

**Briefing Note for General Purposes and Licensing Committee 27 July 2011
Police Reform and Social Responsibility Bill**

1. Making Licensing Authorities Responsible Authorities

- Licensing Authorities will become responsible authorities. This will empower them to refuse, remove or review licences themselves. This proposal will ensure that licensing authorities are better able to respond to the concerns of local residents and businesses.

2. Enable Licensing Authorities to suspend licences due to non-payment of fees

- In order to 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 policy will enable licensing authorities to suspend licences due to non payment of fees.

3. Late Night Levy

- This policy will permit local councils to charge businesses that benefit from a late night economy for the extra enforcement costs that the night time economy generates for police and local authorities. In areas where the licensing authority decides to apply the levy it will affect all premises that are licensed to sell alcohol during the hours at which the levy applies in their area. This can be between midnight and 6am. 70% paid to the Police

4. Extend Early Morning Restriction Orders so they can be applied flexibly between midnight and 6am

- Early morning restriction orders allow licensing authorities to restrict sales in the whole or part of their area for any specified period between 3am and 6am if considered appropriate for the promotion of the licensing objectives.
- The key changes that will be made through the Bill is to amend the provisions to allow local councils to decide between which hours they would like to prevent premises from opening between 12am and 6am
- The main benefits to residents will be the avoidance of no go areas at night and anti-social behaviour associated with late night drinking that extends into residential communities, not just around licensed premises.

5. Persistently selling alcohol to Children

- 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. The key changes that will be made through the bill are to double the maximum fine from £10,000 to £20,000. Also to extend the period of voluntary closure that can be issued by the police or trading standards officers as an alternative to prosecution, imposing a minimum closure period of 48 hours and a maximum closure period of two weeks. Introduce a presumption that a licence will be 'Revoked' on review.

6. Increase the opportunities for local residents or their representative groups to be involved in licensing decisions by removing the vicinity test for interested parties

- The aim of the policy is to reduce any uncertainty amongst residents as to whether or not they are in the 'vicinity' of a premises and therefore whether they classify as an interested party. By removing the requirement to show 'vicinity' it will allow any person, body or business to make a relevant representation on any premises, regardless of their geographic proximity.

7. Lower the evidential hurdle for Cumulative Impact Policies to allow licensing authorities to have more control over outlet density

- Currently statutory guidance implies that licensing authorities must gather statistical evidence to justify a decision to include a Cumulative Impact Policy in their licensing policy statement. In future the guidance will state that licensing authorities can include CIP's in their proposal for a licensing policy statement, because they believe that it is appropriate for the promotion of the licensing objectives. Licensing authorities are

under a duty to consult widely on their licensing Policies taking into account the views of the local community.

8. Give more autonomy to licensing authorities regarding closing times

- The proposed changes through the Bill would allow local authorities to make decisions about the most appropriate licensing strategy for their area. Licensing authorities will be encouraged to consider using methods including fixed closing times, staggered closing times and zoning.
- This change acknowledges the fact that different licensing approaches may be best for different areas, empowering licensing authorities to implement a licensing strategy best placed to meet the needs of the local community.

9. Applicants to give greater consideration to the local area when making their application

- The aim of proposal is to shift the onus onto the applicant to address specific issues to the local area which should be clearly set out in their objectives. Providing contextual information on the local areas social demographic characteristics, local crime and disorder issues and awareness of the local environment to enable responsible authorities, other interested parties and the licensing authority to make better informed representations or decisions. This proposal will ensure that greater consideration is given to local issues when determining licence applications.

10. Reducing the burden of proof on licensing authorities

- When making decisions on new and existing licenses and fulfilling their licensing responsibilities, licensing authorities are currently required to demonstrate that these decisions are 'necessary'. The proposed changes to the Bill will be to change the wording from 'necessary' to 'appropriate'. This will give licensing authorities greater power to tackle irresponsible premises.

11. Increase the weight licensing authorities will have to give to relevant representations and objection notices from the police

- It is vital that licensing authorities consider relevant representations on the impact of crime and disorder from all responsible authorities, but the proposal is to strengthen the weight that licensing authorities give to police representations, in order to reduce alcohol related crime and disorder.

12. Temporary Event Notice

- The key changes to be made through the Bill will be to allow the police and environmental health officers to object to a Temporary event notice on the basis of all the licensing objectives
- To allow three working days to object to a Temporary event notice
- To give licensing authorities discretion to apply existing licence conditions to a Temporary event notice
- To allow late Temporary event notices (i.e. those submitted less than 10 working days before the beginning of the event) unless there are objections.
- To relax the statutory limits on the total annual period covered by a temporary event notice in a single premises from 15 days to 21 days per year. Each Temporary Event can cover 168 hours (was 96hrs).

13. Making local health bodies responsible authorities

- At present, the determination of licensing decisions gives little consideration to the views of local health bodies as they are not included as responsible authorities in the Licensing Act. By making health bodies responsible authorities it will allow health bodies to make representations regarding concerns about the impact of new licensed premises on the NHS (primarily A&E departments and ambulance services) or more generally the safety of the public within the night time economy.

Further details can be found at <http://www.homeoffice.gov.uk/publications/alcohol/alcohol-proposals-factsheet/the>