

# **Report to the Licensing Committee**

**Date of meeting: 11<sup>th</sup> April 2012**

**Subject: Police Reform and Social Responsibility Act 2011**



**Epping Forest  
District Council**

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**Committee Secretary: Adrian Hendry (01992 564246)**

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## **Recommendation/Decisions Required:**

- 1. To inform members on the passing of the Police Reform and Social Responsibility Act 2011 and the changes that this will bring in relation to the Licensing Act 2003**
- 2. To recommend to Council that the role of the Council as a Responsible Authority is delegated to the Director of Corporate Support Services and the Senior Licensing Officer**

## **Report:**

The Police Reform and Social Responsibility Act 2011 has received royal assent. The Act will amend and make changes to the Licensing Act 2003. Parts of the Act relating to licensing have recently been brought into force the remainder is expected in about October.

## **A Summary of the Main Changes**

### **Responsible Authorities/Interested Parties**

- The Licensing Authority will become a responsible authority in its own right in relation to premises and club applications. The Council will be able to object to applications, initiate reviews of premises licences without have to wait to receive a request for review
- Primary Care Trusts and Local Health Boards also join the list of Responsible Authorities. They will only be able to object on the grounds of the four licensing objectives.
- "Any other Person" has replaced "interested Parties" This is one of the provisions now in force

### **Advertisement of Applications**

The Licensing department must advertise applications in a way that it comes to the attention of all persons it may affect. At the moment it appears that advertising on the Council's web site will satisfy this requirement.

### **Vicinity Test**

The vicinity test has been removed.

### **Determination of Application**

When a Licensing Authority is considering attaching conditions to a licence. Members will have to decide whether they are "appropriate" rather than "necessary". This is intended to reduce the evidential burden on Local Authorities.

## **Temporary Event Notices (TENS)**

- Environmental Health Officers (EHO's) will now be able to object to an application for a TENS where they consider that the proposed activities are likely to undermine a licensing objectives. Prior to this only the Police could object.
- Conditions may be applied to TENS if the authority considers it appropriate to do so and the conditions are already on a premises licence/club premises certificate for the premises and it would not be inconsistent with carrying out licensing activities under the TENS
- Provision has been made for a late TENS which can be submitted between 5 – 9 working days before the proposed event.
- TENS are extended allowing them to last up to 168 hours as opposed to the previous 98 hours permitted
- There is also an increase in the number of days in a calendar year single premises can be used for licensable activities from 15 days to 21 days. (The number of applications that can be made by premises remains 12 per year).

This is now in force

## **Alcohol Sales to Children**

- The fine for persistently selling alcohol to children will be doubled from £10,000 to £20,000.
- The effect of a closure notice for persistently selling alcohol to children has been increased from 'up to 48 hours' to 'from 48 hours and up to 336 hours'

This is now in force

## **Early Morning Alcohol Restriction Orders (EMROs)**

The licensing authority may make an order prohibiting the supply of alcohol from premises in all or part of their area for any duration beginning at midnight and ending before 6am. The licensing authority must follow the statutory procedure, it can only be made by full Council and for the purposes of one of the four licensing objectives, Some types of premises will be exempted.

## **Late Night Levy**

The Act introduces a "late night levy" which would be intended to cover the costs of policing and other arrangements for the reduction of crime and disorder in connection with the supply of alcohol between midnight and 6am. A licensing Authority may decide that a late night levy will apply to only part of its area. At least 70% of the fees collected must be paid to the police. Again some types of premises will be exempted.

## **Alcohol Disorder Zones**

Alcohol Disorder Zones have been abolished.

## **Licensing Fees**

- Premises licences and club premises certificates will be suspended for failure to pay the annual licence fee. Although exceptions are built in for administrative error and a 'grace period'.
- Subject to ministerial approval, authorities will have the power to set certain fees on the basis of cost recovery. The costs may include the cost of acting as responsible authority.

## **Licensing Policy Statements**

These will now be renewable every five years rather than the current three years.

### **Reasons for Proposed Decision:**

Members are requested to authorize officers to make decisions when acting as a responsible authority. The applications must be processed within statutory time limits and it may not be possible to obtain member's authority in time. Further members of the Licensing Committee will also be sitting on the Licensing Sub-Committee which will be hearing an appeal which could give the appearance of bias.

### **Resource Implications:**

Not known until the regulations are made

### **Legal and Governance Implications:**

Changes to the legislation will require further delegations

### **Safer and Cleaner and Greener Implications:**

This Act would allow the Licensing Authority to use the additional powers mentioned above to promote the prevention of crime and disorder.

### **Background Papers:**

The Police Reform and Social Responsibility Act 2011

### **Impact Assessments:**

None