

TO: LICENSING AND SAFETY COMMITTEE  
12 JANUARY 2012

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**POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011**  
**Chief Officer: Environment and Public Protection**

**1 INTRODUCTION**

- 1.1 The Police Reform and Social Responsibility Act received Royal Assent on 15 September 2011. Part 2 of the Act amends and supplements the Licensing Act 2003 with the intention of 'rebalancing' it in favour of local authorities, the police and local communities.

**2 SUPPORTING INFORMATION**

- 2.1 The key reform areas are as follows:

- a) **Licensing authorities to be a responsible authority:** Licensing authorities will be able to make representations and initiate reviews of premises licences and will ensure that licensing authorities are 'better able to respond to the concerns of local residents and businesses by taking the necessary actions to tackle irresponsible premises without having to wait for representations from other responsible authorities'. Any actions taken must still promote the licensing objectives and decisions would need to be evidence based.
- b) **Primary Care Trusts/Health Boards to be responsible authorities:** Trusts/boards will be able to make representations and initiate reviews. There is a potential that they could contribute data relating to alcohol-related ambulance call-outs and alcohol related harm to children.
- c) **Abolition of interested parties:** Representations and requests for review will not be restricted to 'interested parties' and responsible authorities; the vicinity requirement will be removed, and representations will be allowed by responsible authorities or 'other persons'.
- d) **Reducing the evidential burden:** The requirement for decisions to be 'necessary' throughout the Act will be replaced by the word 'appropriate'. The view is that for a decision to be necessary to promote the licensing objectives, the decision maker has to be satisfied that no lesser steps will suffice. The licensing authority will therefore have a wider discretion to take the steps it deems appropriate. There are concerns that there is an increased likelihood of legal challenge and appeal as the terminology seems subjective.
- e) **Late Night Levy:** Licensing authorities may decide to introduce a levy which will cover the whole area and will be payable by premises which have a licence to sell or supply alcohol between midnight and 6am, although some categories of premises may benefit from an exemption or discount. At least 70% of the funds generated by the levy must be paid to the police and the remainder should pay for measures to address the effect of alcohol related crime and disorder. Further details about the levy will follow in regulations.
- f) **Early morning restriction orders:** If the authority considers it appropriate for the promotion of the licensing objectives, they can make

orders to prohibit the sale or supply of alcohol for the whole, or part, of the areas for a period of any duration between midnight and 6am, and will be able to impose different restrictions on different days.

- g) **Temporary Event Notices:** Environmental Health will be able to object to a temporary event notice and all objections will be able to be made on the basis of all the licensing objectives in the Licensing Act 2003. Conditions can be added to a TEN if there has been an objection and the authority considers it 'appropriate for the promotion of the licensing objectives'. There will be two types of TEN, a standard TEN (as existing) and late TENs (which can be given 5-9 days before the event and which can be vetoed by the Police or EH with no panel hearing required). The maximum period will be increased from 4 to 7 days and per premises per year from 15 to 21 days.
- h) **Persistent sales of alcohol to children:** The maximum fine for premises which persistently sell alcohol to those under 18 will be doubled to £20,000 and closure notices will be increased from 2 days to a range between 2 to 14 days.
- i) **Fees:** The Secretary of State may make regulations enabling authorities to set their own fees to ensure cost recovery. Licensing authorities must also suspend a premises licence or club premises certificate for non-payment of an annual fee (unless there is an administrative error) after a grace period of 21 days.
- j) **Licensing policy statements:** Policies will have to be reviewed every 5 years rather than every 3 years.

2.2 It is anticipated that the licensing changes will not come into effect until the autumn of 2012. The Guidance issued under s182 of the Act will be revised to provide advice on the changes and further regulations are likely to follow.

2.3 There may also be a need to review procedures and officer/member training in due course. As an example, a procedure may need to be introduced to ensure separation of responsibilities should the licensing authority choose to review a premises licence.

2.4 As and when details are published, these will be brought to Committee for consideration.

#### Background Papers

Police Reform and Social Responsibility Act 2011

#### Contact for further information

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