

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

Agenda Item No.

meeting date: 19 June 2012
title: Amendments to Licensing Act 2003 (25 April 2012)
submitted by: Chief Executive
principal author: Mair Hill

1 PURPOSE

- 1.1 To inform the Committee of the amendments to the Licensing Act 2003 which came into force on 25 April 2012, and the affects that these will have upon the Council's licensing service.
- 1.2 Relevance to the Council's ambitions and priorities
- Community Objectives - None
 - Corporate Priorities - Understanding the amendments will promote the Council's priority of a well-managed and efficient Council.
 - Other Considerations - None

2 BACKGROUND

- 2.1 The Licensing Act 2003 (the "**2003 Act**") has been amended by the Police Reform and Social Responsibility Act 2011 ("**PRSRA**"). A number of sections of PRSRA came into force on 25 April 2012.
- 2.2 In order to assist Committee these amendments have been summarised in a table, which is enclosed with this report at **Appendix 1**. The table also sets out the section of the 2003 Act, which is amended, and its effect.

3 ISSUES

- 3.1 Committee will note that the various amendments are intended to rebalance the 2003 Act in favour of local communities, and that they give the police and licensing authorities more powers to deal with irresponsibly managed premises and sales of alcohol to children.
- 3.2 In order to assist Committee further the Head of Legal and Democratic Services together with the Council's Solicitor shall provide training to Committee on these issues shortly.

4 RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications
- Resources – Officer's time spent in preparing and providing the Member's training.
 - Technical, Environmental and Legal – None
 - Political - None
 - Reputation – A full understanding of the amendments to the legislation will enhance the efficiency and reputation of the Council
 - Equality & Diversity - None

5 RECOMMENDED THAT COMMITTEE / CONCLUSION

5.1 Note the contents of the Report.

MARSHAL SCOTT
CHIEF EXECUTIVE

DIANE RICE
HEAD OF LEGAL AND DEMOCRATIC SERVICES

BACKGROUND PAPERS

REF: MJH/Licensing Committee/19 June 2012

For further information please ask for Mair Hill, extension 3216

APPENDIX 1

Schedule of Changes introduced by the Police and Social Responsibility Act 2011 ("PSRA") which came into force on 25 April 2012.

Section of Licensing Act 2003 amended or added	Section of PSRA which implemented change	Change implemented
Section 147A(8) Section 169A	Section 118	<ul style="list-style-type: none"> • Fine for persistent underage sales increased to £20,000. • Period for voluntary closure as alternative to a fine increased from 48 to 336 hours.
Section 13(4)(za) Section 69(4)(za)	Section 103	Licensing Authorities ("LA") made Responsible Authorities ("RA") in their own right giving them greater powers and flexibility. Strengthens the existing powers to remove licences from, refuse to grant licences to, premises that are causing problems without needing to wait for the police or another RA.
Section 13(4)(ba) Section 69(4)(ba)	Section 104	Health bodies have been made RAs so that they are automatically notified about new premises applications and can make representations, although these must be relevant to the existing statutory licensing objectives.
Various	Sections 109-111	The evidence threshold has been lowered for decisions made under the Licensing Act 2003. The word 'necessary' has been replaced with 'appropriate' throughout the Act.
Section 55A Section 92A	Section 120	LA are now able to suspend premises licences if annual fees are not paid.
Various	Sections 105-108	Local residents now have a greater say as the vicinity test has been scrapped so now anyone can make representations about licensing decisions regardless of whether they live close to the premises concerned.
Section 99A	Sections 112-117	<ul style="list-style-type: none"> • The environmental health authority ("EHA") now has the right to object to a TEN in addition to the

<p>Section 104</p> <p>Section 104</p> <p>Section 106A</p> <p>Section 100A</p> <p>Section 100</p>		<p>Police.</p> <ul style="list-style-type: none"> • The Police and EHA can object to a TEN on the basis of all of the licensing objectives • The Police and EHA have three working days to object to a TEN. • LA have the discretion to apply existing licence conditions to a standard TEN if there are objections from the Police or EHA. • Late TENs are allowed (i.e submitted less than ten working days but at least 5 days before the beginning of the event), unless the Police or EHA object in which case the event does not go ahead. • The statutory limits on the duration of a single temporary event have been increased from 96 hours to 168 hours and on the total annual availability covered by a TEN in relation to a single premises from 15 days to 21 days.
<p>Section 5(1)</p>	<p>Section 122</p>	<p>Licensing Policy Statements now only have to be published by LA every 5 years rather than 3 years.</p>
<p>Schedule 4</p>	<p>Section 123</p>	<p>Additional offences have been added to the list of relevant offences for personal licences. This now also includes:</p> <ul style="list-style-type: none"> • An offence under section 1 of the Criminal Attempts Act 1981 of attempting to commit an offence that is a relevant offence. • An offence under section 1 of the Criminal Law Act 1977 of conspiracy to commit an offence that is a relevant offence. • The offence at common law of conspiracy to defraud. <p>These are to be taken into account by LA in granting new personal licences and, in the event of convictions, for the suspension and forfeiture of personal licences following convictions for relevant offences.</p>