

Appendices.



Item No.

Ward: N/A

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| Name of Group: | LICENSING |
| Meeting Date: | 20th March 2012 |
| Directorate: | Public Protection |
| Head of Service: | Steve Elsey |
| Corporate Director | Julie Seddon |

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| Report Title | Changes to Licensing following the implementation of Police Reform and Social Responsibility |
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1. Recommendations

That the report be noted.

2. Summary

In March 2011 the Government released their recommendations for changes to the Licensing Act 2003, following consultation with interested parties, in order to redress the balance between the applicants for licences and the Responsible Authorities. This will give more powers to the Local Authority when considering applications.

The following are a brief outline of changes included in the Police Reform and Social Responsibility Bill 2010-2011: expected to be introduced on 6th April 2012, the remainder of changes are expected to be introduced in October 2012. These will be subject to a separate report.

The new measures expected to come into force next month include doubling of the fine for persistent underage sales to £20,000 and increasing the period of voluntary closure, as an alternative to a fine, from 48 to a maximum of 336 hours (14 days).

Licensing Authorities - Responsible Authorities.

Licensing authorities and Health authorities, will become 'Responsible Authorities',

permitting them to make representations about licensing applications. The 'necessary' test will be replaced by the 'appropriate' test when dealing with licensing applications. Also the 'vicinity test' will be abolished, permitting anyone to make representations regardless of whether they live near the premises concerned. In addition, licensing authorities will be given greater powers to suspend premises licences for non-payment of annual fees.

Temporary Event Notices

Temporary event notice (TEN) procedures will be reformed and, significantly, environmental health officers will be permitted to object to a TEN.

The key changes that will be made through the Bill:

- The right to object to a Temporary Event Notice will extend to the environmental health authority.
- The police and environmental health officers will be able to object to a Temporary Event Notice on the basis of all of the licensing objectives.
- The police and environmental health officers will be given three working days to object to a Temporary Event Notice.
- Licensing authorities will be given discretion to apply existing licence conditions to a Temporary Event Notice if there are objections from the police or environmental health authority
- Late Temporary Event Notices (i.e. those submitted less than ten working days but at least 5 days before the beginning of the event) will be allowed unless the police or environmental health officers object.
- The statutory limits will be relaxed on the duration of a single temporary event from 96 hours to 168 hours, and on the total annual availability covered by a Temporary Event Notice in relation to single premises from 15 days to 21 days.

Enable licensing authorities to suspend licences due to non-payment of fees

Provision will be made for licensing authorities to suspend licences due to non-payment of fees. This will provide a much stronger incentive for businesses to pay their fee in a timely manner and save licensing authorities the time and cost of pursuing non-payment. This measure will not impact on responsible businesses that pay their licence fees on time.

There will be a grace period of 21 days for licence holders to pay their fee. The licence will be reinstated as soon as the fee is paid and the licensing authority must notify the licence holder when their licence has been reinstated.

If an administrative error has occurred or there is a dispute about liability to pay a

fee, a licence cannot be suspended under this provision.

The new measures are expected to come into force at the earliest, on 6 April 2012- but nothing as yet is set in stone. For these measures to be introduced, Commencement Orders are required to be laid before Parliament, along with revised Guidance.

Other amendments

Conversely, measures in the Act that require complex secondary legislation such as the Late Night Levy (LNL), Early Morning Restriction Orders (EMROs) and locally set fees will be implemented later. The LNL and EMROs are currently out to consultation until April 2012 and will not be implemented until October this year, at the earliest. The provisions with respect to locally set fees are not expected to be implemented until April 2013. The Government also intends to wait until October 2012 to repeal Alcohol Disorder Zones.

Procedures

The introduction of new procedures will be adopted by the Licensing Department in line with the Home Office Guidance.

3A. Any Relevant Policies

Guidance issued under Section 182 of the Licensing Act 2003.
Police Reform and Social Responsibility Bill 2010-11
Northampton Borough Licensing Policy (reviewed 2011)

4. Options and Evaluation of Options

That the Committee note the report.

5. Resource Implications (including Financial Implications)

N/A

6. Consultees (Internal and External)

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| Internal | N/A |
| External | N/A |

7. Compliance Issues

Finance Comments

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| N/A |
| Legal Comments |
| N/A |
| Crime and Disorder Issues |
| N/A |
| Equality Impact Assessments |
| N/A |
| Human Rights Act Implication |
| N/A |

Other compliance issues

None

8. Background Papers

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| DCMS | Guidance issued under section 182 of the Licensing Act 2003 and Police Reform and Social Responsibility Bill 2010-11 | |
| Home Office website | | |

| Name | Signature | Date | Ext. |
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