

PROPOSALS IN THE POLICE REFORM AND SOCIAL RESPONSIBILITY BILL

Committee	Licensing Committee
Officer Contact	Sharon Garner 01895 277230
Papers with report	none
Ward(s) affected	All

SUMMARY

A report to update the Licensing Committee on the progress of the overhaul of the Licensing Act 2003.

RECOMMENDATION

That the Committee note the report.

INFORMATION

The Police Reform and Social Responsibility Bill 2010-2011 is intended to rebalance the Licensing Act 2003 in a number of ways. The following proposals have been read at the House of Commons and are currently waiting to have the second reading at the House of Lords on 27th April 2011. Following the third reading, Royal Assent is expected by mid July 2011 and the provisions of the Act are expected to commence in Spring 2012.

Proposals:

Much stronger powers for Licensing Authorities and the Police

- The Licensing Authority to become a Responsible Authority. This will empower the Licensing Authority to refuse, remove or review premises licences themselves without a representation being made by one of the other Responsible Authorities.
- Reducing the burden of proof on Licensing Authorities when making decisions by requiring that the decisions made are 'appropriate' rather than necessary for promoting the licensing objectives.
- Remove the requirement for interested parties who wish to make representations to be living or working in the 'vicinity' so long as the objection relates to one or more of the licensing objectives.
- Primary Care Trusts to become a Responsible Authority.
- Increase the weight Licensing Authorities will have to give to relevant representations from the Police.
- Applicants will be required to demonstrate knowledge and awareness of issues in the local community where the premises would be based in their operating schedule.

Dealing with late night drinking

- To allow Licensing Authorities to charge a late night levy on premises that have a late alcohol licence. This is intended to pay for policing the night time economy. The levy will be collected annually and the revenue will be split between the Licensing Authority and the Police, with a minimum of 70% being paid to the Police.

- To extend Early Morning Restriction Orders (EMROs) to restrict the sale of alcohol between midnight and 06.00 hours where appropriate. This applies to premises licences, club premises certificates and temporary event notices.
- To allow Licensing Authorities to use measures such as fixed closing times in designated areas where there are crime and disorder issues and noise disturbances, staggered closing times for different premises in an area over the course of the evening and zoning to prevent premises from opening beyond a time that the Licensing Authority chooses in certain zones.
- To reduce the evidential requirement from Licensing Authorities when implementing Cumulative Impact Policies to give more control over premises density.

Temporary Event Notices

- To allow the Council's Environmental Health Officers to object to a TEN.
- To allow the Police and EHO's to object to a TEN on the grounds of any of the licensing objectives.
- To allow the Police and EHO's three working days to object to a TEN (currently 2 working days).
- To allow Licensing Authorities the discretion to apply existing licence conditions to a TEN if there are objections from the Police or EHO's.
- To allow late TENs up to five days before the event without the need for a hearing, (if there is an objection on a late TEN, the event cannot go ahead) and an annual cap on the number of late TENs allowed, to prevent abuse of the system.
- To relax the length of a single TEN from 96 hours (4 days) to 168 hours (7 days) and for the total annual availability covered by a TEN for any single premises from 15 days to 21 days.

Protection of Children form Harm

- To double the maximum fine for under-age sales of alcohol to £20,000
- To extend the minimum period of voluntary closure for persistent under-age sales from a maximum of 48 hours to a minimum of 48 hours to a maximum of 2 weeks.
- To introduce presumption that licences will be reviewed and revoked following evidence of persistent under-age sales.

Reducing Burden and Bureaucracy

- To allow Licensing Authorities to suspend licences for non payment of fees.
- The review of the Statement of Licensing Policy will be carried out every 5 years rather than 3 years as at present.

FINANCIAL IMPLICATIONS

None

LEGAL IMPLICATIONS

N/A

BACKGROUND PAPERS

<http://www.homeoffice.gov.uk/drugs/alcohol/rebalancing-consultation>