



East  
Northamptonshire  
Council

## Licensing Committee – 7 March 2012

### Licensing Act 2003 - Police Reform and Social Responsibility Act 2011

#### Purpose of report

To inform members of the changes to the Licensing Act 2003 as a result of the Police Reform and Social Responsibility Act 2011.

#### Attachment(s)

Appendix 1 – Summary of changes to the Licensing Act 2003

#### 1.0 Background

1.1 The Police Reform and Social Responsibility Act 2011 received Royal Assent in Parliament on 15 September 2011. Part 2 of the Act paves the way for a number of reforms of the Licensing Act 2003, under which East Northamptonshire Council has powers and duties as a licensing authority.

#### 2.0 Police Reform and Social Responsibility Act 2011

2.1 In 2010 the Home Office launched a public consultation entitled “Rebalancing the Licensing Act 2003.” This consultation sought views on a number of proposed changes to the Licensing Act 2003 with the overall aim of achieving a “fundamental shift in the licensing regime in this country, with more emphasis on local accountability and less emphasis on central interference.”

2.2 The resulting Bill has since followed the normal passage for draft legislation in Parliament and as is usual, has been subject to some amendments during its journey. The Bill finally received Royal Assent and became law on 15 September 2011.

2.3 The Police Reform and Social Responsibility Act 2011 will be commenced in stages.

2.4 Appendix 1 provides an overview of the main reforms to the Licensing Act 2003, which the Police Reform and Social Responsibility Act 2011 will eventually bring about. Some of these reforms will require decisions at a local level regarding implementation, whilst others will apply in all areas once commenced. The table sets out what local implementation steps will be required, if any. Some of the reforms will be subject to further details being provided by regulations made at a later date.

2.5 The timetable for commencement is split into two stages, April 2012 and October 2012, although no further detail has been released which makes the April 2012 stages look unlikely at this time.

2.6 The Statement of Licensing Policy will need reviewing by the second stage of the proposed changes to the Act, as such a further report will be made to the Licensing Committee focused on this review.

2.7 When the Government announce the detail and timeline for the proposed amendments we will be organising training for both Officers and Members. In addition, it may be appropriate to consider forming a working group to develop the new Licensing Policy Statement once further detail has been announced.

### **3.0 Live Music Bill**

3.1 The Live Music Bill has been through both the House of Lords and the House of Commons and the text has been agreed. It now awaits the final stage of Royal Assent when the Bill will become an Act of Parliament. A date for Royal Assent has yet to be set, but it is likely to become an Act at the beginning of April.

3.2 The legislation will amend the Licensing Act as follows:-

In Alcohol Licensed Premises:-

Live music will cease to be regulated entertainment in venues licensed for the sale of alcohol for consumption on the premises in the following situations:

- when it is unamplified and takes place between 8am and 11pm; and
- when it is amplified and takes place in the presence of an audience of 200 persons or less and is provided between 8am and 11pm.

The premises must be open for the sale of alcohol during the time that the live music is provided for the exemption/s to take effect.

Further, any condition attached to the Premises Licence relating to live music ceases to have effect in respect of the live music unless the Licensing Authority states otherwise on the licence pursuant to a Review hearing.

In Non Alcohol Licensed Premises:-

Of note for those premises which are not licensed for alcohol sales, the Bill states that live music is not regulated entertainment when it is unamplified and takes place between 8am and 11pm.

Amplified live music in non-licensed venues will still require formal authorisation from the Licensing Authority, such as a Premises Licence or Temporary Event Notice.

Provision of facilities for making music and dancing:-

The Bill's final notable feature is to remove the provision of facilities for making music and dancing as forms of regulated entertainment.

### **4.0 Equality and Diversity Implications**

4.1 There are no equality and diversity implications arising from the report.

### **5.0 Legal Implications**

5.1 Implementation of each of the reforms will involve their own legal implications that will need to be considered in more detail when the provisions of the Act are commenced and the reforms require local implementation.

### **6.0 Risk Management**

6.1 There are no identified risks arising from the report.

### **7.0 Financial Implications**

7.1 Implementation of the various reforms will require significant Officer time, the costs of

which will need to be met from existing resources. Some of the reforms may present opportunities for the Council to increase its revenue from fees and charges to help cover the costs incurred in providing the licensing functions.

## 8.0 Corporate Outcomes

8.1 The Corporate Outcomes affected by this policy are:

- Good Quality of Life
- Effective Partnership Working
- Effective Management
- High Quality Service Delivery
- Strong Community Leadership
- Knowledge of Customers and Communities.

## 9.0 Conclusion

9.1 This information is provided for members for information about changes due to be made to the Licensing Act 2003.

<b>Legal</b>	Power: Licensing Act 2003				
	Other considerations:				
<b>Background Papers:</b>					
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<b>Date: 9 February 2012</b>					
<b>CFO</b>		<b>MO</b>		<b>CX</b>	

(Committee Report Normal Rev. 22)

**Police Reform and Social Responsibility Act 2011  
Changes to Licensing Act 2003**

Section	Current	Change
<i>Part 2 Chapter 1</i>		
103-104		Relevant licensing authority and PCT/health board added to list of responsible authorities
105-108	Representations and reviews can be made by a person living or businesses operating <b>within the vicinity</b> of the premises, or ward councillors	Representations and reviews can be made by any person living or businesses operating <b>within the licensing authority's area</b>
109-111	Committee decisions, etc must be <b>necessary</b> for the promotion of the licensing objectives	Committee decisions, etc must be <b>appropriate</b> for the promotion of the licensing objectives
112	Only police can object to TEN's	Police and local authority (statutory functions for prevention of pollution/harm to human health) can object to TEN's
113	No conditions on TEN's	Premises licence conditions can be applied to TEN's for licensed premises following hearing, if appropriate for promotion of licensing objectives
114	All TEN's must be submitted <b>10</b> working days before event	Late TEN's can be given <b>5-9</b> working days before event. Maximum of 2 late TEN's per user allowed per calendar year (10 for personal licence holders). Counter-notice can be given following objections to late TEN's without hearing.
115	Maximum TEN duration = <b>96</b> hours Up to <b>15</b> days of TEN's per calendar year	Maximum TEN duration = <b>168</b> hours Up to <b>21</b> days of TEN's per calendar year
116	Licensing authority must acknowledge receipt of TEN by sending back <b>endorsed copy</b> of TEN	Licensing authority must send a <b>written acknowledgement</b> of a TEN
117	Objections to TEN's to be made within <b>2</b> working days	Objections to TEN's to be made within <b>3</b> working days
118	Maximum fine for persistent underage sales is <b>£10k</b> . Voluntary closure period for same offence is <b>2</b> days.	Maximum fine for persistent underage sales is <b>£20k</b> . Voluntary closure period for same offence is <b>14</b> days.
119	Early Morning Alcohol Restriction Order (EMARO's) provisions, now midnight to 6am	
120	-	Suspension of licences/certificates for non-payment of annual fees (for fees incurred after commencement only, 21 days grace period, not if administrative error or disputed liability/amount)
121	Application fees set by SoS in Regulations	Locally set fees - power for SoS to make regulations
122	Statement of licensing policy to be reviewed every <b>3</b> years	Statement of licensing policy to be reviewed every <b>5</b> years
123	-	New relevant offences: failing to give sample (RTA), 'attempted' offences, 'conspiracy' offences, conspiracy to

Section	Current	Change
		defraud
124	-	SoS to review changes to LA2003 after 5 years
<b>Part 2 Chapter 2</b>		
125-139	Late night levy provisions <i>(detail to be outlined in Regulations, subject to consultation)</i>	
<b>Part 2 Chapter 3</b>		
140	-	All sections of VCRA 2006 relating to alcohol disorder zones repealed