

THE POLICE REFORM AND SOCIAL RESPONSIBILITY BILL

The House of Lords is considering the Governments above named Bill, and part of this Bill if it becomes legislation, will affect the Licensing Act 2003.

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In terms of how the Licensing Act 2003 will be amended and therefore the knock on effect to ourselves, the following parts of the Act will become subject to change:

Licensing

New powers for councils

Under the Bill's proposals:

- Licensing Authorities will become 'Responsible Authorities', gaining the power intervene in licensing applications and to take action against existing premises licences where there are problems.
- The 'light touch' regime for 'temporary events' will be modified to allow council's environmental health departments to intervene if events would disrupt or endanger the local community.
- The loophole which previously allowed premises to avoid existing controls by using temporary event notices will be closed – licensing authorities will be able to insist that existing licensing controls remain in place, and that the local community is properly protected.
- Councils will also be given more flexible powers to allow temporary events to go ahead, rather than having to adhere to the current rigid rules which have led to the cancellation of events, despite their potential benefit to the local community.
- The maximum period a temporary event can last will be extended to seven days.
- Licensing authorities will gain a crucial new power to suspend licences where annual fees are not paid. This will help councils to recover money owing and to tackle the minority of rogue businesses who do not comply.

Licensing Fees

Under the Bill's proposals:

- The Government proposes that Licensing authorities set their own fees.

Late night levy

Under the Bill's proposals:

- Councils will be able to require late night operators who supply alcohol between midnight and 6am to pay a levy in addition to their existing licence fees. The levy would be payable to licensing authorities, who would then deduct their administrative costs and could then use up to 30% of the levy income in providing extra measures to reduce or prevent crime and disorder. The remaining 70% of levy income must be paid to the police.

Proposals are for charges to be set on a national level and be based on rateable value bands and apply to both on and off-trade. The fees will be split evenly between the police and local authority. The five rateable bands are as follows:

- A. No rateable value to £4,300: £299
- B. £4,301 to £33,000: £768
- C. £33,001 to £87,000: £1,259
- D. £87,001 to £125,000: £1,365
- E. £125,001 and above: £1,493

Premises in Bands D and E who “primarily or exclusively sell alcohol” will be subject to a multiplier of two and three respectively taking the charges to £2,730 and £4,400.

The Government confirmed that discounts and exemptions will be available to premises that take action “to ensure that they do not have a negative impact on their local community through membership of schemes such as Best Bar None and Pubwatch.”

It also suggested authorities may exempt hotels as they only serve their own customers and are unlikely to contribute to policing costs.

Other changes to the licensing system

Under the Bill's proposals:

- The burden on councils to produce, consult on and publish a licensing policy statement every three years will be replaced with a system by which councils can update policies whenever necessary.
- The extension of “Early Morning Restriction Orders to be applicable between 24:00 and 06:00 (previously 03:00 to 06:00)
- Fines for underage sales will be doubled from (from £10,000 to £20,000).

Full details as to how each of the changes are expected to help “Rebalance The Licensing Act” can be found at:

<http://www.homeoffice.gov.uk/publications/alcohol/alcohol-proposals-factsheet/?view=Standard&pubID=845525>

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