to the Licensing Act 2003. These amendments will not come into force until such time as a commencement order is issued by the Government. It is anticipated that the Government will bring these amendments into effect in two stages; probably in April and October 2012.

4.0 CURRENT POSITION

- 4.1 A summary of the amendments to the Licensing Act is set out below.

4.2 RESPONSIBLE AUTHORITIES

The Council, as the Licensing Authority, will become a 'responsible authority' so enabling it to make relevant representations and refer a licence application to a Licensing Sub-Committee, as opposed to granting it automatically, without the need to receive any other representations. Primary Care Trusts will also become 'responsible authorities'.

4.3 REMOVING THE VICINITY TEST

At present, the opportunity to make representations about prospective licences and requests for reviews of existing licences is restricted to 'responsible authorities' and 'interested parties'. Interested parties are required to live or conduct business 'in the vicinity' of the premises in question. The Act removes the vicinity requirement, and representations will be allowed to be made by any person, irrespective of their location. Additionally, the Act will require the Council to advertise applications including reviews in order to bring them to the attention of persons who live, or are involved in a business, in the Council's area and who are likely to be affected by an application.

4.4 REDUCING THE EVIDENTIAL BURDEN ON LICENSING AUTHORITIES

At present, a Licensing Sub Committee of the Council may refuse an application for a licence where it considers it **'necessary'** for the promotion of the licensing objectives. These are:

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

An amendment made by the Act will allow licensing authorities to refuse an application where they consider it **'appropriate'** for the promotion of the licensing objectives.

4.5 TEMPORARY EVENT NOTICES

The Act will extend the ability to object to temporary event notices (which allow the temporary use of premises for licensed purposes) to Council Environmental Health departments. It will also extend the possible reasons for such objections to encompass all of the licensing objectives (therefore allowing potential noise nuisance to be considered) as opposed, merely as at present, to the prevention of crime and disorder. Licensing authorities will be enabled to impose conditions on temporary event notices in specified circumstances. The Act will also allow temporary event notices to authorise licensable activities such as the sale of alcohol for up to seven days as opposed to the current four day limit. Another amendment allows temporary event notices to be given no later than five working days before an event as opposed to the current ten day limit.

4.6 UNDERAGE SALES

The Act will increase the maximum fine for premises which persistently sell alcohol to persons under eighteen years of age from £10,000 to £20,000. It will also increase the maximum period of any suspension imposed on such premises by means of a closure notice from two days to fourteen days.

4.7 EARLY MORNING ALCOHOL RESTRICTION ORDERS

The Act will allow Councils to prevent the sale of alcohol from licensed premises in specified areas for periods of any duration between midnight and 6am through the making of 'early morning alcohol restriction orders'. Before any such order can be made, the proposal to do so must be advertised and a hearing held if there are any relevant representations received.

4.8 SUSPENSION OF LICENCES FOR FAILURE TO PAY ANNUAL FEES

The Act will allow Councils to suspend a premises licence or club premises certificate for non-payment of an annual fee.

4.9 LICENSING POLICY STATEMENTS

The Act will require Statements of Licensing Policy to be reviewed every five years rather than every three years as at present.

4.10 LATE NIGHT LEVY

The Act will enable Councils to introduce a levy which will be payable by premises which supply alcohol for a period of any duration between midnight and 6am, although some premises may benefit from an exemption or discount. The levy may pay for policing and other arrangements for the reduction of crime and disorder. At least 70% of the funds generated by the levy must be paid to the local policing body.

5.0 REASONS FOR THE DECISION

- 5.1 To advise the Committee of the amendments to the Licensing Act 2003 contained in the Police Reform and Social Responsibility Act 2011.

6.0 ALTERNATIVE OPTIONS

- 6.1 None.

7.0 RELEVANT CONSIDERATIONS

- 7.1 None.

8.0 GLOSSARY

- 8.1 None.

9.0 LIST OF APPENDICIES

- 9.1 None.

10.0 BACKGROUND PAPERS

- 10.1 Police Reform and Social Responsibility Act 2011.
- 10.2 Licensing Act 2003