

EAST HERTS COUNCIL

LICENSING COMMITTEE – 3 NOVEMBER 2011

REPORT BY DIRECTOR NEIGHBOURHOOD SERVICES:

9. AMENDMENTS TO LICENSING ACT INTRODUCED BY POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011

WARD(S) AFFECTED: ALL

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**Purpose/Summary of Report**

To inform members about amendments to the Licensing Act 2003 introduced by the Police Reform and Social Responsibility Act 2011.

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| <b><u>RECOMMENDATION FOR DECISION:</u></b> that |
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| A             The report be received.           |

1.0 Background

1.1 The Police Reform and Social Responsibility Act 2011 has received Royal Assent. The amendments are presently uncommenced, and are likely to be implemented in October 2012 after the Olympics. The Act will introduce a number of changes to the Licensing Act 2003.

2.0 Report

2.2 Under the Act Licensing Authorities will become responsible authorities. This will allow the Licensing Committee to commence Reviews on resolution of the Licensing Committee, or recommendation from its own Enforcement Officers.

2.3 Primary Care Trusts will become responsible authorities. Research by Alcohol Concern indicates that 10% of admissions among under 18 year olds are alcohol related. Data is collected by some Accident and Emergency departments on whether injuries are alcohol related, whether injured parties are intoxicated, and the circumstances in which the individual became intoxicated. This may create links to specific premises that are selling alcohol to young

people and intoxicated people. It should be noted however that there is no A and E department in East Herts, that alcohol related admissions data is collected at the Lister in Stevenage only on weekends, and persons taken to hospital from the East of the District, including from Bishop's Stortford and Sawbridgeworth, are more likely to be taken to Harlow, which is in Essex.

- 2.4 The definition of "interested parties" is deleted. This is intended to create a stronger local influence on licensing by allowing everyone to comment on decisions. Objectors will no longer need to live or work 'in the vicinity' of the subject premises, and civic pride or interest in the whole town or settlement will be a valid reason for making a representation.
- 2.5 Notices of applications will have to be advertised by the Licensing Authority, in a way to be prescribed in new regulations. This will have financial implications for newspaper advertisement and/or printing and postage costs, for the Licensing Service. The scale of these costs is as yet unknown, but will have to be borne out of budgets already set for 2012-2013. This may result in an unavoidable overspend on one or more budget heads. It may be prudent at this stage to request Director of Finance to identify any increase in the Rate Support Grant made to allow for this additional cost, and ask for this amount to be held in a purpose created budget, to offset any increases in Service costs.
- 2.6 Rather than authorities being limited to decisions that are "necessary" for the promotion of the Licensing Objectives, the test will be "appropriate".
- 2.7 Both Police and EHOs will be able to make objections to Temporary Events Notices (TENs), on ground of any of the licensing objectives. This has two implications;
  - 2.7.1 At present the only Licensing Objective that may be considered is 'prevention of crime and disorder'. Objections will now be valid on the grounds of 'public safety', 'the prevention of public nuisance', and 'the protection of children from harm'.
  - 2.7.2 Presently Environmental Health do not have the power to object. However this amendment will be less important in the

future if proposals by the DCMS to de-regulate 'Regulated Entertainment' are implemented.

- 2.8 In certain circumstances conditions can be attached to TENs
- 2.9 Late TENs will be introduced. At present, TENs must be served with ten clear working days notice (not including day of service or day of the event, weekends or bank holidays), otherwise the notice is not valid. The Licensing Authority does not have any power to remedy the invalidity. The provision for Late TENs will allow some events to go ahead when the organisers have missed the deadline.
- 2.10 TENs will be able to last for 168 hours. At present the maximum length of time is 96 hours.
- 2.11 Police and EHOs will have three working days to object to TENs. At present the Police only have 48 hours from receipt. This may create logistical problems for the Police when TENs are served late on a Friday afternoon.
- 2.12 Powers for authorities to introduce Early Morning Restriction orders, and a power to charge a Late Night Levy. These provisions are mutually exclusive, and were reported to Licensing Committee in July.
- 2.13 Power to suspend a premises licence if the Annual Fee is not paid. This will create administrative convenience where businesses close down or relocate, without surrendering a Premises Licence that the business does not intend to use on the future. It will also make it easier to recover fees from late payers.

### 3.0 Implications/Consultations

- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

#### Background papers:

Link to Alcohol Concern research paper:

<http://www.alcoholconcern.org.uk/publications/policy-reports/one-on-every-corner>

Link to text of Act amending Licensing Act;

<http://www.legislation.gov.uk/ukpga/2011/13/part/2/chapter/1/enacted>

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## ESSENTIAL REFERENCE PAPER 'A'

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| Contribution to the Council's Corporate Priorities/ Objectives: | <b>Promoting prosperity and well-being; providing access and opportunities</b><br><i>Enhance the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.</i> |
| Consultation:   | This report is for information only.  |
| Legal:  | No issues have been identified by Contact Officer or Report Author that require approval.   |
| Financial:  | Changes to advertising requirements and fee recovery may have implications for Licensing Service budgets.   |
| Human Resource:   | No issues that require approval identified by Contact Officer or Report Author.<br><br>It is expected that changes can be managed from within existing resources.   |
| Risk Management:  | No issues that require approval identified by Contact Officer or Report Author.   |