

A.3 FORTHCOMING CHANGES TO THE LICENSING ACT 2003 INTRODUCED BY THE POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011

(Report prepared by Alan Tolmie)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To inform Members of the forthcoming changes to the Licensing Act 2003 made by the Police Reform and Social Responsibility Act 2011.

EXECUTIVE SUMMARY

The Police Reform and Social Responsibility Act 2011 amended the Licensing Act 2003. Those changes will have no effect until a Commencement Order is issued. This is not expected until October 2012. The changes are:-

- The Licensing Authority will be a Responsible Authority.
- The Primary Care Trust will be a Responsible Authority.
- The Definition of “Interested Parties” is deleted.
- Individual members of the Licensing Authority are no longer classed as “Interested Parties”.
- Notices of applications will have to be advertised by the Licensing Authority in a way to be proscribed in new regulations.
- Rather than authorities having to make decisions when “necessary” to promote the licensing objectives, the test will be “appropriate”.
- The police and Environmental Health Officers will be able to object to Temporary Event Notices (TENs) on any of the licensing objectives.
- In certain circumstances conditions can be attached to TENs.
- Late TENs will be introduced.
- Three working days will be allowed for objections to TENs.
- Power for Licensing Authorities to introduce Early Morning Restriction orders (EMRO’s).
- Power to set fees for applications under the Licensing Act 2003, subject to regulations.
- Power to charge a Late Night Levy.
- Power to suspend a premises licence if the annual fee is not paid.
- The legislation governing Alcohol Disorder Zones (ADZ’s) has been repealed.

RECOMMENDATION

That Members note the content of this report.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The forthcoming amendment of the Licensing Act 2003 supports the Council's Corporate Strategy in providing a low crime area and reducing the fear of crime.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

Provided that the requirement for Licensing Authorities to advertise applications is confined to placing a notice on the Authority's website then there are no significant financial implications for the Authority. If regulations require the authority to advertise in a local newspaper then it is estimated that the cost to the authority will be between £21 - £30K. There is a possibility of an increase in the number of hearings that the Licensing Authority may have to hold as a result of these changes, which may have cost implications to the Council.

Risk

By making other bodies "Responsible Authorities" there is an increased likelihood of triggering additional reviews of premises licences.

LEGAL

The amendments are statutory and subject to a Commencement Order and Regulations to be issued by the Secretary of State for the Home Office.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder / Equality and Diversity / Consultation/Public Engagement.

CRIME AND DISORDER

The inception of this revision should lead to a reduction in the fear of crime.

EQUALITY AND DIVERSITY

An Equality Impact Assessment has been undertaken by the Secretary of State for the Home Office.

AREA/WARDS AFFECTED

All wards.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

On 16 September 2011 the Police Reform and Social Responsibility Act received royal assent. Part 2 of that Act amended the Licensing Act 2003. However, those amendments will have no effect until a Commencement Order is issued, which is expected to be either April or October 2012. The amendments, as listed above, were the result of the government's commitment to give more power to the local community concerning licensed premises applications in their area and to address the problem faced by Licensing Authorities when dealing with non-payment of the annual premises licence fee.

CURRENT POSITION

Currently the Licensing Authority is not a Responsible Authority and has to rely on other Responsible Authorities to instigate a review of problem premises. At present Members can make a representation against any premises in the District but will only, when the changes are implemented, be able to if they reside or work or carry out a business near the premises in question or have been asked to represent someone who resides or works/ carries out a business in the vicinity of those premises making application. At present there no Alcohol Disorder Zones (ADZ's) in England or Wales.
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BACKGROUND PAPERS FOR THE DECISION

Police Reform and Social Responsibility Act 2011
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APPENDIX

None
