

Licensing Committee – 11 October 2011

## 6. Police Reform & Social Responsibility Act 2011

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### Purpose of the Report

To update members on the passing of the Police Reform & Social Responsibility Act 2011 (PRSRA) on the 15<sup>th</sup> September 2011, and the changes that this will bring in relation to the Licensing Act 2003.

### Recommendation

That members note the report.

### Background

The PFSRA 2011 was passed on the 15<sup>th</sup> September 2011. The Act will amend the Licensing Act 2003 and will make considerable differences. No commencement date has yet been announced although it is widely envisaged that the proposed changes to Temporary Event Notices (TEN's) will be commenced prior to the 2012 Olympics with the remaining provisions being commenced shortly after.

### 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 premises applications. This will enable the authority to initiate reviews against problem premises without having to rely on others to request the review.
- Primary Care Trusts and Local Health Boards also join the list of Responsible Authorities.
- Any other person has replaced the term “interested parties”.

#### Advertising

The Secretary of State will be required to make regulations requiring the licensing authority to advertise applications in a manner, which is prescribed and likely to bring the application to the attention of the persons who are likely to be affected by it.

#### Determination of Applications

“Necessary” has been replaced with “appropriate” in relation to the steps a licensing authority may take when determining applications and requests for reviews.

### Temporary Event Notices (TEN's)

- Police and Environmental Health Officers (EHO's) will be able to object to TEN's where they consider that the proposed activities are likely to undermine a licensing objective.
- Conditions may be applied to TEN's if the authority considers it appropriate for the promotion of the licensing objectives to do so, providing the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises as the TEN and the conditions would be not be inconsistent with the carrying out of the licensable activities under the TEN.
- Provision has been made for late TEN's which can be submitted up to 5 days in advance of the proposed event.
- Where a TEN is served electronically on the Licensing Authority, they will be required to forward to the Police and EHO's by no later than the end of the first working day after the day on which the original notice was given to the authority.
- Time limits relating to TEN's have been relaxed, including the duration of activities, which will increase from 96 hours to 168 hours.

### 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 will have effect for at least 48 hours but not more than 336 hours (previously not exceeding 48 hours).

### Early Morning Alcohol Restriction Orders (EMRO's)

EMRO's will be a new facility for licensing authorities providing the statutory process is followed, and may be applied to different types of premises, between the hours of midnight and 6am.

### Late Night Levy

Provisions have been added to introduce a "late night levy" which would be intended to cover the costs of policing and other arrangements for the reduction or prevention of crime and disorder, in connection with the supply of alcohol between midnight and 6am. A licensing authority **may not** decide that "the late night levy requirement is to apply to only part of its area".

### Alcohol Disorder Zones

Alcohol Disorder Zones will be repealed.

### Licence Fee

- Premises licences and club premises certificates will be suspended on failure to pay the annual licence fee, although exceptions are built in to allow for administrative error, disputes and a "grace period"
- Subject to ministerial approval, the licensing authority will have the power to set certain fees on a cost recovery basis. The costs may also include the cost of acting as other responsible authorities under the Act e.g planning authority.

**Licensing Policy Statements**

These will now be reviewable every 5 years rather than the current 3 years.

**Financial Implications**

Not yet known.

**Implications for Corporate Priorities**

Many of the amendments will have a positive impact on Corporate Theme 4, ensuring safe, sustainable and cohesive communities.

**Other Implications**

None.

**Background Papers:** *Licensing Act 2003*  
*Police Reform & Social Responsibility Act 2011*

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