

## LEGISLATIVE UPDATE

<b>Committee</b>	Licensing Committee
<b>Officer Contact</b>	Beejal Soni, Legal Services
<b>Papers with report</b>	None
<b>Ward(s) affected</b>	All

### HEADLINE

This report provides an update for Members on recent legislative developments.

### RECOMMENDATION

**That the Committee note the update.**

### SUPPORTING INFORMATION

#### 1. Legislative Reform (Exempt Lotteries) Order 2016

In 2014 the Department for Culture, Media and Sport ran a consultation seeking views from charities and other organisations with an interest in fundraising through exempt lotteries. The proposed changes aimed to deregulate some of the requirements of exempt lotteries and allow charities and other non-commercial organisations to promote lotteries at all types of event and to enable private lotteries to fundraise for charities and other good causes.

Following the consultation, the Legislative Reform (Exempt Lotteries) Order 2016 was finalised and will take effect on the 6th April 2016.

The Order will enable lotteries to be provided as an incidental activity to another promotion, whether or not the main event is commercial or non-commercial. The results of incidental lotteries will no longer be required to be made public whilst the event is taking place and will enable lotteries, such as balloon races, to be used to raise funds for charity.

Private society lotteries will be able to raise funds for any purpose other than for private gain, removing the restriction providing that funds must be used for the purposes of the society alone. A private society includes any group or society whose main purpose is not connected with gambling such as religious groups or sports clubs.

Workplace and residents' lotteries will be allowed to be promoted for a purpose other than for private gain, such as raising funds for charitable purposes.

Some of the detail previously required to be displayed on private lottery tickets will also be removed.

There will still be some limitations as to how lottery promotions can be run although from the 6th April operators will be permitted to use lotteries as a means to raise funds for their chosen good causes.

The Gambling Commission is to review its advice and guidance to ensure that local authorities and promoters are aware of the new requirements once the changes come into force.

## **2. The Policing and Crime Bill**

The Policing and Crime Bill (hereinafter referred to as "the Bill") was introduced on 10 February 2016. Part 7 of the Bill relates to potential changes to the Licensing Act 2003.

In brief, proposed changes include:

- Amending the definition of alcohol to ensure that powdered alcohol and vaporised alcohol fall within the definition.
- Amending the summary review process to allow licensing authorities to keep interim steps in place between the review hearing and the outcome of any appeal. Also amending s.53B to limit the number of times a licensee can make representations against the interim steps before the review hearing.
- Giving licensing authorities the power to revoke or suspend a personal licence when someone is convicted of a relevant offence.
- Adding to the list of relevant offences.
- Removing the requirement to lay the 182 Guidance before Parliament when it is revised. (the guidance will retain its statutory status).

The proposal related to summary reviews is likely to be of interest to Members bearing in mind current arguments as to whether interim steps for summary reviews continue during any appeal period. The proposed amendment to the Licensing Act 2003 (as proposed in the Bill) will require the Licensing Authority to determine at the review hearing what interim steps should be in place pending the outcome of any appeal (or the expiry of the time limit for making an appeal) with licensees and the police being able to appeal the interim steps to a Magistrates' Court.

The Bill has been published on the parliament website:

<http://services.parliament.uk/bills/2015-16/policingandcrime.html>.

It has passed its second reading without amendment and is currently with the Public Bill Committee for consideration.

Further updates on the passage of the Bill will be provided to Members.

### **3. Home Office Crime Prevention Strategy**

The Home Office has released the Modern Crime Prevention Strategy which identifies 6 key drivers of crime, one of which is alcohol. Within the Strategy introduction, it confirms that crime has consistently fallen over the last 20 years. However, whilst traditional crimes such as burglary and street violence have halved, previously hidden crimes like child sexual abuse, rape and domestic violence have become more visible and statistically have increased.

A whole chapter of the Strategy is dedicated to alcohol as a driver of crime but one of the stated objectives of the Strategy is to make the night time economy safe so that people can consume alcohol safely without fear of becoming a victim of alcohol related crime or disorder, thereby enabling local economies to grow.

The chapter on alcohol as a driver of crime contains information that may be of interest to Members.

In brief, the Strategy proposes a three pronged approach to the prevention of alcohol related crime and disorder - improving local intelligence, establishing effective local partnerships and equipping the Police and Local Authorities with the right powers. It also acknowledges that individuals should shoulder their own share of responsibility when it comes to decisions they take about drinking to excess and subsequently committing acts of violence or disorder.

Within the partnership section, it is proposed that a new round of Local Alcohol Action Areas be launched. The importance of Local Authorities to creating safe spaces and diversification of the night time economy is discussed and there is continued support for Pubwatch, Best Bar None, Community Alcohol Partnerships and Purple Flag with a view to building positive behaviour change.

In the increased powers section is a proposal to provide Local Authorities and Police with even more powers over and above the considerable number of options currently available – the Government is to consult on a Group Review Intervention Power (GRIP), which will enable Licensing Authorities to consider licence conditions on a group of premises so as to address problems in a certain area. The Home Office is also looking at powers against individuals with the introduction of sobriety as a Court imposed Community Order to reduce alcohol related re-offending, which may be supported by an electronic monitoring strategy currently being piloted in London which will use GPS technology. If this is successful the indication is that it will be rolled out across the country before the end of the Parliament.

The Modern Crime Prevention Strategy provides a very clear indication of the direction the Government is seeking to adopt with regard to crime and disorder during the course of this Parliament. The Modern Crime Prevention Strategy can be accessed on the URL:  
<https://www.gov.uk/government/publications/modern-crime-prevention-strategy>

#### **Implications on related Council policies**

None at this stage - Officers will follow the progress of the Bill through Parliament and keep Members informed of any implications. The Home Office Crime Prevention Strategy may be referenced in Licensing Sub-Committee decision-making.

**Legal implications**

Legal comments are contained within this report.

**Financial Implications**

None at this stage

**Background Papers / Further Reading Material**

NIL