

DEPARTMENT OF ENVIRONMENT HOUSING AND NEIGHBOURHOODS

ORIGINATING SECTION : PUBLIC PROTECTION SERVICE

REPORT TO : LICENSING COMMITTEE

03.02.10

TITLE : UPDATE ON THE POLICE REFORM AND SOCIAL RESPONSIBILITY BILL

1. PURPOSE

To inform Members of proposed changes to the Licensing Act 2003 with the proposed implementation of the Police Reform and Social Responsibility Bill

2. RECOMMENDATIONS

That Members note the report

3. KEY ISSUES

The Police Reform and Social Responsibility Bill is currently being debated in Parliament, it had its second reading in the House of Commons on 13th December 2010.

The bill includes a provision to overhaul the Licensing Act to give more powers to Local Authorities and the police to tackle any premises that are causing problems, doubling the maximum fine for persistent underage sales and permitting local authorities to charge more for late night licences which will contribute towards the cost of policing the late night economy.

Part 2 of the Bill deals with the reform of the Licensing Act and includes proposed amendments to the Licensing Act 2003 with the following effects:-

Responsible Authorities

Licensing Authorities and Primary Care Trusts (and Local Health Boards in Wales) will become responsible authorities under the Act.

Representations / Requests for Review

Representations and requests for review will not be restricted to "interested parties" and responsible authorities. The vicinity requirement will be removed and representations will be allowed by responsible authorities or "other persons"

Advertising

Applications will have to be advertised in ' manner which is prescribed and is likely to bring the attention of the persons who are likely to be affected

by it'.

Promotion of the Licensing Objectives

The necessary test in relation to the licensing objectives will refer to the licensing authority taking such steps as are appropriate to promote the licensing objectives

Temporary Event Notices

Gives the environmental health service the ability to object to a temporary event notice. All objections (police and local authority) will be able to be made on the basis of the licensing objectives in the Licensing Act 2003.

Licensing authorities will be able to impose conditions on a temporary event notice in limited circumstances.

Provisions will also enable premises users, in any calendar year, to hold a single event for up to 7 days, use a single premises for up to 21 days and give a limited number of temporary events notices later than the existing process limits

Underage Sales

Provision for doubling the maximum fine for premises which persistently sell alcohol to under 18s and increasing the period of suspensions which can be imposed on such premises

Early Morning Restriction Orders

This will give local authorities greater flexibility in making early morning restriction orders; they will be able to make such orders for the whole, or part of their areas for a period of any duration between midnight and 6am, and will be able to impose different restrictions on different days.

Non payment of Annual fee

Gives Licensing authorities the power to suspend a premises licence or club premises certificate for non-payment of an annual fee.

Late night Levy

Licensing authorities will be able to introduce a levy in their areas which will be payable by premises which supply alcohol as part of the late night economy. Licensing authorities will be able to impose the levy on such premises for a period of any duration between midnight and 6am, although some premises may benefit from an exemption or discount. At least 70% of the funds generated by the levy will be paid to the police and crime commissioner and it is intended to also pay such funds to bodies which operate measures to address the effects of alcohol related crime and disorder.

Licensing Policy Statements

Policies will have to be reviewed every 5 years rather than every 3 years

Personal Licences – Relevant Offences

New offences will include

Road Traffic Act 1988, Section 6(6) (failing to co-operate with a preliminary test)

An offence under section 1 of the Criminal Attempts Act 1981 of attempting to commit an offence that is a relevant offence

An offence under section 1 of the Criminal Law Act 1977 of conspiracy to commit an offence that is a relevant offence

The offence at common law of conspiracy to defraud

5 year review of amendments

Provisions also impose a requirement on the Secretary of State to review the impact of all the amendments introduced by Part 2 into the regulatory regime under the licensing Act 2003 after a period of 5 years following their coming into force.

4. RATIONALE

The move to rebalance the Licensing Act by supporting licensing authorities to action locally has been welcomed by the 'The Local Government Group'

Licensing Premises to sell alcohol is only one of several factors that effect how people consume alcohol, there have been many debates about increasing the cost of alcohol, but nothing has been included on the face of the bill about the below cost price sales of alcohol. However the Home office has committed to taking forward proposals to implement the ban on sales below cost without delay, via alternative means.

Alcohol Concern – welcomes the move to make health bodies a responsible authority and the introduction of late night levy's. With the omission of the 5th Licensing objective for public health it remains unclear what impact representations from the health authority will have on licensing decisions.

5. POLICY IMPLICATIONS

The Statement of Licensing Policy may have to be reviewed in light of the pending legislative changes

6. FINANCIAL IMPLICATIONS

The cost of implementing any legislative changes will be borne by the licensing revenue budgets

7. LEGAL IMPLICATIONS

There are no key dates as yet.

There are no legal implications of implementing the legislation, provided the correct procedures are followed

8. RESOURCE IMPLICATIONS

None

9. CONSULTATIONS

Not applicable.

10 . CONTACT OFFICER

Donna Riding – Principal Licensing Officer
Telephone 01254 222505