



City of Westminster

Licensing Committee

Date:	13 July 2011
Classification:	For General Release
Title:	The Police Reform & Social Responsibility Bill 2010-11
Report of:	Operational Director for Premises Management
Wards Involved:	Not Applicable
Policy Context:	Management of the Public Realm
Financial Summary:	No financial implications
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1. Summary

- 1.1 Westminster City Council submitted a response to the initial consultation document *Rebalancing the Licensing Act* in July 2010. The *Police Reform and Social Responsibility Bill 2010-11* was subsequently started in the House of Commons and is now in the House of Lords awaiting Report Stage (scheduled for 11.07.11).
- 1.2 The Bill covers five distinct policy areas: police accountability and governance; alcohol licensing; the regulation of protests around Parliament Square; misuse of drugs; and the issue of arrest warrants in respect of private prosecutions for universal jurisdiction offences. This report focuses solely on the alcohol licensing sections of the Bill. These sections amend and supplement the Licensing Act 2003 with the intention of “rebalancing” it in favour of local authorities, the police and local communities.

2. Recommendation

- 2.1 The Committee is recommended to note the report.

3. Key aspects of the bill

- (i) Provisions to give licensing authorities, the police, local authorities with responsibility for controlling noise nuisance and communities an increased role in licensing decisions. Also provisions to enable Primary Care Trusts to have a say in licensing decisions. [ss.105-106]
- (ii) Provisions to give licensing authorities greater powers to remove or refuse licences by enabling them to fulfil the same functions as existing responsible authorities. Also provisions to remove the vicinity test for those making relevant representations or applying for reviews in relation to premises licences or club premises certificates; replacing the term, “interested party” with, “any other person” – thus further empowering communities to make representations or call for reviews. [ss.107-110]
- (iii) Provisions to reduce the evidential burden on licensing authorities when making decisions e.g. deciding upon conditions; replacing the term, “where necessary” with, “where appropriate”. [ss.111-113]
- (iv) Provisions to provide local authorities as well as the police with powers to object to temporary event notices on the basis of all the licensing objectives in the Licensing Act 2003. Licensing authorities will also be able to impose conditions on a TEN in limited circumstances (paraphrasing: appropriate, mirror same premises conditions and not too restrictive). Provisions will also allow premises users, in any calendar year, to hold a single event under a TEN for up to seven days, use single premises for up to 21 days and give a limited number of TENs later than the existing process permits. [ss.114-119]
- (v) Provisions for doubling the maximum fine (from £10k to £20k) for premises which persistently sell alcohol to those under 18, and increasing the period of suspension (closure notices) which can be imposed on such premises from up to 48 hours to a minimum of 48 hours and a maximum of 336 hours. [s.120]
- (vi) Provisions to give licensing authorities greater flexibility in making early morning restriction orders; such orders may be made for the whole, or part, of their areas for a period of any duration between midnight and 6am, and may impose different restrictions on different days. [s.121]
- (vii) Provisions to bolster the ability of licensing authorities to enforce payment of unpaid fees by providing for the suspension of premises licences or club premises certificates for non-payment of the annual fee. Also provisions which give powers to set the level of fees which take into account the costs of licensing authorities (although this is subject to certain constraints). [s.123]
- (viii) Provision to extend the period within which the statement of licensing policy must be reviewed from three to five years. [s.124]

- (ix) Provisions to enable licensing authorities to introduce a levy in their areas which will be payable by premises which supply alcohol as part of the late night economy. Licensing authorities will be able to impose the levy on such premises for a period of any duration between midnight and 6am, subject to certain exemptions. At least 70% of the funds generated will be paid to the police and crime commissioner. [s.127-138]
- (x) Provision to repeal Alcohol Disorder Zones (per the Violent Crime Reduction Act 2006). [s.142]
- (xi) Finally, the Bill includes a requirement on the Secretary of State to review the impact of all the amendments introduced into the regulatory regime by this Bill after a period of five years. [s.126]

4. Westminster's engagement and response

- 4.1 A response to the formal consultation, *Rebalancing the Licensing Act* was made in July 2010. A copy of this response is attached for information. The main message of the consultation was that Westminster was in broad support of the changes but would like to see even bolder reforms.
- 4.2 The licensing service has been engaged with the Home Office in recent months, with particular reference to the power to set fees which cover all reasonable costs. We will continue to lobby the Home Office so that we are allowed to set our own fees rather than the proposed new system which, whilst certainly more relaxed, is ostensibly still quite prescriptive.
- 4.3 As a result of our discussion with the Home Office we are of the understanding that the new powers for temporary event notices may come into force as early as April 2012. However, the provisions for fee setting are unlikely to be available until at least October 2012.

5. Financial Implications

- 5.1 There are no financial implications arising from this report.

6. Legal Implications

- 6.1 There are no legal implications.

If you have any queries about this report please contact James Armitage on 020 7641 3076, or email jarmitage@westminster.gov.uk

