

Licensing and Safety Committee - 23rd of February 2011

Report of the Director of Corporate Resources

The Police and Social Responsibility Bill

Purpose of Report

1. To inform the Committee of the effect of The Police and Social Responsibility Bill on the Licensing Act 2003.

Background

2. The Police and Social Responsibility Bill was published on the 1st of December 2010 and is currently at the committee stage in the House of Commons.
3. Part 1 of the Bill is exclusively concerned with Police reform and Part 2 contains the provisions relating to amendments to the Licensing Act 2003.
4. Listed below are the most significant amendments to the Act:

- Licensing Authorities are established as Responsible Authorities in relation to applications relating to premises licences or club certificates.

This means that the L.A. can make representations in their own right to applications relating to Premises/Club Premises Licences.

- Primary Care Trusts and Local Health Boards are established as Responsible Authorities.
- The definition of 'interested party' is removed from the Act and as a consequence the applicant is required to advertise the application to 'persons who are likely to be affected by it'. Similarly the Licensing Authority must advertise the application in a manner likely to bring it the attention of persons who are likely to be affected by it.

This means there is no longer any restriction to living or working in the vicinity, or any other criterion.

- In order to take steps in relation to a licence the Licensing Authority no longer has to take steps that are necessary – but only those which it regards appropriate.

- Environmental Health are enabled to object to Temporary Event Notices as well as the police.
- The Licensing Authority are enabled to add conditions to Temporary Event Notices where there has been an objection and they consider it appropriate to do so, to promote the Licensing Objectives.
- Application for Temporary Event Notices, and counter notices must be given between nine and five working days before the event.

The notice was originally 10 Days.

- The time limits in relation to Temporary Event Notices changes from 96 hours to 168 hours. Premises users will be able to conduct a single event under a Temporary Event Notice for up to seven days in any calendar year; use a single premises for up to 21 days and to give a limited number of temporary event notices later than the existing process permits.
- The time period within which the police need to respond with an objection notice to an application for a Temporary Event is changed from 2 working days to 3 working days.
- The fine for persistently selling alcohol to children is increased from £10,000 to £20,000 and opens the possibility for closure notices to be increased from 48 hours up to 336 hours.
- Licensing Authorities are enabled to make early morning alcohol restriction orders more extensively; whether for whole or part of their area, for any period between midnight and 6.00 am.
- If the holder has failed to pay the annual fee the Premises Licence/Club Premises Certificate is issued with a mandatory suspension

This is long overdue and will increase revenue for the council.

Currently there are a number of premises that do not pay the annual fee. They are advised in writing of the debt, visited by Enforcement Officers twice (if necessary) and if there is still no payment the fee is issued as a debt to the council. This is chased by Bailiffs but if there is still no payment the debt is eventually written off.

- The Licensing Policy Statement is required every 5 years instead of the current 3 years.
- The Licensing Authority may impose a late night levy upon premises that supply alcohol at any time between midnight and 6.00 am on one or more days a year.
- A portion of the levy is to be paid to the police.

5. The government will issue guidelines to the amendments to the Licensing Act 2003 when they are enacted.

Finance

6. There could be additional revenue to the Council following enactment of Part 2 of the Police and Social Responsibility Bill through the mandatory penalty for non-payment of annual fees and by the imposition of the late night levy where applicable.

Law

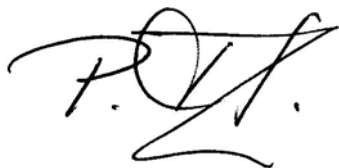
7. The Licensing Act 2003 governs the licensing of liquor, regulated entertainment and late night refreshment.
8. The Police and Social Responsibility Bill Part 2 will amend the Licensing Act 2003 when enacted.

Equality Impact

9. This report takes into account the Council's policy on equal opportunities.
10. Liquor licensing has an impact on young people through their attendance at licensed premises.
11. There has been no consultation or involvement of children and young people in compiling this report.

Recommendation

12. That the Committee note the amendments to the Licensing Act 2003 following the enactment of the Police and Social Responsibility Bill.



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DIRECTOR OF CORPORATE RESOURCES

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List of Background Papers

Part 2 of the Police and Social Responsibility Bill