

Amendments to Licensing Act 2003 and Police Reform and Social Responsibility Act 2011

Submitted by: Head of Environmental Health/Licensing Administration Team Manager

Portfolio: Finance, IT & Customer

Wards Affected: All

Purpose of the Report

To notify the Committee that a number of amendments as proposed in the Policing and Crime Bill have now achieved Royal Assent. The amendments are to the definition of alcohol, the status of summary review interim steps, Licensing Authority powers to revoke or suspend a personal licence and the removal of putting revised guidance before Parliament. There are further amendments that relate to Cumulative Impact Assessments and the Late Night Levy that have not received a commencement date.

Recommendations

That Members note the amendments to the Licensing Act 2003 and Police Reform and Social Responsibility Act 2011

1. Background

- 1.1 The Policing and Crime Bill was introduced to Parliament on 10 February 2016 and received Royal Assent on 31st January to become the Policing and Crime Act 2017.
- 1.2 The proposals to amend the Licensing Act 2003 were brought to Committee on 23rd February 2016 and were duly noted. The proposals were to:
 - Amend the definition of alcohol to ensure that powdered alcohol and vaporised alcohol fall within the definition.
 - Amend 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 Section 53B to limit the number of times the licence holder can make representations against the interim steps before the review hearing.
 - Give licensing authorities the power to revoke or suspend a personal licence when someone is convicted of a relevant offence.
 - Add to the list of relevant offences.
 - Removing the requirement to lay the s.182 Guidance before Parliament when it is revised (the guidance retains its statutory status).
- 1.3 These amendments come into force on 6th April 2017.
- 1.4 The Bill was amended in the House of Lords on 16th November 2016 to contain two further proposals:
 - To place Cumulative Impact Assessments (CIA) on a statutory footing under the Licensing Act 2003 rather than the s.182 Guidance. Authorities would be required to review any CIA and resulting policy every three years.
 - To amend the Late Night Levy (LNL) provisions under the Police Reform and Social Responsibility Act 2011 to include premises licensed for Late Night Refreshment, and to increase the flexibility in the areas that a LNL can be implemented.

1.5 These amendments have not yet received a commencement date. The House of Lords Select Committee are currently reviewing the impact of the Licensing Act 2003 and are due to publish a report on their findings in Spring 2017.

2. **Proposal**

2.1 That the Committee note the changes to be included in the Licensing Act 2003 and Police Reform and Social Responsibility Act 2011.

3. **Reasons for Preferred Solution**

3.1 The Act has received Royal Assent and the Licensing Authority must work within the provisions laid down in the legislation.

4. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

4.1 Creating a cleaner, safer and sustainable Borough

4.2 Creating a healthy and active community

5. **Legal and Statutory Implications**

5.1 The amendment to the definition of alcohol has been implemented to stop a number of loopholes in the legislation that have been uncovered since the Licensing Act 2003 came into force.

5.2 The amendment to the summary review provisions clarifies the legal position around interim steps taken by the Licensing Authority upon receipt of a summary review application. This clarification should make it more difficult for licence holders to challenge the Authority's decision to impose interim steps pending the full review hearing.

5.3 The addition of further relevant offences for personal licence holders and the power to suspend/revoke a holder's personal licence if convicted of a relevant offence has been implemented to make it easier for Licensing Authorities to take action against licence holders. This may lead to an increase in the number of Licensing Sub-Committee hearings.

5.4 The removal of the requirement for revised statutory guidance to be put before Parliament is to streamline the process and make it easier for amendments to be made on a regular basis.

5.5 The placement of CIA on a statutory footing will make the process more robust and reduce the chances of the Licensing Authority being challenged over the validity of the policy. Once the provision has been passed it will require a review of the current policy, and consultation with affected stakeholders before being passed to Committee for approval.

5.6 The amendments to the LNL provisions have been designed to allow Licensing Authorities greater flexibility to include specified areas within the Borough, rather than the whole Council area, and also premises authorised for Late Night Refreshment, rather than those only those authorised for the sale of alcohol. Unless the Committee wish to consider implementing a LNL then there are no implications.

6. **Financial and Resource Implications**

- 6.1 The changes to the personal licence provisions may lead to an increase in the time officers spend dealing with the convicted licence holders. In turn this would lead to an increase in the number of Licensing Sub-Committee hearings needing to be held.
- 6.2 The CIA amendment if passed in the current form it would require a review of the current policy, a consultation with affected stakeholders, internal departments and outside bodies before being passed to Committee for approval. It would also lead to a review of the Council's Licensing Act 2003 Statement of Policy.

7. **Earlier Committee Resolutions**

- 7.1 On 23rd February 2016 the Committee resolved to note the amendments proposed under the original drafting of the Policing and Crime Bill.

8. **Background Papers**

The Report to Licensing Committee on 23rd February 2016
Policing and Crime Act 2017
Licensing Act 2003
Police Reform and Social Responsibility Act 2011