

CHANGES TO THE LICENSING ACT 2003 AND RESPONSIBLE AUTHORITIES

Portfolio: **Safer and Stronger Communities**

Wards Affected: **All**

Purpose of the Report

To advise the committee of the overhaul of the Licensing Act to give local authorities much stronger powers to remove licences from or refuse to grant licences to, any premises that are causing problems in the local area and to delegate the powers of the licensing authority as a responsible authority to a recognised area of the Council.

Recommendations

(a) That the report be received.

(b) That the powers of the licensing authority as responsible authority be delegated to and exercised by a designated area of the Council (your officers are awaiting legal advice regarding this matter and an officer recommendation will be provided closer to the date of the meeting).

1. Background

1.1 Responsible authorities are public bodies that must be notified of new licence applications, reviews and other licensing functions. They are entitled to make relevant representations to the licensing authority in relation to the application for the grant, variation or review of such a licence.

1.2 Current responsible authorities in the Licensing Act 2003 are:

- The chief officer of police
- The fire authority
- The health and safety authority
- The local planning authority
- The environmental health authority
- Bodies recognised as being responsible for protection of children from harm
- Trading standards officers

1.3 Relevant representations are written representations, about the likely effect of the grant of an application for, or variation to a premises licence or club premises certificate, on the promotion of the licensing objectives. Responsible authorities and interested parties, such as local residents, make representations regarding licensing functions. To be considered relevant, representations must have regard to the potential impact of the licensing determination on the promotion of the licensing objectives.

2. Issues

2.1 The Police Reform and Social Responsibility Act 2011 makes licensing authorities responsible authorities under the Licensing Act. This empowers them to refuse, remove or review licences themselves without first having had to have received a representation from one of the other responsible authorities listed above.

2.2 The advantages of giving licensing authorities this additional power is to ensure that licensing authorities are better able to respond to the concerns of local residents and businesses by taking the necessary actions to tackle irresponsible premises without having to wait for representations for other responsible authorities.

2.3 The rationale behind this proposal is to enable licensing authorities to take the necessary actions to tackle irresponsible premises without having to wait for representations from other responsible authorities.

2. **Issues**

2.1 The main issue facing this Committee is to decide how to delegate the function of responsible authority to an area of the Council. A separate report is included on this agenda for members to consider this. Your officers are awaiting legal opinion regarding how best to proceed and an Officer recommendation will be provided before the meeting.

3. **Options Considered**

3.1 A supplemental report will be sent to Members prior to the Committee meeting with options attached (legal advice is currently being sought).

4. **Proposal**

4.1 That the Committee consider the options on the supplementary report and delegate the powers of the licensing authority as a responsible authority to a recognised area of the Council.

5. **Reasons for Preferred Solution**

5.1 Legislative changes in the Police Reform and Social Responsibility Act 2011.

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

- creating a cleaner, safer and sustainable Borough
- creating a healthy and active community

7. **Legal and Statutory Implications**

7.1 Implementation of changes to the Licensing Act 2003 as set out in the Police Reform and Social Responsibility Act 2012.

8. **Equality Impact Assessment**

8.1 This is government legislation that has come into force following a nation wide consultation process.

9. **Financial and Resource Implications**

9.1 There should not be any additional financial or resource implications.

10. **Key Decision Information**

This is not a key decision

11. **Earlier Cabinet/Committee Resolutions**

This Committee considered the original consultation 'Rebalancing the Licensing Act' at its meeting on 7 September 2010.

12. **List of Appendices**

None

15. **Background Papers**

Rebalancing the Licensing Act Government Consultation
Report to the Licensing Committee 7 September 2010
Police Reform and Social Responsibility Act 2011.