

POLICE REFORM & SOCIAL RESPONSIBILITY ACT 2011 – CHANGES TO LICENSING

Committee	Licensing Committee
Officer Contact	Stephanie Waterford x7232
Papers with report	None
Ward(s) affected	All

SUMMARY

To update the Committee on the forthcoming changes to Licensing legislation.

RECOMMENDATION

That the committee note the information

INFORMATION

At the last Committee meeting in January 2012, Members received an in depth report about the changes to Licensing contained within the Police Reform & Social Responsibility Act 2011.

Officers are now writing to provide a further update on when the changes are going to be implemented;

25th April 2012 –

- Licensing Authorities have become Responsible Authorities meaning LBH can raise its own representations and lodge applications for a review .
- Primary Care Trusts and Local Health Boards will also now become Responsible Authorities. This power is proposed to be delegated to the Director of Public Health at the Local Authority once PCT's are disbanded.
- 'Interested Parties' will be abolished. The vicinity test will be removed meaning that any person, living anywhere may object to licence applications.
- "Appropriate" replaces "necessary". Now the Authority will have to be satisfied that decisions are 'appropriate' to uphold the licensing objectives rather than 'necessary'.
- Temporary Event Notices
 - Environmental Health Officers become a statutory consultee for TEN's and may object on grounds of public nuisance.
 - Objections can relate to any Licensing Objective and can be made within 3 working days rather than 2.
 - Conditions can be added where they already exist on a premises licence
 - Two types of notice – Late and Standard
 - Changes to overall limits of event periods; maximum period 7 days; maximum per premises 21 days.

- Greater penalties for persistent sales to children. Increase from £10,000 to £20,000.
- Suspension of licences for failure to pay annual fees. Licences to be suspended after a 21 day grace period and can be reinstated after payment is made.
- Licensing Policy shelf life increased from three years to five years.
- New relevant offences for Personal Licence holders including; Conspiracy to defraud, Conspiracy to commit a relevant offence; Attempting to commit a relevant offence; Failure to co-operate with a breath test.

Other changes including locally set fees, late night levy's and early morning restriction orders are expected to be implemented in October 2012.