

## LICENSING COMMITTEE

4 OCTOBER 2011

### REPORT OF HEAD OF REGULATORY SERVICES

#### POLICE CRIME AND SOCIAL RESPONSIBILITY ACT

##### 1.0 PURPOSE OF REPORT

1.1 To inform members of amendments to the Licensing Act 2003 made by the Police, Crime and Social Responsibility Act, which received Royal Assent on 15 September 2011.

##### 2.0 RECOMMENDATIONS

2.1 **To note these changes which may affect decisions when considering applications or reviews under Licensing Act 2003 and the future implementation of the Licensing Act 2003.**

##### 3.0 KEY ISSUES

3.1 The Police Reform and Social Responsibility Act has the effect of major changes to Licensing Act 2003 and was introduced following the coalition government's document entitled 'Rebalancing the Licensing Act 2003'. This Act has introduced a number of matters in relation to Licensing these are:

- **Responsible Authorities** – Under the Section 13 Licensing Act 2003 there are 5 RAs Police, Trading Standards, Child Protection, Planning, Environmental Health and Fire Authority. This is amended to include the Licensing Authority and Health Authority.
- **Interested Parties** – This term, under section 13(3) of the Act, relates to people who are affected by licensing activity and able to make representations or reviews, is to be removed and replaced with the term '**other persons**'. This effectively takes away the need for anyone wishing to make representations or reviews to actually live in the vicinity. The Licensing Officer will, however, have the power to determine that representations are vexatious or frivolous, which may prove to be useful tool.
- **'Reducing the Burden'** - This is a single word change. Wherever, in the Act, the word 'necessary' appears it is to be replaced with the word 'appropriate'. This is to reduce the evidential burden on Responsible Authorities who may have been forced to prove that actions, or conditions proposed, were necessary rather than appropriate.
- **Temporary Event Notices** - Environmental Health will be able to object and the grounds for objection have been extended from Prevention of Crime and Disorder to include Prevention of Public Nuisance, Public Safety and Prevention of Children from Harm. Objections and comments will trigger a hearing unless agreement is achieved. If the TEN is submitted for a premises or club already licensed the existing conditions will apply. Timescales for these notices have also been altered and 'late notices' will now be allowed but objections to these will trigger a counter notice with no hearing or appeal.
- **Persistent Sales** – Fines will be increased and closure notices by Police have been extended.
- **Early Morning Orders** – The Crime and Security Act 2010 introduced these orders and this new Act has extended them to take effect from midnight to 6 am. They restrict the sale or supply of alcohol during selected times and periods and

for any part of their area.. The power to make such an order must be made by Full Council and only after full consultation.

- **Annual Fee** – Any licence will now be able to be suspended if the fee is not paid during a prescribed period.
- **Licensing Policies** - The period of time for review and republication of the statement of licensing policy is extended from three years to five years.
- **Personal Licences** – The range of 'relevant offences' has been extended.
- **Late Night Levy** – Introduction of a Late Night Levy', which will apply to off and on sales. Licensing Authorities will be able to decide when this levy will apply between midnight and 6am. There is debate as to the distribution of this levy, if applied, but will be shared between Local Authority and Police.

3.2 It is not known when the Licensing provisions of this Act will come into force but it is widely anticipated that it will be early 2012.

#### 4.0 **POLICY AND CORPORATE IMPLICATIONS**

The period for review of the Council's Statement of Licensing Policy changes from three to five years.

#### 5.0 **FINANCIAL AND OTHER RESOURCE IMPLICATIONS**

5.1 These measures have implications for resources. It is anticipated that the extra burden on the Licensing Section will be significant, mitigated to a very small degree by the extension from three to five years for the review of the Statement of Licensing Policy, and the possible extra income if the Late Night Levy is applied. However it must be noted that it is anticipated that the split for this levy will be in the region of 30%/70% in favour of Police. The main administrative burden will be in regard to Temporary Event Notices.

#### 6.0 **LEGAL IMPLICATIONS/POWERS**

6.1 These matters may affect decisions made under Licensing Act 2003 in relation to temporary event notices, applications, variations or reviews.

#### 7.0 **COMMUNITY SAFETY**

7.1 There are no significant matters relating to Community Safety at this stage.

#### 8.0 **EQUALITIES**

8.1 There are no matters relating to equalities.

#### 9.0 **RISKS**

9.1 There are no risks identified in connection with these matters.

#### 10.0 **CLIMATE CHANGE**

10.1 There are no matters relating to climate change.

#### 11.0 **CONSULTATION**

11.1 No consultation required.

12.0 **WARDS AFFECTED**

12.1 All wards.

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Appendices : None.