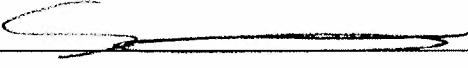


Briefing Report for:	Regulatory Committee <i>22<sup>nd</sup> November 2012</i>	Item number	
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Title:	Notification of the need to update the statement of Licensing Policy - For information only
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Report authorised by :	STEPHEN McDONNELL – Assistant Director, Single Frontline 
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Lead Officer:	DALIAH BARRETT – Licensing Team Leader
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Ward(s) affected: ALL	Report for Key/Non Key Decision:
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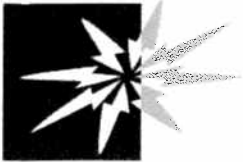
1. Describe the issue under consideration

1.1 This briefing is for information only. The Licensing Act 2003 Act came into force in 2005 and provided a unified system of regulation of the activities of the sale and supply of alcohol, the provision of regulated entertainment, and the provision of late night refreshment. Each licensing authority is required to determine and publish its policy statement that they propose to apply in exercising their functions under the Act during the five year period to which the licensing policy applies. The consultation process involves any representations made as part of the consultation period being considered and reported back to the Regulatory Committee, Cabinet and Full Council.

1.2 The 2003 Act contains four licensing objectives which the licensing authority has a duty to promote. These are:

- The prevention of crime and disorder.
- Public safety.
- The prevention of public nuisance.
- The protection of children from harm.

The licensing authority can only consider matters within the scope of the Licensing Act, and guidance documents.



## 2. Recommendations

- 2.1 That the policy be revised to show the technical changes as required by the changes brought in through the various other legislation.

## 3. Other options considered

No other options considered

## 4. Background information

- 4.1 The Police Reform and Social Responsibility Act 2011 received Royal Assent. Part 2 of this Act affects of amending several sections of the Licensing Act 2003. On 25 April 2012 a number of the amendments become effective.
- 4.2 The amendments to the Licensing Act 2003 have required the Home Office to revise the Secretary of State's guidance to Licensing Authorities issued under Section 182 of the Licensing Act 2003. In accordance with the Act the Licensing Authority must have regard to the Guidance when carrying out its licensing functions.
- 4.3 The main amendments to the Licensing Act 2003 and the Secretary of State Guidance are as follows;
- Licensing Authorities and Local Health Bodies become "Responsible Authorities"
  - The "vicinity" test for persons/businesses making representations for/against licence applications is abolished.
  - In addition to the Police, Environmental Health Officers may now submit objections to a Temporary Event Notice (TEN). Objections from both bodies may now be made in connection with any of the four licensing objections, and not just the "prevention of crime and disorder" objective and existing licence conditions, can be attached to TENs, in some circumstances.
  - The limit for the number of days per calendar year an individual premises may hold a TEN is increased from 15 to 21 days.
  - The limit that an individual TEN can last is increased from 96 to 168 hours.
  - The provision for applicants to submit 'Late TENs'
  - A non payment of the annual licensing fee by a premises licence/club premises certificate holder may result in the premises licence being suspended.
  - The statutory review period for a Statement of Licensing Policy's has been extended from 3 to 5 years.
  - The criteria on which licensing decisions must be made has been changed from being "necessary" to "appropriate".
  - The Live Music Act is now law
- 4.4 Further amendments to the Licensing Act 2003 are proposed to take effect at the end of October 2012. The proposed amendments are in relation to a Late Night Levy (LLN) and Early Morning Restriction Orders (EMROs).
- 4.5 Proposed amendments to the draft Revised Statement of Licensing Policy 2012



In summary the proposed amendments to the Statement of Licensing Policy are:

- ❖ Requirement for Licensing Authorities to review their Statement of Licensing Policy every three years has been deleted and replaced with five years.
- ❖ Replacing 'Department of Culture Media & Sport' with the 'Home Office'.
- ❖ To update the information in relation to numbers, hours and 'late notices' for Temporary Event Notices (TENs).
- ❖ Replacing the term 'Interested party' with 'other persons'.
- ❖ Replacing the term 'necessary' with 'appropriate'.
- ❖ To update advice regarding non payment of annual licence fees.
- ❖ To include additional advice for applicants regarding information to be provided in their operating schedule when submitting an application.
- ❖ Removal of the word 'vicinity' in relation to representations.
- ❖ To include the Primary Care Trust and the Licensing Authority as responsible authorities.
- ❖ Live Music Act
- ❖ Make minor amendments to some wording and formatting of the policy to provide clarity.

## 5. Consultation Process

5.1 Section 5(3) of the Act requires the licensing authority to consult on its statement of licensing policy with the police, the fire authority and such person's representative of:

- Holders of premises licences issued by that authority;
- holders of club premises certificates issued by that authority;
- Holders of personal licences issued by that authority; and
- Businesses and residents in its area.

5.2 In addition to the statutory consultees, we would consult with the following bodies:

- Responsible Authorities
- Councillors
- Resident groups, tenants associations and societies;
- The Area Child Protection Committee; Health service including PCT, Accident and Emergency and the London Ambulance service;
- British Transport Police;
- Public transport providers;
- Neighbouring authorities;
- Chamber of Commerce;
- Drug and alcohol action team;
- Crime and Disorder Reduction Partnership;
- Other relevant organisations that could be affected by this policy.

5.3 The consultation involves Regulatory Committee agreeing to commence consultation and any representations made being considered and reports presented to, Regulatory Committee and subsequently to Cabinet and Full Council.

