

Committee: Licensing Committee

Date: 11 January 2011

Agenda item: 5

Wards: All

Subject: The Police Reform & Social Responsibility Bill

Lead officer: Ian Murrell, Service Manager EH, TS & Licensing

Lead member: Cllr Martin Whelton, Cabinet Member for Community & Culture

Forward Plan reference number: n/a

Contact officer: Alan Powell, Principal Licensing Officer

Recommendations:

- A. The Licensing Committee note the forthcoming proposed amendments to the Licensing Act 2003 contained within The Police Reform & Social Responsibilities Bill 2010
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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. The Licensing Committee note proposed changes contained within the Police Reform and Social Responsibility Bill 2010 that will affect the future implementation of the Licensing Act 2003

2 DETAILS

- 2.1. The Police Reform and Social Responsibility Bill was placed before parliament on 30 November 2010. At this time no discussion took place, it merely notified Members of its content.
- 2.2. The second reading of the Bill was on 13 December 2010 and the House of Commons voted for the Bill to be sent to a Public Bill Committee that will scrutinise the Bill clause by clause.
- 2.3. The third reading has yet to be announced – however it is unlikely that the final Bill will become law in whatever amended form is decided until later on this year.
- 2.4. Part 2 of the Bill deals with the reform of the Licensing Act and includes proposed amendments to the Licensing Act 2003 as follows:
- RESPONSIBLE AUTHORITIES
Licensing authorities and Primary Care Trusts (and Local Health Boards in Wales) to be responsible authorities under the Act.
 - REPRESENTATIONS / REQUESTS FOR REVIEW

Representations and requests for review will not be restricted to interested parties and responsible authorities, as is currently the case. 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 a manner which is prescribed and is likely to bring the application to 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 now refer to the licensing authority taking such steps as are appropriate to promote the licensing objectives.

- **TEMPORARY EVENT NOTICES**

Gives local authorities exercising environmental health functions 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 all 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 under a temporary event notice for up to seven days (currently 3 days), use a single premises for up to 21 days (currently 12 Notices to an aggregate of 15 days) and to give a limited number of temporary event notices later than the existing process permits.

- **UNDERAGE SALES**

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

- **EARLY MORNING RESTRICTION ORDERS**

Gives licensing 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 power to suspend a premises licence or club premises certificate for non-payment of an annual fee (currently there is no sanction other than non payment becoming a civil debt).

- **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 a 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 effect of alcohol related crime and disorder.

- **LICENSING POLICY STATEMENTS**

Policies will have to be reviewed every 5 years rather than every 3 years (currently).

- **PERSONAL LICENCES RELEVANT OFFENCES**

New offences now included: 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 five years following their coming into force.

3 ALTERNATIVE OPTIONS

3.1. None for the purposes of this report

4 CONSULTATION UNDERTAKEN OR PROPOSED

4.1. None for the purposes of this report

5 TIMETABLE

30 November 2010 - First reading of Bill

13 December 2010 - Second reading– Bill sent to a Public Bill Committee for scrutiny

No further information at this stage on when the Bill will reach the House for final approval

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

6.1. None for the purposes of this report

7 LEGAL AND STATUTORY IMPLICATIONS

7.1. None for the purposes of this report at this time.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

8.1. These are statutory functions and are applied globally. An equalities impact assessment of the attached policy and other related functions of the Service are undertaken on a regular basis.

9 CRIME AND DISORDER IMPLICATIONS

9.1. None for the purposes of this report

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1. None for the purposes of this report.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

None

12 BACKGROUND PAPERS

12.1. The following documents have been relied upon in compiling this report and the policy but do not form part of this report

- The Licensing Act 2003 (As amended) & Guidance to the Act
- The Police Reform & Social Responsibilities Bill 2010