

CHANGES TO THE LICENSING ACT 2003

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Portfolio: Safer Communities, Culture and Leisure

Ward(s) affected: All

Purpose of the Report

To update the Committee on changes to the Licensing Act 2003.

Recommendation

That the report be received

Reasons

The Police Reform and Social Responsibility Act received Royal Assent on 15 September 2011, Part 2 of the Act contained a number of amendments to the Licensing Act 2003 which this report will detail.

1. Background

- 1.1 On 7 September 2010, the Council's Licensing Committee considered proposals outlined in the Rebalancing the Licensing Act consultation and responded to the Home Office with its thoughts on the proposals. The proposals were then taken forward in the Police Reform and Social Responsibility Bill which received royal assent on 15 September 2011 and is now the Police Reform and Social Responsibility Act 2011 (PRSR Act).
- 1.2 The new measures in the Act include which will affect Licensing specifically are:
 - Lowering the evidential threshold on licensing authorities.
 - Removing the vicinity test for licensing representations to allow wider local community involvement.
 - Reforming the system of temporary event notices (TENS).
 - Suspension of premises licences due to non-payment of annual fees.
 - The Licensing Authority becoming a Responsible Authority.
- 1.3 A set of fact sheets have been produced by the Home Office which provide detailed and factual information on the main alcohol proposals currently being taken forward and implemented. These fact sheets are attached to this report.
- 1.4 The majority of these measures came into force on 25 April 2012. Some of the alcohol provisions introduced in the Act require substantive changes to secondary legislation prior to commencement. The late night levy, early morning alcohol restriction orders and locally set fees measures will therefore be brought in at a later date (October 2012 or April 2013).

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 That the report be received and that the Committee consider the changes that are being implemented and those that will be implemented at a future date and what affects these changes will have on how the Sub Committee operates.

4. **Proposal**

- 4.1 That the Committee receive the report, discuss the changes highlighted and form an understanding of how these changes will affect the ways in which the current Licensing Sub-Committee and Full Committee operate.

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 The new ability of the Licensing Authority to suspend licences due to non-payment of annual fees and to set fees locally could see an increased income to the Council.

10. **Key Decision Information**

This is not a key decision

11. **Earlier Cabinet/Committee Resolutions**

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

12. **List of Appendices**

- 12.1 Attached to this report are the fact sheets issued by the Home Office in relation to the changes.

13. **Background Papers**

Rebalancing the Licensing Act Government Consultation
Report to the Licensing Committee 7 September 2010

Police Reform and Social Responsibility Act 2011.