



SHEFFIELD CITY COUNCIL Policy Report



Report of: Chief Licensing Officer, Head of Licensing

Date: 31st May 2012

Subject: **Police Reform and Social Responsibility Act 2011**
Summary of Amendments made to the Licensing Act 2003 by the
Police Reform and Social Responsibility Act 2001

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Summary: Summary of Amendments made to the Licensing Act 2003 by the
Police Reform and Social Responsibility Act 2001

Recommendations: That members note the detail of the changes to the legislation.

Background Papers: Attached documents

Category of Report: OPEN

The Police Reform and Social Responsibility Act 2011

1.0 PURPOSE OF REPORT

- 1.1 To notify members of amendments made to the Licensing Act 2003 by the Police Reform and Social Responsibility Act 2011 (PR&SR Act) as part of the Government's alcohol reforms.

2.0 INTRODUCTION

- 2.1 The Government has legislated via the PR & SR Act to overhaul the Licensing Act 2003 and to rebalance it in favour of local communities.
- 2.2 The new measures give the police and licensing authorities in England and Wales more local powers to tackle irresponsible premises and crack down on unacceptable sales of alcohol, to children.

3.0 CHANGES TO THE LICENSING ACT 2003 – EFFECTIVE 25TH APRIL 2012

3.1 Temporary Event Notices (TENs)

- 3.1.1 Environmental Health Authorities (EHA's) are now able to object to TENs in addition to the Police.
- 3.1.2 The Police and EHA's are able to object on the grounds of all four of the licensing objectives.
- 3.1.3 The Police and EHA's have 3 working days to object to a TEN as opposed to the previous 2 working days for the Police.
- 3.1.4 Where an objection is made, Licensing Authorities are able to apply conditions included on the premises licence for that premises to the TEN.
- 3.1.5 The period that may be covered by a single TEN is increased from 96 hours (four days) to 168 hours (seven days).
- 3.1.6 A limited number of "late TENs" may be submitted up to five days before an event – ten for a personal licence holder and two for a non-personal licence holder.
- 3.1.7 "Late TENs" are notices received no later than 5 clear working days but no earlier than 9 clear working days before the event begins.

3.2 Licensing Policy Statements

- 3.2.1 The frequency for publication of the statements has changed from 3 to 5 years.

3.3 Responsible Authorities

3.3.1 The Licensing Authority is now a “responsible authority” providing stronger powers such as the ability to comment on applications and instigate review proceedings.

3.3.2 Primary Care Trusts/Local Health Boards are also now a “responsible authority”.

3.4 Annual Fees

3.4.1 Failure to pay an annual fee must result in the suspension of the licence.

3.4.2 Exemptions are built in to allow for administrative error, disputes and a ‘grace period’.

3.5 Removal of the Vicinity Test

3.5.1 The ‘vicinity’ test is removed from the Act.

3.5.2 The term ‘interested party’ is removed from the Act and replaced with ‘other persons’.

3.5.3 This means that any person, body or business is able to make a relevant representation in relation to a premises, regardless of their geographic proximity.

3.5.4 Regulations require the licensing authority to advertise applications ‘in a manner which is prescribed and likely to bring the application to the attention of the persons who are likely to be affected by it’.

3.6 Reducing the Evidence Threshold

3.6.1 When making decisions and exercising their licensing duties, licensing authorities were required to show their decisions were ‘necessary’ for the promotion of the licensing objectives.

3.6.2 The changes to the Act amend this wording requiring instead that licensing authorities take steps that are ‘appropriate’ for the promotion of the licensing objectives thereby reducing the evidential burden on the Licensing Authority.

3.7 Persistent Sale of Alcohol to Children

3.7.1 ‘Persistently selling alcohol to children’ is defined as when a licence holder is found to be selling alcohol to children, two or more times within a three month period.

3.7.2 The fine for persistent underage sales has doubled to £20,000.

3.7.3 The period of voluntary closure will be a minimum of 48 hours and a maximum closure period of two weeks. Police are able to apply this flexibly to take into account the nature of the premises.

3.8 Additional Relevant Offences

3.8.1 Additional offences have been added to the list of ‘relevant offences’ at Schedule 4 of the Licensing Act 2003.

3.8.2 Relevant offences are taken into account for personal licence applicants and holders.

4.0 CHANGES TO THE LICENSING ACT 2003 – NOT YET IN FORCE

4.1 Late Night Levy

4.1.1 This will be a new power for licensing authorities to introduce a charge for premises that have a late alcohol licence in order to fund extra enforcement costs that the night-time economy generates for police and local authorities.

4.2 Extended Early Morning Restriction Orders (EMRO's)

4.2.1 A power allowing licensing authorities to restrict sales of alcohol in the whole or part of their area for any specified period between 3am and 6am if they consider this appropriate for the promotion of the licensing objectives.

4.3 Locally Set Fees

4.3.1 Allowing Licensing Authorities to set their own fees for licensing applications based on cost recovery.

5.0 FINANCIAL IMPLICATIONS

5.1 Some of the proposed amendments have resource implications, because they give licensing authorities additional responsibilities.

5.2 These should be offset by proposals to allow licensing authorities to set fees on a cost recovery basis, however, this will not come into force and further detail will not be known until April 2013 after further consultation.

6.0 RECOMMENDATIONS

6.1 That members note the contents of the report.

7.0 OPTIONS OPEN TO THE COMMITTEE

7.1 To note the contents of the report.

Steve Lonnia
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