
EXCERPT FROM THE MINUTES OF THE LICENSING COMMITTEE HELD ON 30 MAY 2012

LC.13/12 POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011

The Licensing Manager submitted report GD.32/12 which provided an update on the changes made to the Licensing Act 2003 as a result of the Police Reform and Social Responsibility Act 2011.

The Licensing Manager informed the Committee that the Police and Social Responsibility Act 2011 had been passed by Parliament and received Royal Assent in September 2011. Part 2 of the Act made changes to the Licensing Act 2003 and the first of the changes came into effect on 25 April 2012.

The Licensing Manager outlined the changes highlighting the 'evidential burden' on Licensing Sub-Committees, changes to Temporary Event Notices, the fine for persistently selling alcohol to children, suspension of premises licence for failure to pay the annual fee and the statement of Licensing Policy.

He drew particular attention to the changes made to responsible authorities. The Licensing Authority for the area in which a premises was situated (or partly situated) and the Primary Care Trust/Local Health Board would become responsible authorities with the power to:

- make representations against applications for new licence and variations, and
- make review applications

He added that there were no changes to the 4 licensing objectives and public health did not become a licensing objective.

The Licensing Manager explained that the term 'interested party' and its definitions had been deleted throughout the Act and replaced by either 'other person' or 'any other person'. This meant that any person (resident, business, Councillor, MP, etc) could make representations or apply for a review, regardless of where they resided as there was no longer a 'vicinity' requirement.

As a result of the Licensing Authority becoming a Responsible Authority, as well as being the determining authority for all applications it was recommended that the Director of Governance be given delegated authority to act as the Responsible Authority. If this change was agreed the Constitution would need to be amended to reflect the change and this would require approval by full Council.

The Chairman asked that consideration also be given to changing the Council's Constitution to allow for the Chairman and Vice Chairman of the Regulatory Panel to be appointed by full Council alongside the Licensing Committee. The Legal Services Manager agreed to discuss this further with the Director of Governance.

RESOLVED – 1) That the update on the Police Reform and Social responsibility Act 2011 be noted:

2) That the City Council be recommended to amend the Constitution as follows:

- Table at Section 2A, Schedule 1 - Licensing Committee delegation of functions.

Making of a representation as a Responsible Authority in relation to an application, delegated to the Director of Governance.

- Section 2B, Delegation of Council functions to the Council's Officers.

New Paragraph 4.1 - Powers delegated to the Director of Governance - To make representations as a Responsible Authority, where appropriate, in response to applications.