



LICENSING COMMITTEE

MEETING TO BE HELD IN CIVIC HALL, LEEDS ON
TUESDAY, 10TH APRIL, 2012 AT 10.00 AM

MEMBERSHIP

Councillors

S Armitage - Cross Gates and Whinmoor;
K Bruce - Rothwell;
R Downes - Otley and Yeadon;
J Dunn - Ardsley and Robin Hood;
R D Feldman - Alwoodley;
B Gettings - Morley North;
T Hanley - Bramley and Stanningley;
G Hussain - Roundhay;
G Hyde - Killingbeck and Seacroft;
A Khan - Burmantofts and Richmond Hill;
P Latty - Guiseley and Rawdon;
B Selby - Killingbeck and Seacroft;
C Townsley - Horsforth;
D Wilson - Rothwell;
G Wilkinson - Wetherby;

Agenda compiled by:
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A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATIONS OF INTEREST</p> <p>To declare any personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct</p>	
5			<p>APOLOGIES FOR ABSENCE</p>	
6			<p>MINUTES</p> <p>To approve the minutes of the last meeting held on 13th March 2012</p> <p>(Copy attached)</p>	1 - 6
7			<p>TRANSPORT FOR THE CITY CENTRE NIGHT TIME ECONOMY</p> <p>To consider the report of the Director of City Development providing an overview of the transport arrangements and issues associated with supporting the Leeds city centre night time economy</p> <p>(Report attached)</p>	7 - 14

Item No	Ward/Equal Opportunities	Item Not Open		Page No
8	All Wards;		<p>QUARTERLY REPORT ON ENFORCEMENT ACTIVITY - ENTERTAINMENT LICENSING</p> <p>To consider the report of the Head of Licensing and Registration on enforcement activity undertaken by Entertainment Licensing Enforcement Team and partner agencies support the licensing objectives and licence compliance</p> <p>(Report attached)</p>	15 - 20
9			<p>LICENSING ACT 2003 - CHANGES FROM 25 APRIL 2012</p> <p>To consider the report of the Head of Licensing and Registration on the changes to the Licensing Act 2003 due to be commenced on 25th April 2012 brought about by the Police and Social Responsibility Act 2011 and the implications for the work of the Licensing Committee</p> <p>(Report attached)</p>	21 - 56
10			<p>LICENSING WORK PROGRAMME</p> <p>To note the contents of the Licensing Work Programme</p>	57 - 58
11			<p>FUTURE MEETING ARRANGEMENTS</p> <p>To note the date and time of the following meetings: Tuesday 15th May 2012 at 10:00 am Friday 25th May 2012 at 10:00 am</p>	

Licensing Committee

Tuesday, 13th March, 2012

PRESENT: Councillor S Armitage in the Chair

Councillors J Dunn, R D Feldman,
B Gettings, T Hanley, G Hussain, G Hyde,
A Khan, P Latty, B Selby, C Townsley,
D Wilson and G Wilkinson

74 Exempt Information - Possible Exclusion of the Press and Public

RESOLVED – That the public be excluded from the meeting during consideration of that part of the agenda designated as exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information so designated as follows:-

- (a) Appendix 1 of the report referred to in minute 80 in terms of Access to Information Procedure Rule 10.4 (5) on the grounds that disclosure of the information contained within the appendix could undermine current and/or proposed legal proceedings

75 Declarations of Interest

There were no declarations of interest

76 Apologies for Absence

Apologies for absence were received from Councillors Bruce and Downes

77 Minutes

RESOLVED – That the minutes of the meeting held 14th February 2012 be agreed as a correct record

78 Decision Making in Taxi & Private Hire Licensing

The Committee considered the joint report submitted by the City Solicitor and the Chief Officer, Democratic & Central Services; on the current decision making model in Leeds for the grant, refusal, suspension or revocation of the various licences issued by the Council as the taxi and private hire licensing authority. The report outlined the legal framework governing the decision making process and considered the implications of any proposal to change the current arrangements.

The Chair provided the background to the production of the report before Members. The Chief Officer, Democratic & Central Services reported that there had been a number of informal discussions recently where the decision making model used by Taxi and Private Hire Licensing had been queried. He confirmed that any decision relating to suspensions and revocations undertaken by officers were taken in line with Council Policy, agreed by Members, in the interests of public safety. However, it was appropriate for

Members to review the arrangements and the report provided information to facilitate that review.

Other matters were highlighted which included the fact that in some instances where there was an immediate public safety issue, such as illegally plying for hire, a suspension took immediate effect and remained in place until a subsequent appeal to the Magistrates Court was dealt with. It was acknowledged that this was an area of contention with the trade as the appeal process could be lengthy, depending on the individual case and fees could reach £700. It was noted that if an appeal was upheld, the appellant would recoup the fees, and some appellants on low wages were eligible to receive financial assistance

The Legal Adviser to the Committee provided further detail on the legislative framework and outlined the following issues for consideration:

- the decision making models employed in other authorities, the number of licences and appeals/suspensions/revocations within those authorities and the resource implications. The resources needed to support the model used in Birmingham - similar sized authority – were of particular note
- having regard to concerns expressed over decisions to suspend with immediate effect, it was noted that every Council had some delegation to officers to issue immediate suspensions. Importantly, when a suspension was made having regard to the safety of the travelling public, it was not possible to issue a suspension and then review that matter at a later date
- if Members chose to determine appeals, officers would not recommend decision making based purely on paper evidence. A Sub Committee model would allow Members to test and question the evidence submitted by appellants
- a Sub Committee would be empowered to deal with all relevant evidence and the relevant standard would be balance of probabilities rather than on “all reasonable doubt” as in a criminal case. Factors including whether there was the existence of a criminal conviction, whether an appellant was found not guilty or acquitted, personal circumstances, livelihood, hearsay and the facts of a criminal case were all relevant matters which could be considered by Members to inform their view over whether the licence holder was “fit and proper”
- it was acknowledged that even if an additional right of appeal was written into the decision making process, an appellant retained the right of appeal to the Magistrates Court. As such, it was important to provide clarity to the decision making process and for Members to deal with appeals quickly, possibly within 20 days, in order for the appellant to receive their decision and to afford them time to lodge a further appeal to the Magistrates Court if they wished to, with all the relevant paperwork from the sub committee appeal
- The number of appeals lodged in Leeds and the likelihood that a Member decision may confirm an officer decision, having regard to the Policy and reviewing the same evidence,
- The additional training and resources required to support members decision making if Members chose to change the decision making model

The Committee firstly noted the background to the request for reconsideration of the model currently used by Leeds, and considered how many people would be affected by the change, what level of involvement Members may wish to have, whether the appeals figures indicated a need for change and the impact on Councillor commitments balanced against the impact on all licence holders through a fee increase to support the change

Members discussed the following:

- Practice elsewhere in West Yorkshire and that the current delegation scheme was set within the parameters of national Legislation
- That public safety was a paramount concern. Members highlighted the data showing the number of PH suspensions where drivers were found to be illegally plying for hire. Members sought clarity on the fact that in these instances neither the vehicle nor the driver was insured to carry passengers, thus creating the risk to public safety.
- Noted the concerns expressed to some Members by some sections of the PH and HC trades about the current decision making model
- Noted that suspension or revocation would still occur if a driver was found to be plying for hire or driving whilst disqualified as the Policy would still apply to any decision maker. Members reiterated that, drivers of any vehicle should be aware that driving whilst disqualified was illegal and plying for hire invalidated the vehicle's insurance - thus increasing the risk to public safety
- That the term "generally invalidate" in paragraph 3:1 referred to those rare vehicle insurance policies which were not invalidated if the vehicle was used for a purpose other than that stated on the insurance policy document
- Whether the evidence collated from other Authorities was written or verbal evidence. and noted the reply that verbal responses had been typed and sent back to the Authority for confirmation. This correspondence could be made available to Members on request
- One Member commented that he had not been aware that financial assistance was available to drivers on low incomes who lodged appeals
- One Member expressed the view that it was wrong for one officer to make a decision to suspend or revoke a licence with immediate effect and that the Committee should include co-opted members
- The detail of criminal cases and the impact of the outcome of criminal cases on an officer decision to suspend or revoke a licence. Officers responded that if a driver was cleared of an offence at Court, whether the decision to give back the licence was an officer decision or a Member decision, that decision would be based on Council Policy and could take into account all reasonable evidence. It was reported that there had been very few cases where, following a driver/operator being cleared of a criminal offence, a suspension/revocation had been upheld. The decision to give back a licence would be taken after investigation of the court proceedings and findings, which it was acknowledged could take some time as evidence would be required from external organisations. Officers noted the request for further information on such instances to be presented at a later date
- The level of Member involvement in the different models applied across West Yorkshire and the core cities, the resources required for each of those models and the level of additional training Members could require

- The requirement for Members to attend Court in any subsequent appeal proceedings
- The fact that the number of suspensions for plying hire (63 in 2010) was unlikely to change as the decision to suspend was based on Council Policy which was not in question
- The tight timescale of any appeals to a Sub Committee and the impact this would have on Councillors commitments and Members concern that an appellant could lose the opportunity to appeal to the Magistrates Court if an appeal was not dealt with swiftly by Members
- Noted the comments expressed by one Member that a number of drivers had been treated in an appalling fashion by officers. He was concerned that drivers, having been acquitted of an offence at a court hearing, were not automatically given their badge/licence back and that he could not support delegating that decision making process to officers. Officers responded that there had been only one such case in the previous 18 months. Officers acknowledged the length of time a driver could be suspended if a criminal case was proceeding, however the Court process was beyond LCC control
- The number of suspensions in 2010 (89) and 2011 (129), the number of refusals in 2010 (18) and 2011 (15) and revocations in 2010 (69) and 2011 (64). Officers confirmed that 44 appeals had been lodged during the 2010/11 period. Of the 7 cases where a Magistrates Court did not uphold an officers decision, all 7 badges/licences were given back to the driver/operator
- The legal and resource implications for Leeds if any other model was adopted
- The data provided on the actual number of appeals to the Magistrates against decisions taken by the Authority under the current policy and conditions, and the impact any change might have on these numbers
- The availability of the Council's corporate complaints procedure for drivers to pursue complaints
- The comments made in respect of driver permit appeals in which Members had found officers decisions to be objective and in line with Policy
- The cost implications of any changes – whether to the general public through the Council bearing the increased administration costs for an additional appeals system or on the trade through the fees levied on the trade

The Committee having discussed the matter at length, carefully considered a motion whether to support a change to the current decision making model; but this was not supported.

RESOLVED – To note the contents of the report and to support the continued use of the existing decision making model

79 Chairs Comment

Having noted the discussions on the perception of the decision making within sections of the PH and HC trades and the comments by some Members on individual cases; the Chair urged all Members and trade representatives who knew of a case which they felt required further investigation, to provide the details of the case in writing, to the appropriate officers so that a full investigation could be undertaken.

80 Appeals Under the Licensing Act 2003

The Committee considered the report submitted by the City Solicitor on appeals lodged against the decisions of the Licensing Sub Committees under the provisions of the Licensing Act 2003. Members discussed the contents of Appendix 1 to the report and issues relating to the Cumulative Impact Policies within the Authority's Statement of Licensing Policy

The Committee noted the comment that the forthcoming change in legislation could be having an impact on the number of appeals lodged recently.

RESOLVED – To note the contents of the report and the intention to present updates on the appeal outcomes at the appropriate time.

(Councillor A Khan left the meeting at this point)

81 Licensing Work Programme

RESOLVED – To note the contents of the Licensing Work Programme for the remainder of the Municipal Year

82 Date and Time of the Next Meeting

RESOLVED – To note the date and time of the next meeting as Tuesday 10th April 2012 at 10:00 am

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Report author: Andrew Hall

Tel: 0113 247 5296

Report of Director of City Development

Report to Licensing Committee

Date: 10 April 2012

Subject: TRANSPORT FOR THE CITY CENTRE NIGHT-TIME ECONOMY

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): City and Hunslet	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary of main issues

1. This report provides an overview of transport arrangements and issues associated with supporting the Leeds city centre night time economy. A range of matters are touched upon in the report including the role of rail and bus public transport services, and the service provided by the hackney carriage and private hire trades which is heavily relied upon by the public for the journeys particularly outward from the city centre.

2. Many of these matters are form continuing activities for example the development of taxi rank arrangements to meet the dynamic needs of the night time economy and recent discussions on the proposition for a “transport hub”. All have planning and resource implications for the Council and its partners, particularly the Police. It is therefore considered there is merit in reviewing practice elsewhere in other core cities and convening a joint service site visit(s) and workshop to bring the key stakeholders together as a forum to take stock of the situation and to investigate new ideas and best practice to improve the situation and plan for the future.

Recommendations

3. Licensing Committee are requested to:

- i) Note and comment on the report.
- ii) Endorse the proposals for a review of practice in other core cities, a joint service site visit and stakeholder workshop to consider future strategy and actions for transport arrangements in relation to the city centre night-time economy.

1 Purpose of this report

- 1.1 This report provides a summary of transport issues in relation to the city centre night-time economy and sets out a proposal for further work to better understand the situation and by taking a joint service approach to develop future plans working with key stakeholders

2 Background information

- 2.1 Issues regarding the management of transport provision to support the night-time economy are a long standing matter which has been the subject of continuing concern. Various management measures are in place covering traffic management, public order and the management of public safety. Members of the Licensing Committee have asked for further consideration to be given to the situation particularly in terms of the management and provision made for public egress and dispersal from the city centre area in the late night / early morning period.

- 2.2 The particular areas of interest are:

Public transport provision.

- 2.3 Night bus service timetables are now limited to those commercial services running on the Headingley corridor with no services elsewhere after 11.30pm. Previous commercial services have been withdrawn and similarly subsidised proposals have not proved to be cost effective. In both cases due to low levels of usage such that they are unsustainable in economic and value for money terms. Experience from previous services also indicates that the majority of people do not find bus services an attractive option, especially for their journeys home late at night.

- 2.4 As with buses, for all, excepting Trans-Pennine airport services, timetables close down after 11pm. Rail has not been considered in detail and is known to be very expensive to operate with service standards set down in long term franchise arrangements. Previously it's been concluded that rail based interventions would not be economic or sustainable and have restricted potential to satisfy much of the late night travel need. The question here would be whether there is any viable role for extended rail provision?

- 2.5 It is therefore clear that the options and opportunities for conventional bus services are very limited commercially and difficult to justify in terms of the significant levels of public subsidy needed to achieve the level of coverage that would make a meaningful difference. The question is whether there are alternative models delivery, not yet considered, that might offer greater sustainability or whether in fact the potential of bus services to meet the specific needs of users' diverse travel patterns are a solution.

Hackney carriage and private hire provision.

- 2.6 These companies provide two distinctive types of licensed services to the customer and form the main mode of travel for people out of the city centre at

night. The distinction between the hail and ride nature of the hackney carriage and pre-bookable private hire can become blurred at night during the peak demand times when operators are working at full stretch. It includes issues around the provision and management of ranks for hackney carriages and the on-street management and dispersal of private hire vehicles. This matters for both operators and the public in terms of location, management and compliance with license conditions in conducting legitimate activities.

- 2.7 Discussions have taken place with the hackney carriage and private hire trades about establishing a night time “transport hub” to support the better management and dispersal of the night time business. The initial response indicated the initial proposal was unsatisfactory with attention being drawn to a range of issues. These included congestion at ranks, illegal parking and plying for hire by private hire vehicles. Views were also expressed that greater use of traffic Orders should be made to manage traffic at hotspot locations, with further dual use of bus stops and wider use of taxi marshals. Further discussions may therefore be merited to ascertain what the most practical and effective package or measures would be for the future management of the issues.

Public order management and street use.

- 2.8 There have been several reviews and arrangements introduced to make improvements to the situation on street at the travel hot-spots, for example measures to have shared taxi use with bus stops and provisions to close Upper Briggate. Considerable time and energy over the years has been expended to seek effective solutions. Notwithstanding this issues continue to be reported regarding traffic behaviours at certain locations and there is known to be a level of dissatisfaction within the taxi trade. Further possibilities for the management of certain hot spots (for example Call Lane where traffic surveys have been initiated to gain a better understanding of the situation) have been suggested by the Police and as outlined above in the response to initial discussions on the “transport hub” concept.
- 2.9 In terms of the management of hackney carriage provision, there has been a significant and continuing effort to tailor rank provision to meet the demands of both daytime and night time economy. In this regard one of the key constraints is identifying suitable locations and space for ranks at the most popular locations, and especially at night when the focus shifts to different locations ensuring that this can reflect an economy that is dynamic. Measures have also been put in place to support policing, for example provisions to close Upper Briggate to traffic when necessary.
- 2.10 Action is also being taken to adapt taxi ranking arrangements at night. Currently of the 84 ranks and 397 spaces in the city, 69 ranks and 332 spaces (36 shared/part time with 149 spaces) are in the city centre. Since 2009 a total of 16 new ranks comprising 75 additional spaces have been provided including 9 ranks (41 spaces) for evening / night time use. Schemes for a further 3 ranks (11 spaces) are being prepared. There is a need to understand if further measures are feasible and, if they are worth pursuing, over what time frame.

Engagement.

- 2.11 As the preceding sections have indicated there are a range of issues already being considered, including the points made concerning the “transport hub”. It has also been suggested that more innovative solutions not previously examined may exist. Perhaps these may come from other wider stakeholder interests in the city centre rather than being driven by the public authorities. It’s not entirely clear what such additional solutions could be and therefore a new approach may be needed to tease these out and establish their usefulness. For this reason recent inter-service discussions have concluded that a stakeholder workshop approach may have some value in adding to the existing stakeholder dialogues. Of course such an approach will need be grounded by practicality and be able to address matters of deliverability. There seems to be merit also in reviewing practice elsewhere in other core cities and perhaps attending site visits to observe potential solutions.

3 Main issues

- 3.1 It is proposed that to take forward this long standing matter the following actions are pursued in the new municipal year:
- a) A night-time site visit by officers with the Police and members of the Committee; followed by
 - b) A stakeholder workshop involving officers, elected members, police and key stakeholders including Metro and public / private hire representatives.
 - c) Reviewing practice elsewhere in other core cities and perhaps undertaking visit.
- 3.2 The site visit(s) will allow the observation and discussion of the issues concerned and provide the first hand knowledge for further considered discussion in a workshop session.
- 3.3 The joint service workshop will bring together all the key stakeholder parties to:
- Take stock of the current situation and the issues of concern
 - Receive advice and evidence from those managing the situation
 - Learn from past practice and best practice from elsewhere
 - Brainstorm the issues and possible solutions identifying opportunities for innovation
 - Critically examine the options and identify those with potential for further investigation and delivery
 - Agree key outcomes required
 - Consider stakeholder funding and resource issues

- Agree an action plan
- Identify task owners and timelines

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 The report details proposals for further engagement through a stakeholder workshop to consider future measures and options for transport arrangements that support the city centre night time economy.

4.1.2 There is ongoing consultation and engagement from within the Highways and Transportation Service in terms of city centre traffic management and the provision and review of taxi rank facilities.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 An EDCI screening has been prepared for this report. This indicates at this time that full Equality Impact Assessment is not required. It notes however that there are potentially a range of issues associated with transport arrangements for the night time economy that would need reviewing as future options are considered.

4.3 Council policies and City Priorities

4.3.1 The management of transport for the city centre night time economy supports the best city priorities business and living.

4.4 Resources and value for money

4.4.1 This report does not have specific resource implications. The proposed workshop arrangements will be met from within existing resources. The outcome and any actions arising from further discussions and the proposed workshop would be the subject of further review and consideration at that time.

4.5 Legal Implications, Access to Information and Call In

4.5.1 The report does not have any specific legal implications. Any legal matters arising from the outcome of further work would be dealt with at that time.

4.6 Risk Management

4.6.1 The effective co-ordination of night time transport arrangements is an important aspect of provision for the economy both in terms of quality of experience and enjoyment for visitors and their safety.

5 Conclusions

5.1 This report has summarised key areas of activity pertinent to the provision and management of transport to serve the city centre night economy. The Council plays an important role in this process, however to function well the delivery of services needs strong and robust partnership arrangements that are capable of

effectively managing the complex needs and issues that arise in one of the largest night time economies in the UK. In order to take stock of the position this report advocates holding a joint service workshop as means for bringing key stakeholders together to support the development of plans and interventions for the future.

6 Recommendations

6.1 Licensing Committee are requested to:

- i) Note and comment on the report.
- ii) Endorse the proposals for a review of practice in other core cities, a joint service site visit and stakeholder workshop to consider future strategy and actions for transport arrangements in relation to the city centre night-time economy.

7 Background documents¹

7.1 There are no background documents relating to this report.

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.

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Report author:	Seamus Kennedy
Tel:	51874

Report of the Head of Licensing and Registration

Report to Licensing Committee

Date: 10th April 2012

Subject: Quarterly Update on Enforcement Activity - Entertainment Licensing

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary of main issues

1. This report provides an update to the activities of entertainment Licensing's Enforcement Team who have been working with premises and partner agencies to promote the licensing objectives and licence compliance.

Recommendations

2. That Licensing Committee note the contents of the report.

1.0 Purpose of this report

1.1 To advise Licensing Committee of the activities of Entertainment Licensing's Enforcement Team who have been working with premises and partner agencies to promote the licensing objectives and licence compliance.

2.0 Background information

2.1 Entertainment Licensing has an enforcement team of 5 Senior Enforcement and Liaison Officers and a principal officer.

2.2 The main role of the enforcement team is to work with partner agencies and premises to promote the licensing objectives and to ensure compliance with the licences granted by the licensing authority. They achieve this through multi-agency inspections, action planning meetings, supporting review hearings and, as a last resort, through prosecution.

2.3 The work of the Enforcement Team is underpinned by the Responsible Authority Joint Protocol which is an enforcement agreement with all responsible authorities and other partner agencies such as HM Border Agency .

3.0 Main issues

3.1 This report presents the activities undertaken by the Section's Enforcement Team over the last quarter for information and discussion.

3.2 Standard Joint Operations

3.3 During the reporting period ongoing joint licensing compliance visits by Entertainment Licensing enforcement officers and West Yorkshire Police Neighbourhood Policing Teams have taken place across the City in both inner and outer areas. In summary, joint visits have taken place with the following Neighbourhood Policing Teams.

- Rothwell Neighbourhood Policing Team
- Pudsey Neighbourhood Policing Team
- City Neighbourhood Policing Team (Operation Capitol)
- Armley Neighbourhood Policing Team
- Bramley Neighbourhood Policing Team
- Killingbeck Neighbourhood Policing Team
- Wetherby Neighbourhood Policing Team

3.4 Visits conducted with NPTs will often include visits in other areas e.g. Armley NPT may incorporate joint licensing visits in the Bramley areas. In addition, some visits have included participation by other agencies e.g. UK Border Agency (UKBA), Her Majesty's Revenue and Customs (HMRC)

3.5 Joint city centre visits take place on at least one occasion per month.

3.6 Other Joint Operations

3.7 On the 8th March 2012 Entertainment Licensing enforcement officers participated in a planned multi-agency operation looking into two unlicensed premises in the Leeds 7 and 8 areas. Agencies involved in the operation were the LCC Entertainment Licensing section, Trading Standards, HMRC, West Yorkshire Police and the LCC Health & Safety Team.

3.8 Officers findings included suspected illegal smoking of shisha inside the premises contrary to smoking legislation, unlicensed activities under the Licensing Act, approximately 49 kilograms of shisha tobacco was seized as it was suspected UK duty had not been paid. Officers from the council's Health & Safety Team are to interview persons concerning possible breaches of smoking legislation.

3.9 Formal actions

3.10 *Pizza King & Coriander Cuisine, Horsforth LS18*

3.11 Offence: unauthorised provision of late night refreshment.

3.12 Trial held at Leeds Magistrates' Court on 26.01.12. Both defendants pleaded guilty and convicted. Fine: £300 for offence 1. Contribution to costs: £1,000. Victims' Surcharge: £15. No separate penalty for offences 2 and 3.

3.13 *Krispy Funky Chicken, Morley LS27*

3.14 Offence: Unauthorised provision of late night refreshment.

3.15 Hearing at Leeds Magistrates' Court on 16.02.12. Defendant #1 pleaded guilty to all five charges of providing late night refreshment after 11pm. Defendant #1 fined £1,000 for each charge convicted of (£5,000 in total) and ordered to pay costs of £4883.83 to the council. Victims' Surcharge £15. Defendant #2 accepted a Formal Caution for his part in the offences.

3.16 Regarding both premises above, Entertainment Licensing enforcement officers conducted a series of undercover test purchases over a period of several months to gather sufficient evidence to prosecute. Warning letters were sent to the premises on receipt of each complaint and following positive test purchase.

3.17 *Chapelton Road, Leeds 7*

3.18 Offence: unauthorised activities contrary to the Gambling Act 2005 and Licensing Act 2003 – i.e. using premises to make a machine available for use; making a machine available for use; exposing alcohol for unauthorised sale; and keeping alcohol on premises for unauthorised sale etc.

3.19 On Friday, 6th May 2011 officers from a number of agencies, including Entertainment Licensing, visited the premises as part of Operation Brunch further to information received. On accessing the basement of the premises it was found that a nightclub had been operating illegally. A bar was located at one end of the

basement containing a quantity of alcohol and a small room containing DJ equipment and CDs. A number of speakers were also located around the room. A gaming machine was turned on and available for use. The basement did not benefit from any licences authorising the activities.

3.20 The offender, who was the owner of the premises, was formally interviewed by council licensing enforcement officers and admitted his guilt for the offences and was administered a Simple Caution on 8th March 2012.

3.21 Outdoor Events

3.22 The Entertainment Licensing Enforcement Team is preparing for the city's summer programme of outdoor events, which involves attending multi-agency safety advisory groups as well as undertaking risk-based compliance visits to selected events.

3.23 Leeds Alcohol Management Board:

3.24 The Entertainment Licensing Section is represented at the regular Leeds Alcohol Management Board meetings which looks at ways of reducing alcohol harm across the city.

3.25 In response to a number of concerns raised by members of the board regarding possible breaches of the mandatory licensing conditions relating to small measures of still wine not being made available to customers in a 125ml glass in a number of licensed premises in the Leeds district and free adequate water not being made reasonably available to customers, it was agreed that Entertainment Licensing would explore this further to establish levels of non-compliance across the City and for the board to consider whether further work would be needed to tackle the issues.

3.26 In October 2011 licensing enforcement officers commenced a programme of compliance checks looking at the above two mandatory conditions. In addition officers included checks on a third mandatory licence condition concerning drinks promotions and whether there were 'irresponsible' drinks promotions being run at licensed premises.

3.27 In February 2012 Entertainment Licensing reported back to the Leeds Alcohol Management Board its findings in respect of the 363 premises visited during the period: October 2011 to February 2012. The following information is a summary of officers findings.

- Drinks Measures: Compliant = 353 Not Compliant = 10
- Drinks Promotions: Compliant = 363 Not Compliant = Nil
- Drinking Water: Compliant = 363 Not Compliant = Nil

3.28 The board were pleased with the initial encouraging findings and it was agreed Entertainment Licensing would continue to gather compliance information on the mandatory licensing conditions and report back to the board its findings for the foreseeable future.

- 3.29 Enforcement officers provided guidance to operators during the course of the visits on how to comply with the mandatory licensing conditions as well as through the various PubWatch forums set up across the Leeds district which are attended by premises management / representatives.
- 3.30 'Meet & Greet'
- 3.31 In 2011 Entertainment Licensing introduced a new initiative to engage with new incoming designated premises supervisors (DPS) to licensed premises in the City.
- 3.32 Approximately four weeks after an incoming DPS takes up their new position a licensing enforcement officer conducts a visit to the premises. The purpose of the visit is to provide an initial contact for the Entertainment Licensing section, to remind the DPS to familiarise themselves with their premises licences and attached conditions, to offer support and guidance on licensing matters, to signpost the DPS to other services/agencies, to drum-up interest in local PubWatch forums providing dates of next meetings etc.
- 3.33 It is hoped by engaging with the DPS at an early stage after taking up their new position will highlight Leeds' proactive approach in promoting a safe, sensible and social drinking environment by increasing compliance under the Licensing Act and hopefully minimising future formal actions which can be a significant drain on agencies resources.

4.0 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Entertainment Licensing holds monthly Licensing Enforcement Group meetings with all responsible authorities and other partners to discuss issues relating to the licensing objectives and licence compliance.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 There are no matters which specifically relate to equality and diversity issues. All Entertainment Licensing activities are subject to an equality, diversity, cohesion and integration impact assessment which is undertaken every three years. The last impact assessment was carried out in 2010.

4.3 Council Policies and City Priorities

- 4.3.1 The work of the section's enforcement team is underpinned by the Licensing Act 2003 and Gambling Act 2005 Statement of Licensing Policies. All partner agencies have entered into a Responsible Authority Joint Protocol which agrees enforcement action and the responsibilities of each partner agency.

4.4 Resources and Value for Money

- 4.4.1 Licence compliance underpins the licensing regime and Entertainment Licensing enforcement team ensures compliance through liaison with licensed premises and multi-agency partners.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 All information provided in this report is publicly accessible and there is no legal implication to the recommendations of this report.

4.6 Risk Management

- 4.6.1 As this is an advisory report there are no risks associated.

5 Conclusions

- 5.1 Entertainment Licensing's Enforcement Team provide specialist liaison to premises licensed under the Licensing and Gambling Acts as well as numerous other legislation. Their activities over the last quarter have been described in this report for Member's information and discussion.

6 Recommendations

- 6.1 That members note the contents of the report.

Background Papers

- 1. None



Report author:	Susan Holden
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Report of the Head of Licensing and Registration

Report to Licensing Committee

Date: 10th April 2012

Subject: Licensing Act 2003 Changes from 25 April 2012

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. Major changes to the Licensing Act 2003 are expected in 2012. The first tranche of changes relating to the Police Reform and Social Responsibility Act 2011 are due to be commenced on 25th April 2012.
2. This report provides an update to those changes and how they specifically relate to the decisions made by Licensing Committee.

Recommendations

3. That Licensing Committee note the contents of the report.

1.0 Purpose of this report

- 1.1 To advise Licensing Committee of some changes to the Licensing Act 2003 coming onto effect on 25th April 2012 which specifically relate to the decision making process.

2.0 Background information

- 2.1 The Police Reform and Social Responsibility Act 2011 (PRSR Act) received Royal Assent in September 2011 and brought a number of changes to the Licensing Act 2003 which were designed to give power back to local communities and to make it easier for Licensing Authorities to deal with problem premises and the problems associated with late night drinking.

3.0 Main issues

3.1 Responsible Authorities

- 3.2 The PRSR Act amends the Licensing Act to allow the licensing authority and PCTs/Local Health Boards to become responsible authorities.

- 3.3 Licensing Committee can expect to see representations on licence applications from NHS Leeds who will use the objective of public safety. Officers have contacted NHS Leeds to discuss this new role, and the requirements of the Licensing Act.

- 3.4 In addition to additional representations, both the licensing authority and NHS Leeds will be able to request reviews.

3.5 Removing the vicinity test

- 3.6 The Licensing Act has been amended in a number of places to replace the term interested party with "other person". This will open up the ability to make representations and apply for a review of a premises licence/club premises certificate. There will no longer be a requirement for people who wish to make a representation to live or operate a business in the vicinity.

- 3.7 When determining licence applications or reviews, the Licensing sub-committee may hear from a range of people who have objections to the application some of whom have not been able to make representations before. However although the vicinity test has been removed there is still a need for all representations to be specific to the premises concerned, and to refer to the licensing objectives. In addition there is a requirement that representations not be frivolous, vexatious or repetitious and they must be relevant to the licensing objectives.

3.8 Reducing the evidential burden on licensing authorities

- 3.9 The Licensing Act is amended to replace the requirement on licensing authorities to determine applications on the basis that their decision is necessary for the

promotion of the licensing objectives. Instead all determinations must be “appropriate”.

- 3.10 This applies to all decisions made including all premises licences, club premises certificates, personal licences and temporary event notices.
- 3.11 This change is designed to give licensing authorities greater ability to refuse or conditions applications and revoke or suspend licences on review. All decisions will still need to be reasonable and proportionate.
- 3.12 Temporary Event Notices
- 3.13 There are a number of changes being made to temporary event notices around numbers and timescales but there are three changes that are significant for Licensing Committee.
- 3.14 The ability to serve an objection notice will be extended to Environmental Health as well as the Police.
- 3.15 There will now be the ability to apply conditions to a TEN. Any “standard” TEN that attracts an objection notice from the Police or Environmental Health will be brought to a hearing as normal. If the TEN relates to a premises that has a premises licence the licensing sub-committee, in addition to giving a counter notice, can instead apply any conditions that are applied to the premises licence.
- 3.16 Any application for a “late” TENs which received an objection notice from the police will be automatically rejected.
- 3.17 Other changes
- 3.18 The Statement of Licensing Policy will now only need to be reviewed, by statute, every 5 years instead of 3. However Licensing committee should note that the changes brought in by the Police Reforms and Social Responsibility Act will necessitate a review of the current policy this year.
- 3.19 The remaining three major changes are due to be commenced in October 2012 (Late Night Levy, EMRO) and April 2013 (locally set fees).

4.0 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The changes to the Licensing Act were consulted upon by HM Government over the last two years. This is an advisory report on those changes and therefore no further consultation is required.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 The changes to the Licensing Act do not raise any particular concerns for equality and diversity. All of Entertainment Licensing’s work is assessed for the impact on

equality, diversity, integration and cohesion every three years as per the Council policy.

4.3 Council Policies and City Priorities

4.3.1 The changes to the Licensing Act will have impact on the council's Licensing Act 2003 Statement of Licensing Policy. The policy will be reviewed with these changes in mind in the summer. The approval of the policy is a matter for full Council.

4.4 Resources and Value for Money

4.4.1 The changes to the Licensing Act will not have a substantial impact on current resources. However we do expect there to be a period of change where there may be increased representations to Licensing Act applications. This may lead to more hearings. Officers are in consultation with those affected by the changes to ensure a smooth transition.

4.5 Legal Implications, Access to Information and Call In

4.5.1 This advisory report has no legal implications, however the changes to the Licensing Act will affect the way decisions will be made by the Licensing Committee in relation to the determination of applications. The Committee's legal advisors, provided by Legal Services, are appraised of the changes and will provide advice to Licensing Committee during hearings.

4.6 Risk Management

4.6.1 As this is an advisory report there are no risks associated with the recommendations.

5 Conclusions

5.1 This reports presents a number of changes to the Licensing Act 2003 which are expected to be commenced during April.

6 Recommendations

6.1 That Members note the contents of the report.

Background Papers

Extract from Police Reform and Social Responsibility Act 2011.

“relevant police force”, in relation to –

- (a) a police area,
- (b) a chief officer of police of the police force for a police area,
- (c) the elected local policing body for a police area, or
- (d) the police and crime panel for a police area,

means the police force for that area.

- (2) References in this Part to a police and crime commissioner’s area are references to the police area for which the commissioner is established.
- (3) References in this Part to a police and crime commissioner’s staff are references to the following persons appointed under Schedule 1 –
 - (a) the commissioner’s chief executive;
 - (b) the commissioner’s chief finance officer; and
 - (c) other staff;and to the person (if any) appointed as the deputy police and crime commissioner under section 18.
- (4) References in this Part to a police force’s civilian staff are (except in the case of the metropolitan police force) references to –
 - (a) the chief finance officer appointed by the chief constable of the force under paragraph 4 of Schedule 2, and
 - (b) the other staff appointed by that chief constable under that Schedule.
- (5) References in this Part to the staff of the Mayor’s Office for Policing and Crime are references to –
 - (a) the Office’s chief finance officer appointed under section 127(2) of the Greater London Authority Act 1999;
 - (b) the Office’s chief executive appointed under Schedule 3;
 - (c) other staff appointed under Schedule 3; and
 - (d) the person (if any) appointed under section 19 as the Deputy Mayor for Policing and Crime (subject to paragraph 4(4) of Schedule 3 (Deputy Mayor an Assembly member)).
- (6) References in this Part to the metropolitan police force’s civilian staff are references to –
 - (a) the chief finance officer appointed by the Commissioner of Police of the Metropolis under paragraph 1 of Schedule 4, and
 - (b) the other staff appointed by the Commissioner under that Schedule.

PART 2

LICENSING

CHAPTER 1

AMENDMENTS OF THE LICENSING ACT 2003

Responsible authorities

103 Licensing authorities as responsible authorities

- (1) The Licensing Act 2003 is amended as set out in subsections (2) and (3).

-
- (2) In section 13(4) (responsible authorities) –
- (a) before paragraph (a) insert –
- “(za) the relevant licensing authority and any other licensing authority in whose area part of the premises is situated,” and
- (b) omit paragraph (g).
- (3) In section 69(4) (responsible authorities) –
- (a) before paragraph (a) insert –
- “(za) the relevant licensing authority and any other licensing authority in whose area part of the premises is situated,” and
- (b) omit paragraph (g).
- (4) The amendments made by this section apply in relation to –
- (a) applications relating to premises licences or club premises certificates that are made on or after the commencement of this section, and
- (b) notices under section 165(4) of the Licensing Act 2003 (closure orders) that are received by a licensing authority on or after the commencement of this section.

104 Primary Care Trusts and Local Health Boards as responsible authorities

- (1) The Licensing Act 2003 is amended as set out in subsections (2) to (4).
- (2) In section 5(3) (statement of licensing policy), after paragraph (b) insert –
- “(ba) each Primary Care Trust or Local Health Board for an area any part of which is in the licensing authority’s area,”.
- (3) In section 13(4) (authorised persons, interested parties and responsible authorities), after paragraph (b) insert –
- “(ba) the Primary Care Trust or Local Health Board for any area in which the premises are situated,”.
- (4) In section 69(4) (authorised persons, interested parties and responsible authorities), after paragraph (b) insert –
- “(ba) the Primary Care Trust or Local Health Board for any area in which the premises are situated,”.
- (5) The amendments made by this section apply in relation to –
- (a) applications relating to premises licences or club premises certificates that are made on or after the commencement of this section, and
- (b) notices under section 165(4) of the Licensing Act 2003 (closure orders) that are received by a licensing authority on or after that commencement.

Removing the vicinity test

105 Premises licences: who may make relevant representations

- (1) The Licensing Act 2003 is amended as set out in subsections (2) to (9).
- (2) In section 13 (authorised persons, interested parties and responsible authorities) –

- (a) in the title, omit “, interested parties”,
 - (b) in subsection (1), omit ““interested party”,”, and
 - (c) omit subsection (3).
- (3) In section 17(5) (application for premises licence) –
- (a) in paragraph (a)(ii), for “interested parties” substitute “persons who live, or are involved in a business, in the relevant licensing authority’s area and who are”,
 - (b) after paragraph (a) insert –
 - “(aa) require the relevant licensing authority to advertise the application within the prescribed period –
 - (i) in the prescribed form, and
 - (ii) in a manner which is prescribed and is likely to bring the application to the attention of the persons who are likely to be affected by it; and”,
 - (c) in paragraph (c), for “interested parties and responsible authorities” substitute “responsible authorities and other persons”.
- (4) In section 18(7) (determination of application for premises licence) –
- (a) in paragraph (a), for “an interested party or responsible authority” substitute “a responsible authority or other person”, and
 - (b) in paragraph (c), for “an interested party (who is not also a responsible authority)” substitute “a person who is not a responsible authority”.
- (5) In section 31(6) (determination of application for provisional statement) –
- (a) in paragraph (a), for “an interested party or responsible authority” substitute “a responsible authority or other person”, and
 - (b) in paragraph (c), for “an interested party (who is not also a responsible authority)” substitute “a person who is not a responsible authority”.
- (6) In section 35(6) (determination of application to vary premises licence) –
- (a) in paragraph (a), for “an interested party or responsible authority” substitute “a responsible authority or other person”, and
 - (b) in paragraph (c), for “an interested party (who is not also a responsible authority)” substitute “a person who is not a responsible authority”.
- (7) In section 41B(2)(b)(ii) (determination of application for minor variation of premises licence), for “an interested party” substitute “any other person”.
- (8) In section 41D(6) (variation of premises licence: supply of alcohol from community premises), for paragraph (b) substitute –
“(b) subsection (6)(c) were omitted.”.
- (9) In section 194 (index of defined expressions), omit the entry for the expression “interested party, in Part 3”.
- (10) In section 33 of the Policing and Crime Act 2009 (individual members of licensing authorities to be interested parties), omit subsection (1).
- (11) The amendments made by this section apply in relation to applications relating to premises licences that are made on or after the commencement of this section.

106 Premises licences: who may apply for review

- (1) The Licensing Act 2003 is amended as set out in subsections (2) to (6).
- (2) In section 51 (application for review of premises licences) –
 - (a) in subsection (1), for “an interested party or a responsible authority” substitute “a responsible authority or any other person”, and
 - (b) in subsection (3) –
 - (i) in paragraph (b), for “interested parties and responsible authorities” substitute “responsible authorities and other persons”, and
 - (ii) in paragraph (c), for “interested party” substitute “other person”.
- (3) In section 52(8) (determination of application for review of premises licence) –
 - (a) in paragraph (a)(i), for “an interested party” substitute “any other person”, and
 - (b) in paragraph (c), for “an interested party (who is not also a responsible authority)” substitute “a person who is not a responsible authority”.
- (4) In section 53A(3) (summary reviews on application of senior police officer) –
 - (a) in paragraph (c), for “interested parties” substitute “other persons”, and
 - (b) in paragraph (e), for “interested party” substitute “other person”.
- (5) In section 53C(8) (review of premises licence following summary review notice) –
 - (a) in paragraph (a), for “an interested party” substitute “any other person”, and
 - (b) in paragraph (c), for “an interested party (who is not also a responsible authority)” substitute “a person who is not a responsible authority”.
- (6) In section 167 (review of premises licence following closure order) –
 - (a) in subsection (4)(b), for “interested parties” substitute “other persons”,
 - (b) in subsection (4)(c), for “interested party” substitute “other person”,
 - (c) in subsection (10)(a), for “an interested party” substitute “any other person”,
 - (d) in subsection (10)(c), for “an interested party (who is not also a responsible authority)” substitute “a person who is not a responsible authority”, and
 - (e) in subsection (14), for ““interested party” and “responsible authority” have” substitute ““responsible authority” has”.
- (7) The amendments made by this section apply in relation to applications for review that are made on or after the commencement of this section.

107 Club premises certificates: who may make relevant representations

- (1) The Licensing Act 2003 is amended as set out in subsections (2) to (7).
- (2) In section 69 (authorised persons, interested parties and responsible authorities) –
 - (a) in the title, omit “, interested parties”,
 - (b) in subsection (1), omit ““interested party”,”, and
 - (c) omit subsection (3).

- (3) In section 71(6) (application for club premises certificate) –
 - (a) in paragraph (a)(ii), for “interested parties” substitute “persons who live, or are involved in a business, in the relevant licensing authority’s area and who are”,
 - (b) after paragraph (a) insert –
 - “(aa) require the relevant licensing authority to advertise the application within the prescribed period –
 - (i) in the prescribed form, and
 - (ii) in a manner which is prescribed and is likely to bring the application to the attention of the persons who are likely to be affected by it; and”,
 - (c) in paragraph (c), for “interested parties and responsible authorities” substitute “responsible authorities and other persons”.
- (4) In section 72(8) (determination of application for club premises certificate) –
 - (a) in paragraph (a), for “an interested party or responsible authority” substitute “a responsible authority or other person”, and
 - (b) in paragraph (c), for “an interested party (who is not also a responsible authority)” substitute “a person who is not a responsible authority”.
- (5) In section 85(6) (determination of application to vary club premises certificate) –
 - (a) in paragraph (a), for “an interested party or responsible authority” substitute “a responsible authority or other person”, and
 - (b) in paragraph (c), for “an interested party (who is not also a responsible authority)” substitute “a person who is not a responsible authority”.
- (6) In section 86B(2)(b)(ii) (determination of application for minor variation of club premises certificate), for “an interested party” substitute “any other person”.
- (7) In section 194 (index of defined expressions), omit the entry for the expression “interested party, in Part 4”.
- (8) In section 33 of the Policing and Crime Act 2009 (individual members of licensing authorities to be interested parties), omit subsection (2).
- (9) The amendments made by this section apply in relation to applications relating to club premises certificates that are made on or after the commencement of this section.

108 Club premises certificates: who may apply for review

- (1) The Licensing Act 2003 is amended as set out in subsections (2) to (4).
- (2) In section 87 (application for review of club premises certificate), for subsection (1) substitute –
 - “(1) Where a club holds a club premises certificate, a responsible authority or any other person may apply to the relevant licensing authority for a review of the certificate.”.
- (3) In section 87(3) (application for review of club premises certificate) –
 - (a) in paragraph (b), after “to the authority” insert “by the club, responsible authorities and other persons”, and
 - (b) in paragraph (c), for “interested party” substitute “other person”.

- (4) In section 88(8) (determination of application for review of club premises certificate) –
 - (a) in paragraph (a), for “an interested party” substitute “any other person”, and
 - (b) in paragraph (c), for “an interested party (who is not also a responsible authority)” substitute “a person who is not a responsible authority”.
- (5) The amendments made by this section apply in relation to applications for review that are made on or after the commencement of this section.

Reducing the evidential burden on licensing authorities

109 Reducing the burden: premises licences

- (1) The Licensing Act 2003 is amended as set out in subsections (2) to (14).
- (2) In section 18 (determination of application for premises licence) –
 - (a) in subsection (3)(b), for “necessary” substitute “appropriate”, and
 - (b) in subsection (4)(a)(i), for “necessary” substitute “appropriate”.
- (3) In section 22(2) (prohibited conditions: plays), for “necessary” substitute “appropriate”.
- (4) In section 25A(6) (grant of premises licence: supply of alcohol from community premises), for “necessary” substitute “appropriate”.
- (5) In section 31 (determination of application for provisional statement) –
 - (a) in subsection (3)(b), for “necessary” substitute “appropriate”, and
 - (b) in subsection (3)(c)(ii), for “necessary” substitute “appropriate”.
- (6) In section 35(3)(b) (determination of application to vary premises licence), for “necessary” substitute “appropriate”.
- (7) In section 39(3)(b) (determination of application to vary premises licence to specify premises supervisor), for “necessary” substitute “appropriate”.
- (8) In section 41D(5) (variation of premises licence: supply of alcohol from community premises), for “necessary” substitute “appropriate”.
- (9) In section 44(5)(b) (determination of transfer application), for “necessary” substitute “appropriate”.
- (10) In section 48(3)(b) (cancellation of interim authority notice following police objections), for “necessary” substitute “appropriate”.
- (11) In section 52(3) (determination of application for review of premises licence), for “necessary” substitute “appropriate”.
- (12) In section 53B(8)(a) (supplementary provision about review of premises licence), for “necessary” substitute “appropriate”.
- (13) In section 53C(2)(b) (review of premises licence following review notice), for “necessary” substitute “appropriate”.
- (14) In section 177(5) (dancing and live music in certain small premises), for “necessary” substitute “appropriate”.

- (15) The amendments made by this section (other than subsection (10)) apply in relation to applications relating to premises licences that are made on or after the commencement of this section.
- (16) The amendment made by subsection (10) of this section applies in relation to interim authority notices that are given on or after the commencement of this section.

110 Reducing the burden: club premises certificates

- (1) The Licensing Act 2003 is amended as set out in subsections (2) to (5).
- (2) In section 72 (determination of application for club premises certificate) –
 - (a) in subsection (3)(b), for “necessary” substitute “appropriate”, and
 - (b) in subsection (4)(a)(i), for “necessary” substitute “appropriate”.
- (3) In section 76(2) (prohibited conditions: plays), for “necessary” substitute “appropriate”.
- (4) In section 85(3)(b) (determination of application to vary club premises certificate), for “necessary” substitute “appropriate”.
- (5) In section 88(3) (determination of application for review of club premises certificate), for “necessary” substitute “appropriate”.
- (6) The amendments made by this section apply in relation to applications relating to club premises certificates that are made on or after the commencement of this section.

111 Reducing the burden: other situations

- (1) The Licensing Act 2003 is amended as set out in subsections (2) to (6).
- (2) In section 105(2)(b) (counter notice following police objection), for “necessary” substitute “appropriate”.
- (3) In section 120(7)(b)(i) (determination of application for grant of personal licence), for “necessary” substitute “appropriate”.
- (4) In section 121(6)(b)(i) (determination of application for renewal of personal licence), for “necessary” substitute “appropriate”.
- (5) In section 124(4)(b) (convictions coming to light after grant or renewal of personal licence), for “necessary” substitute “appropriate”.
- (6) In section 167(5)(b) (review of premises licence following closure order), for “necessary” substitute “appropriate”.
- (7) The amendment made by subsection (2) of this section applies in relation to temporary event notices that are given on or after the commencement of this section.
- (8) The amendments made by subsections (3) to (5) of this section apply in relation to applications relating to personal licences that are made on or after the commencement of this section.
- (9) The amendment made by subsection (6) of this section applies in relation to notices under section 165(4) of the Licensing Act 2003 (closure orders) that are received by a licensing authority on or after the commencement of this section.

Temporary event notices

112 Temporary event notices: who may make an objection

- (1) The Licensing Act 2003 is amended as set out in subsections (2) to (13).
- (2) After section 99, insert –

“99A Meaning of “relevant person”

In this Part references to a “relevant person”, in relation to any premises, are references to the following –

 - (a) the chief officer of police for any police area in which the premises are situated,
 - (b) the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health.”.
- (3) In the cross-heading before section 104, for “Police objections” substitute “Objections”.
- (4) In the title to section 104 (objection to notice), for “the police” substitute “a relevant person”.
- (5) In section 104 (objection to notice), for subsection (2) substitute –

“(2) Where a relevant person who is given a temporary event notice is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective, the relevant person must give a notice stating the reasons for being so satisfied (an “objection notice”) –

 - (a) to the relevant licensing authority,
 - (b) to the premises user, and
 - (c) to every other relevant person.”.
- (6) In section 104(3) (timing for objection), for “chief officer of police” substitute “relevant person”.
- (7) In section 104(4) (timing for objection), for “relevant chief officer of police” substitute “relevant person”.
- (8) Omit section 104(5) (definition of “relevant chief officer of police”).
- (9) In section 105 (counter notice following objection) –
 - (a) in the title, omit “police”,
 - (b) in subsection (2)(a), for “chief officer of police” substitute “relevant person”,
 - (c) in subsection (2)(b), for “the crime prevention objective” substitute “a licensing objective”,
 - (d) in subsection (3)(a), for “the relevant chief officer of police” substitute “each relevant person”, and
 - (e) in subsection (3)(b)(ii), for “the relevant chief officer of police” substitute “each relevant person”.
- (10) In section 106 (modification of notice following objection) –
 - (a) in the title, omit “police”,

- (b) in subsection (1), for “chief officer of police” substitute “relevant person”,
 - (c) in subsection (2) –
 - (i) for “chief officer of police” substitute “relevant person”, and
 - (ii) after “of the premises user” insert “and each other relevant person”,
 - (d) in subsection (4), for “chief officer of police” substitute “relevant person”, and
 - (e) omit subsection (5).
- (11) In section 107(11) (counter notice where permitted limits exceeded), for the words following “that notice” substitute “to each relevant person”.
- (12) In section 194 (index of defined expressions), after the entry for the expression “relevant offence” insert –
“relevant person, in Part 5 section 99A”.
- (13) In Schedule 5 (appeals) –
 - (a) in paragraph 16(1)(b), for “chief officer of police” substitute “relevant person”,
 - (b) in paragraph 16(3), for “chief officer of police” substitute “relevant person”,
 - (c) in paragraph 16(8), in the definition of “objection notice”, omit “and”,
 - (d) in paragraph 16(8), at the end of the definition of “relevant licensing authority” insert “; and
“relevant person” has the meaning given in section 99A.”.
- (14) The amendments made by this section apply in relation to temporary event notices that are given on or after the commencement of this section.

113 Temporary event notices: conditions

- (1) The Licensing Act 2003 is amended as set out in subsections (2) to (5).
- (2) In section 98(1) (meaning of “permitted temporary activity”), for paragraph (a) substitute –
 - “(a) it is carried out in accordance with –
 - (i) a notice given in accordance with section 100, and
 - (ii) any conditions imposed under section 106A, and”.
- (3) After section 106 insert –

“106A Conditions on standard temporary event notice following objection

- (1) This section applies where –
 - (a) a relevant person has given an objection notice under section 104(2) in respect of a standard temporary event notice,
 - (b) the objection notice has not been withdrawn, and
 - (c) the relevant licensing authority has decided under section 105 not to give a counter notice under that section.
- (2) The relevant licensing authority may impose one or more conditions on the standard temporary event notice if –
 - (a) the authority considers it appropriate for the promotion of the licensing objectives to do so,

-
- (b) the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the temporary event notice, and
 - (c) the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.
 - (3) Where the authority decides to impose one or more conditions under subsection (2) –
 - (a) the authority must give the premises user notice of the decision,
 - (b) the notice must be accompanied by a separate statement (the “statement of conditions”) which sets out the conditions that have been imposed on the temporary event notice, and
 - (c) a copy of the notice and statement of conditions must be given to each relevant party.
 - (4) The notice and statement of conditions under subsection (3) must –
 - (a) be in the prescribed form,
 - (b) be given to the premises user in the prescribed manner, and
 - (c) be given no later than 24 hours before the beginning of the event period specified in the temporary event notice.
 - (5) Where the premises are situated in the area of more than one licensing authority, the functions conferred on the relevant licensing authority by subsection (2) must be exercised by those authorities jointly.”.
 - (4) In section 109 (duty to keep and produce temporary event notice) –
 - (a) in the title, after “notice” insert “and statement of conditions”,
 - (b) in subsection (2)(a), after “notice” insert “, together with a copy of any statement of conditions given under section 106A(3) in respect of the notice”,
 - (c) in subsection (3)(a), after “notice” insert “, together with a copy of any statement of conditions given under section 106A(3) in respect of the notice”,
 - (d) in subsection (3)(b), for “notice is” substitute “notice and any statement of conditions are”,
 - (e) in subsection (5)(a), after “notice” insert “or any statement of conditions”,
 - (f) in subsection (5), after “produce the temporary event notice” insert “or statement of conditions”,
 - (g) in subsection (6), after “produce the temporary event notice” insert “or statement of conditions”, and
 - (h) in subsection (8), after “notice” insert “or statement of conditions”.
 - (5) In section 110 (theft, loss, etc. of temporary event notice) –
 - (a) in the title, after “notice” insert “or statement of conditions”,
 - (b) after subsection (1) insert –
 - “(1A) Where a statement of conditions that is given under section 106A(3) is lost, stolen, damaged or destroyed, the premises user may apply to the licensing authority which gave the statement for a copy of the statement.”,
 - (c) in subsection (4), after “copy of the notice” insert “or statement”,
 - (d) in subsection (4)(a), after “notice” insert “or statement”,

- (e) in subsection (5), after “notice” insert “or statement”, and
 - (f) in subsection (6), after “notice” insert “or statement”.
- (6) The amendments made by this section apply in relation to temporary event notices that are given on or after the commencement of this section.

114 Temporary event notices: late notices

- (1) The Licensing Act 2003 is amended as set out in subsections (2) to (12).
- (2) In section 98(2) (meaning of “permitted temporary activity”), for “sections 102 (acknowledgement of notice) and 104(1) (notification of police)” substitute “section 102 (acknowledgement of notice)”.
- (3) In section 100 (temporary event notice)–
 - (a) in subsection (7), for paragraph (a) substitute –
 - “(a) must be given in accordance with section 100A, and”,
 - and
 - (b) in subsection (7)(b), after “fee” insert “when it is given by the premises user to the relevant licensing authority.”.
- (4) After section 100 insert –

“100A Standard and late temporary event notices

- (1) For the purposes of section 100(7)(a), a temporary event notice must be given in accordance with –
 - (a) subsection (2), in which case the notice is a “standard temporary event notice”, or
 - (b) subsection (3), in which case the notice is a “late temporary event notice”.
- (2) A temporary event notice is given in accordance with this subsection if, no later than ten working days before the day on which the event period begins, –
 - (a) it is given to the relevant licensing authority by means of a relevant electronic facility, or
 - (b) it is given to the relevant licensing authority (otherwise than by means of a relevant electronic facility) and to each relevant person.
- (3) A temporary event notice is given in accordance with this subsection if –
 - (a) it is given to the relevant licensing authority by means of a relevant electronic facility no later than five working days, but no earlier than nine working days, before the day the event period begins, or
 - (b) both of the following are satisfied –
 - (i) it is given to the relevant licensing authority (otherwise than by means of a relevant electronic facility) and to each relevant person no later than five working days before the day on which the event period begins;
 - (ii) it is given to at least one of those persons no earlier than nine working days before the day on which that event period begins.

- (4) Where a temporary event notice (the “original notice”) is given by the premises user to the relevant licensing authority by means of a relevant electronic facility as referred to in subsection (2)(a) or (3)(a) –
- (a) the licensing authority must give a copy of the original notice to each relevant person no later than the end of the first working day after the day on which the original notice was given to the authority, and
 - (b) for the purposes of this Act, the copy is to be treated as if it were the original notice.
- (5) In this section “event period” in relation to a temporary event notice means the event period specified in the notice.”.
- (5) In section 102 (acknowledgement of notice), for subsection (3) substitute –
- “(3) Subsection (1) does not apply where, before the time by which acknowledgement of the receipt of the notice must be given in accordance with that subsection, a counter notice has been given to the premises user under –
- (a) where the counter notice is in respect of a late temporary event notice, section 104A, or
 - (b) where the counter notice is in respect of a standard temporary event notice or a late temporary event notice, section 107.”.
- (6) In section 104 (objection to notice) –
- (a) omit subsections (1) and (1A), and
 - (b) in subsection (3), for “a copy of the temporary event notice under subsection (1) or (1A)” substitute “the temporary event notice”.
- (7) After section 104 insert –
- “104A Counter notice following objection to late notice**
- (1) Where an objection notice is given under section 104(2) in respect of a late temporary event notice, the relevant licensing authority must give the premises user a counter notice under this section.
 - (2) The counter notice must –
 - (a) be in the prescribed form, and
 - (b) be given to the premises user in the prescribed manner.
 - (3) The relevant licensing authority must, no later than 24 hours before the beginning of the event period specified in the temporary event notice –
 - (a) give the counter notice to the premises user, and
 - (b) give a copy of the counter notice to each relevant person.”.
- (8) In section 105 (counter notice following objection) –
- (a) in the title, after “objection” insert “to standard temporary event notice”,
 - (b) in subsection (1), for “in respect of a” substitute “under section 104(2) in respect of a standard”, and
 - (c) omit subsection (7).
- (9) In section 106(1) (modification of notice following objection) –
- (a) in the title, for “notice” substitute “standard temporary event notice”,

- (b) in subsection (1), for “in respect of a” substitute “under section 104(2) in respect of a standard”, and
 - (c) in subsection (2), for “the notice returned to the premises user under section 102” substitute “it”.
- (10) In section 107 (counter notice where permitted limits exceeded) –
- (a) in subsection (2), for paragraph (b) substitute –
 - “(b) has already given at least –
 - (i) 50 temporary event notices, or
 - (ii) ten late temporary event notices,in respect of event periods wholly or partly within the same year as the event period specified in notice A.”, and
 - (b) in subsection (3), for paragraph (b) substitute –
 - “(b) has already given at least –
 - (i) five temporary event notices, or
 - (ii) two late temporary event notices,in respect of event periods wholly or partly within the same year as the event period specified in notice A.”.
- (11) In section 194 (index of defined expressions) –
- (a) after the entry for the expression “late night refreshment” insert –
“late temporary event notice..... section 100A(1)(b)”, and
 - (b) after the entry for the expression “secretary, in Part 4” insert –
“standard temporary event notice..... section 100A(1)(a)”.
- (12) In paragraph 16(1)(a) of Schedule 5 (appeals), after “a” insert “standard”.
- (13) The amendments made by this section apply in relation to temporary event notices that are given on or after the commencement of this section.

115 Relaxation of time limits applying to temporary event notices

- (1) The Licensing Act 2003 is amended as set out in subsections (2) and (3).
- (2) In section 100 (temporary event notice) –
 - (a) in subsection (1), for “96 hours” substitute “168 hours”, and
 - (b) in subsection (5)(b), for “96 hours” substitute “168 hours”.
- (3) In section 107(5) (counter notice where permitted limits exceeded), for “15 days” substitute “21 days”.
- (4) The amendments made by this section apply in relation to temporary event notices that are given on or after the commencement of this section.

116 Temporary event notices: acknowledgment of notice

- (1) In section 102 of the Licensing Act 2003 (acknowledgement of notice) –
 - (a) in subsection (1), for “(in duplicate) in accordance with this Part, it must acknowledge receipt of the notice by sending or delivering one notice” substitute “in accordance with this Part, it must give written acknowledgement of the receipt of the notice”, and

(b) omit subsection (2).

- (2) The amendments made by this section apply in relation to temporary event notices that are given on or after the commencement of this section.

117 Temporary event notice: time for objection to notice

- (1) In section 104(3) of the Licensing Act 2003 (objection to temporary event notice by police), for “second” substitute “third”.
- (2) The amendment made by this section applies in relation to temporary event notices that are given on or after the commencement of this section.

Underage sales

118 Persistently selling alcohol to children

- (1) The Licensing Act 2003 is amended as set out in subsections (2) and (3).
- (2) In section 147A(8) (fine for persistently selling alcohol to children), for “£10,000” substitute “£20,000”.
- (3) In section 169A (closure notice for persistently selling alcohol to children) –
- (a) in subsection (2)(a), for “for a period not exceeding 48 hours” substitute “, for the period specified in the notice,”, and
 - (b) in subsection (4), for “not more than 48 hours” substitute “at least 48 hours but not more than 336 hours”.
- (4) The amendment made by subsection (2) of this section applies in relation to offences that are committed on or after the commencement of that subsection.
- (5) The amendments made by subsection (3) of this section apply in relation to closure notices that are given on or after the commencement of that subsection in relation to offences committed before, on or after that commencement.

Early morning alcohol restriction orders

119 Early morning alcohol restriction orders

- (1) The Licensing Act 2003 is amended as set out in subsections (2) and (3).
- (2) In section 7 (exercise and delegation of functions), in subsection (2), after paragraph (a) (but before the final “or”) insert –
- “(aa) the functions of making, and varying or revoking, an order under section 172A (early morning alcohol restriction order),”.
- (3) For sections 172A to 172E (early morning alcohol restriction order), as inserted by section 55 of the Crime and Security Act 2010, substitute –

“172A Power to make early morning alcohol restriction order

- (1) If a licensing authority considers it appropriate for the promotion of the licensing objectives, it may, subject as follows, make an order under this section.
- (2) An order under this section is an order providing that –

- (a) premises licences and club premises certificates granted by the authority, and temporary event notices given to the authority, do not have effect to the extent that they authorise the sale of alcohol during the period specified in the order, and
 - (b) club premises certificates granted by the authority do not have effect to the extent that they authorise the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club during the period specified in the order.
- (3) For the purposes of subsection (2)(a) and (b), the period that may be specified in the order must –
- (a) begin no earlier than midnight, and
 - (b) end no later than 6am.
- (4) It is immaterial for the purposes of an order under this section whether a premises licence or club premises certificate is granted, or a temporary event notice is given, before or after the order is made.
- (5) An order under this section may provide that it is to apply –
- (a) in relation to the same period of every day on which the order is to apply, or in relation to different periods of different days,
 - (b) every day or only on particular days (for example, particular days of the week or year),
 - (c) in relation to the whole or part of a licensing authority’s area, or
 - (d) for a limited or unlimited period.
- (6) An order under this section must specify –
- (a) the days on which it is to apply and the period of those days,
 - (b) the area in relation to which it is to apply,
 - (c) if it is to apply for a limited period, that period, and
 - (d) the date from which it is to apply.
- (7) An order under this section must –
- (a) be in the prescribed form, and
 - (b) have the prescribed content.

172B Procedural requirements for early morning alcohol restriction order

- (1) A licensing authority proposing to make an order under section 172A must –
- (a) advertise the proposed order in the prescribed manner, and
 - (b) hold a hearing to consider any relevant representations, unless the authority and each person who has made such representations agree that a hearing is unnecessary.
- (2) In this section “relevant representations” means representations which –
- (a) are about the likely effect of the making of the proposed order on the promotion of the licensing objectives,
 - (b) are made to the licensing authority by an affected person, a responsible authority or any other person,
 - (c) are made in the prescribed form and manner and within the prescribed period,
 - (d) have not been withdrawn, and

- (e) in the case of representations made by a person who is not a responsible authority, are not, in the opinion of the licensing authority, frivolous or vexatious.
- (3) In subsection (2)(b), “affected person” means –
- (a) the holder of the premises licence or club premises certificate in respect of affected premises,
 - (b) the premises user in relation to a temporary event notice in respect of affected premises,
 - (c) a person who has applied for a premises licence or club premises certificate in respect of affected premises (where the application has not been determined), and
 - (d) a person to whom a provisional statement has been issued in respect of affected premises.
- (4) In subsection (2)(b) and (e), “responsible authority” means –
- (a) the licensing authority and any other licensing authority in whose area part of any affected premises is situated,
 - (b) the chief officer of police for a police area any part of which is in the area specified in the order,
 - (c) the fire and rescue authority for an area any part of which is in the area specified in the order,
 - (d) the Primary Care Trust or Local Health Board for an area any part of which is in the area specified in the order,
 - (e) the local weights and measures authority for any such area,
 - (f) the enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc Act 1974 for any such area,
 - (g) the local planning authority within the meaning given by the Town and Country Planning Act 1990 for any such area,
 - (h) the local authority by which statutory functions are exercisable in the area specified in the order in relation to minimising or preventing the risk of pollution of the environment or of harm to human health,
 - (i) a body which –
 - (i) represents those who, in relation to the area specified in the order, are responsible for, or interested in, matters relating to the protection of children from harm, and
 - (ii) is recognised by the licensing authority for the purposes of this section as being competent to advise on such matters,
 - (j) where affected premises are a vessel –
 - (i) a navigation authority (within the meaning given by section 221(1) of the Water Resources Act 1991) having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is navigated at a time when it is used for licensable activities to which the proposed order relates,
 - (ii) the Environment Agency,
 - (iii) the British Waterways Board, and
 - (iv) the Secretary of State, and
 - (k) a prescribed person.

- (5) Where a licensing authority determines for the purposes of subsection (2)(e) that any representations are frivolous or vexatious, it must notify the person who made them of its reasons for its determination.
- (6) In this section –
 - “affected premises”, in relation to a proposed order, means premises in respect of which it applies from the date specified in it;
 - “statutory function” means a function conferred by or under an enactment.

172C Making of early morning alcohol restriction order

- (1) A licensing authority may not make an order under section 172A applying in relation to –
 - (a) an area not specified in the proposed order advertised under section 172B,
 - (b) a day not specified in that proposed order, or
 - (c) a period other than the period specified in that proposed order of any day so specified.
- (2) After making an order under section 172A a licensing authority must publish it or otherwise make it available –
 - (a) in the prescribed form and manner, and
 - (b) within the prescribed period.

172D Variation and revocation of early morning alcohol restriction order

- (1) A licensing authority may vary or revoke an order under section 172A.
- (2) Sections 172B and 172C apply in relation to the variation or revocation of an order under section 172A as in relation to the making of such an order.

172E Exceptions from effect of early morning alcohol restriction order

- (1) An order under section 172A does not apply in prescribed cases or circumstances.
- (2) The cases referred to in subsection (1) may in particular be defined by reference to –
 - (a) particular kinds of premises, or
 - (b) particular days.
- (3) An order under section 172A is subject to an order under section 172 (whether made before or afterwards), unless and to the extent that the order under section 172 provides otherwise.”.
- (4) Section 55 of the Crime and Security Act 2010 (power to restrict sale and supply of alcohol) is repealed.

Fees

120 Suspension of licence or certificate for failing to pay annual fee

- (1) The Licensing Act 2003 is amended as set out in subsections (2) to (5).

- (2) In section 26(2) (period of validity of premises licence), after “section 52” insert “or 55A”.
- (3) After section 55 (annual fee for premises licence) insert—
- “55A Suspension of premises licence for failing to pay annual fee**
- (1) A licensing authority must suspend a premises licence if the holder of the licence has failed to pay the authority an annual fee that has become due under section 55(2).
- (2) Subsection (1) does not apply if—
- (a) either—
 - (i) the holder’s failure to pay the fee at the time it became due was because of an administrative error (whether made by the holder, the authority or anyone else), or
 - (ii) before or at the time the fee became due, the holder notified the authority in writing that the holder disputed liability for, or the amount of, the fee, and
 - (b) the grace period for payment of the fee has not expired (see subsection (8)).
- (3) If a licensing authority suspends a premises licence under subsection (1), the authority must give the holder of the licence a notice to that effect, specifying the day the suspension takes effect.
- (4) A day specified in a notice under subsection (3) must be at least two working days after the day the authority gives the notice.
- (5) If the holder of the licence pays the annual fee, the licensing authority must give the holder written acknowledgement of receipt of the fee.
- (6) The acknowledgement of receipt under subsection (5) must—
- (a) specify the day the authority received the fee (the “receipt day”), and
 - (b) be given to the holder as soon as is reasonably practicable but in any event—
 - (i) if the receipt day was a working day, before the end of the first working day after the receipt day,
 - (ii) otherwise, before the end of the second working day after the receipt day.
- (7) A suspension of a premises licence under subsection (1)—
- (a) takes effect on the day specified in the notice under subsection (3), and
 - (b) ceases to have effect on the receipt day, as specified in the acknowledgement of receipt under subsection (5).
- (8) In this section, the “grace period” for payment of a fee is the period of 21 days, beginning on the day after the day the fee became due.”.
- (4) In section 80(2) (period of validity of club premises certificate), after “section 88” insert “or 92A”.

- (5) After section 92 (annual fee for club premises certificate) insert –

“92A Suspension of club premises certificate for failing to pay annual fee

- (1) A licensing authority must suspend a club premises certificate if the holder of the certificate has failed to pay the authority an annual fee that has become due under section 92(2).
 - (2) Subsection (1) does not apply if –
 - (a) either –
 - (i) the holder’s failure to pay the fee at the time it became due was because of an administrative error (whether made by the holder, the authority or anyone else), or
 - (ii) before or at the time the fee became due, the holder notified the authority in writing that the holder disputed liability for, or the amount of, the fee, and
 - (b) the grace period for payment of the fee has not expired (see subsection (8)).
 - (3) If a licensing authority suspends a club premises certificate under subsection (1), the authority must give the holder of the certificate a notice to that effect, specifying the day the suspension takes effect.
 - (4) A day specified in a notice under subsection (3) must be at least 2 working days after the day the authority gives the notice.
 - (5) If the holder of the certificate pays the annual fee, the licensing authority must give the holder written acknowledgement of receipt of the fee.
 - (6) The acknowledgement of receipt under subsection (5) must –
 - (a) specify the day the authority received the fee (the “receipt day”), and
 - (b) be given to the holder as soon as is reasonably practicable but in any event –
 - (i) if the receipt day was a working day, before the end of the first working day after the receipt day,
 - (ii) otherwise, before the end of the second working day after the receipt day.
 - (7) A suspension of a club premises certificate under subsection (1) –
 - (a) takes effect on the day specified in the notice under subsection (3), and
 - (b) ceases to have effect on the receipt day, as specified in the acknowledgement of receipt under subsection (5).
 - (8) In this section, the “grace period” for payment of a fee is the period of 21 days, beginning on the day after the day the fee became due.”.
- (6) The amendments made by this section apply in relation to premises licences and club premises certificates in relation to which annual fees become due on or after the commencement of this section.

121 Power for licensing authorities to set fees

- (1) The Licensing Act 2003 is amended as follows.

(2) After section 197 insert –

“197A Regulations about fees

- (1) Subsection (2) applies where the Secretary of State makes regulations under this Act prescribing the amount of any fee.
- (2) The Secretary of State may, in determining the amount of the fee, have regard, in particular, to –
 - (a) the costs of any licensing authority to whom the fee is to be payable which are referable to the discharge of the function to which the fee relates, and
 - (b) the general costs of any such licensing authority;
 and may determine an amount by reference to fees payable to, and costs of, any such licensing authorities, taken together.
- (3) A power under this Act to prescribe the amount of a fee includes power to provide that the amount of the fee is to be determined by the licensing authority to whom it is to be payable.
- (4) Regulations which so provide may also specify constraints on the licensing authority’s power to determine the amount of the fee.
- (5) Subsections (6) and (7) –
 - (a) apply where, by virtue of subsection (3), regulations provide that the amount of a fee is to be determined by a licensing authority, and
 - (b) are subject to any constraint imposed under subsection (4).
- (6) The licensing authority –
 - (a) must determine the amount of the fee (and may from time to time determine a revised amount),
 - (b) may determine different amounts for different classes of case specified in the regulations (but may not otherwise determine different amounts for different cases), and
 - (c) must publish the amount of the fee as determined from time to time.
- (7) In determining the amount of the fee, the licensing authority must seek to secure that the income from fees of that kind will equate, as nearly as possible, to the aggregate of –
 - (a) the licensing authority’s costs referable to the discharge of the function to which the fee relates, and
 - (b) a reasonable share of the licensing authority’s general costs;
 and must assess income and costs for this purpose in such manner as it considers appropriate.

197B Regulations about fees: supplementary provision

- (1) Subsections (2) and (3) apply for the purposes of section 197A.
- (2) References to a licensing authority’s costs referable to the discharge of a function include, in particular –
 - (a) administrative costs of the licensing authority so far as they are referable to the discharge of the function, and
 - (b) costs in connection with the discharge of the function which are incurred by the licensing authority acting –

- (i) under this Act, but
 - (ii) in a capacity other than that of licensing authority (whether that of local authority, local planning authority or any other authority).
- (3) References to the general costs of a licensing authority are to costs of the authority so far as they are referable to the discharge of functions under this Act in respect of which no fee is otherwise chargeable and include, in particular –
 - (a) costs referable to the authority’s functions under section 5;
 - (b) costs of or incurred in connection with the monitoring and enforcement of Parts 7 and 8 of this Act;
 - (c) costs incurred in exercising functions conferred by virtue of section 197A.
- (4) To the extent that they prescribe the amount of a fee or include provision made by virtue of section 197A(3) or (4), regulations may –
 - (a) make provision which applies generally or only to specified authorities or descriptions of authority, and
 - (b) make different provision for different authorities or descriptions of authority.
- (5) Subsection (4) is not to be taken to limit the generality of section 197.”.
- (3) In section 10(4) (sub-delegation of functions by licensing committee etc) –
 - (a) omit “or” at the end of paragraph (c), and
 - (b) after paragraph (d) insert “or
 - (e) any function conferred by virtue of section 197A (regulations about fees).”.

Miscellaneous

122 Licensing policy statements

- (1) Section 5 of the Licensing Act 2003 (statement of licensing policy) is amended as set out in subsections (2) to (7).
- (2) In subsection (1) –
 - (a) for “three” substitute “five”, and
 - (b) in paragraph (b) omit “(a “licensing statement”)”.
- (3) Omit subsection (2).
- (4) In subsection (3), for “three” substitute “five”.
- (5) In subsection (4) –
 - (a) for “three” substitute “five”, and
 - (b) after “policy” insert “in respect of that period”.
- (6) After subsection (6) insert –
 - “(6A) Without prejudice to subsection (4), a licensing authority may replace its policy in respect of a period, with effect from any date during that period, by –

- (a) determining its policy with respect to the exercise of its licensing functions in respect of a period of five years beginning with that date, and
- (b) publishing a statement of that policy before that date.
- (6B) Subsection (3) applies in relation to any determination under subsection (6A) as it applies in relation to a determination under subsection (1).
- (6C) A licensing statement must specify the five year period to which it relates.”
- (7) After subsection (7) insert –
 - “(8) In this section –
 - “five year period”, in relation to a licensing authority, means –
 - (a) if paragraph (b) does not apply, the period of five years ending with 6 January 2016, and each subsequent period of five years, or
 - (b) if a licensing authority has published a licensing statement under subsection (6A), the period of five years to which the most recently published such statement relates, and each subsequent period of five years;
 - “licensing statement” means a statement published under subsection (1)(b) or (6A)(b).”
- (8) Any policy determined, and any licensing policy statement published, under section 5(1) of the Licensing Act 2003 in respect of the period of three years beginning with 7 January 2011 is, on and after the commencement of this subsection, to be treated for all purposes as if –
 - (a) it had been determined and published under that section (as amended by this section) in respect of the period of five years beginning with 7 January 2011, and
 - (b) it specified the five year period to which it relates.

123 Personal licences: relevant offences

- (1) Schedule 4 to the Licensing Act 2003 (personal licence: relevant offences) is amended as set out in subsections (2) to (4).
- (2) In paragraph 14 (offences under the Road Traffic Act 1988), after paragraph (c) insert –
 - “(d) section 6(6) (failing to co-operate with a preliminary test).”.
- (3) The second paragraph 22 is renumbered as paragraph 22A.
- (4) After paragraph 23 insert –
 - “24 An offence under section 1 of the Criminal Attempts Act 1981 of attempting to commit an offence that is a relevant offence.
 - 25 An offence under section 1 of the Criminal Law Act 1977 of conspiracy to commit an offence that is a relevant offence.
 - 26 The offence at common law of conspiracy to defraud.”.

- (5) The amendments made by this section apply on and after the commencement of this section in relation to—
- (a) personal licences that are granted or renewed before, on or after the commencement of this section, and
 - (b) offences committed before, on or after that commencement.

Review

124 Review of effect of amendments on licensing scheme

- (1) As soon as reasonably practicable after the end of the review period, the Secretary of State must—
- (a) carry out a review of the following provisions of this Chapter—
 - (i) section 103 (licensing authorities as responsible authorities),
 - (ii) section 104 (Primary Care Trusts and Local Health Boards as responsible authorities),
 - (iii) section 105 (premises licences: who may make relevant representations),
 - (iv) section 106 (premises licenses: who may apply for review),
 - (v) section 107 (club premises certificates: who may make relevant representations),
 - (vi) section 108 (club premises certificates: who may apply for review),
 - (vii) section 109 (reducing the burden: premises licences),
 - (viii) section 110 (reducing the burden: club premises certificates),
 - (ix) section 111 (reducing the burden: other situations),
 - (x) section 112 (temporary event notices: who may make an objection),
 - (xi) section 113 (temporary event notices: conditions),
 - (xii) section 117 (temporary event notice: time for objection to notice),
 - (xiii) section 119 (early morning alcohol restriction orders),
 - (xiv) section 120 (suspension of licence or certificate for failing to pay annual fee),
 - (xv) section 123 (personal licences: relevant offences), and
 - (b) set out the conclusions of the review in a report.
- (2) In particular, the review must assess the effect of the amendments made by those sections on the scheme established by the Licensing Act 2003.
- (3) The Secretary of State must lay a copy of the report before Parliament.
- (4) In this section, “review period” means the period of five years beginning with—
- (a) if all of those sections commence on the same day, that day, and
 - (b) otherwise, the first day on which all of those sections have commenced.

CHAPTER 2

LATE NIGHT LEVY

Application of late night levy requirement in licensing authority's area

125 Late night levy requirement

- (1) In this Chapter, “the late night levy requirement” means a requirement to pay the late night levy in accordance with this Chapter.
- (2) A licensing authority may decide that the late night levy requirement is to apply in its area.
- (3) In making a decision under subsection (2) a licensing authority must consider –
 - (a) the costs of policing and other arrangements for the reduction or prevention of crime and disorder, in connection with the supply of alcohol between midnight and 6 am, and
 - (b) having regard to those costs, the desirability of raising revenue to be applied in accordance with section 131.
- (4) A licensing authority may not decide that the late night levy requirement is to apply in part only of its area.
- (5) This section is subject to section 132.

Liability to pay late night levy

126 “Relevant late night authorisation” and related definitions

- (1) This section applies for the purposes of this Chapter.
- (2) “Relevant late night authorisation”, in relation to a licensing authority and a levy year, means a premises licence or club premises certificate which –
 - (a) is granted by the authority, and
 - (b) authorises the supply of alcohol at a time or times during the late night supply period on one or more days in the related payment year.
- (3) The “late night supply period” in relation to a licensing authority means the period of the day decided by the authority under section 132 or 133.
- (4) A late night supply period must –
 - (a) begin at or after midnight, and
 - (b) end at or before 6 am.
- (5) The late night supply period determined by a licensing authority for a levy year must be the same –
 - (a) for each payment year beginning during the levy year, and
 - (b) throughout each such payment year.
- (6) Regulations must make provision as to how payment years are to be determined in relation to holders of premises licences or club premises certificates.
- (7) Regulations under subsection (6) may, in particular –

- (a) provide for a holder’s payment year to be determined by reference to the period in respect of which the holder is liable to pay an annual fee under section 55(2) or 92(2) of the Licensing Act 2003, or
 - (b) confer functions or a discretion on licensing authorities in relation to premises licences and club premises certificates granted by them.
- (8) Regulations under subsection (6) which provide for licensing authorities to determine payment years must require an authority to decide how the payment years are to be determined at the time the authority decides under section 125(2) that the late night levy requirement is to apply in its area.
- (9) For the purposes of this section, a payment year is related to a levy year if it begins at the same time as, or during, the levy year.

127 Liability to pay late night levy

- (1) Where the late night levy requirement applies in the area of a licensing authority, the holder of a relevant late night authorisation must pay a levy (“the late night levy”) to the authority in respect of that authorisation for each levy year, in accordance with this Chapter.
- (2) But a holder of a relevant late night authorisation who falls within an applicable exemption category is not liable to pay the late night levy in respect of that authorisation for the levy year.
- (3) For this purpose, “applicable exemption category”, in relation to a levy year, means a permitted exemption category that the licensing authority has decided under section 132 or 133 is to apply in its area for the levy year.

128 Amount of late night levy

- (1) For any levy year, the amount of the levy is –
- (a) the amount prescribed by regulations, or
 - (b) the amount calculated in accordance with regulations.
- (2) But in the case of the holder of a relevant late night authorisation who falls within an applicable reduction category, the amount of the late night levy payable in respect of the authorisation is the reduced amount that applies in relation to that category (see section 135(4)).
- (3) For this purpose “applicable reduction category”, in relation to a levy year, means a permitted reduction category that the licensing authority has decided under section 132 or 133 is to apply in its area for the levy year.
- (4) Subject to subsection (2), regulations under subsection (1) must provide for the amount of the late night levy, or the manner in which it is to be calculated, to be the same for all persons liable to pay the levy in respect of an authorisation for the levy year.

Administration of late night levy

129 Payment and administration of the levy

- (1) Regulations –
- (a) must make provision as to collection and administration, and
 - (b) may make provision as to enforcement,

of the late night levy.

- (2) Regulations under subsection (1) must make provision as to the time or times for payment of the levy to a licensing authority by holders of relevant late night authorisations.
- (3) Provision made by virtue of subsection (2) may in particular provide for any such time or times to be determined by reference to the holders' payment years.
- (4) Regulations under subsection (1) may make provision for adjustments to be made in cases where –
 - (a) a relevant late night authorisation ceases to be such an authorisation during the holder's payment year;
 - (b) a premises licence or club premises certificate becomes a relevant late night authorisation during the holder's payment year;
 - (c) an order under section 172A of that Act (early morning restriction orders) precludes the supply of alcohol by virtue of the relevant late night authorisation at all the times during the applicable late night supply period when it would otherwise have been permitted by virtue of the authorisation;

including in cases where the change occurs after the end of the levy year.

- (5) Any payment of the late night levy which is owed to a licensing authority under this Chapter may be recovered as a debt due to the authority.
- (6) The following provisions of the Licensing Act 2003 apply for the purposes of this Chapter –
 - (a) section 55A (suspension of premises licence for failure to pay annual fee);
 - (b) section 92A (suspension of club premises certificate for failure to pay annual fee),
 but as if a reference to an annual fee, or to the annual fee owed under section 55(2) or 92(2), were a reference to the late night levy, or to the amount of the late night levy owed under this Chapter.
- (7) Provision that may be made by regulations under this section includes provision conferring functions or a discretion on licensing authorities.

130 Net amount of levy payments

- (1) In this Chapter “the net amount of levy payments” of a licensing authority in respect of any period means the amount, calculated in accordance with regulations, which represents –
 - (a) the aggregate amount of payments to the authority in respect of the levy that are attributable to that period, less
 - (b) the aggregate amount of expenses of the authority attributable to that period that are permitted deductions under regulations under subsection (2)(a).
- (2) Regulations under subsection (1) –
 - (a) must prescribe descriptions of relevant expenses which may be deducted for the purposes of calculating the net amount of levy payments for any period,

- (b) may make provision for determining the amounts to be taken into account in calculating the net amount of levy payments,
 - (c) may make provision for determining the period to which a payment or deduction is attributable.
- (3) In subsection (2)(a), “relevant expenses” means expenses incurred by a licensing authority in the administration of the late night levy requirement including, in particular, such expenses incurred in, in connection with or in consequence of –
- (a) any decision mentioned in section 134(1);
 - (b) collection of payments of the late night levy;
 - (c) enforcement of the late night levy requirement.
- (4) Expenses incurred by a licensing authority which fall within subsection (3)(a) include, in particular, expenses which it incurs in connection with any application made by virtue of section 134(2)(c).
- (5) A licensing authority must publish the following, in respect of each levy year –
- (a) before the beginning of the year, a statement of its estimate of the amount of deductions permitted under regulations under subsection (2)(a) to be made in respect of the year;
 - (b) after the end of the year, a statement of the net amount of levy payments for the year, showing in particular the amounts mentioned in paragraphs (a) and (b) of subsection (1) attributable to the year.
- (6) It is for the licensing authority to determine the manner in which any statement under subsection (5) is to be published.

Application of levy payments

131 Application of net amount of levy payments

- (1) The net amount of levy payments for any levy year must be applied as follows.
- (2) The licensing authority –
- (a) must pay the specified proportion of that amount to the relevant local policing body, and
 - (b) must apply the remainder of that amount in accordance with regulations.
- (3) In subsection (2)(a), “specified proportion” means the proportion determined for the levy year under section 132(1)(b) or 133(1)(d).
- (4) The specified proportion must be not less than 70 per cent.
- (5) Regulations may amend subsection (4) by specifying a different proportion in place of the proportion for the time being specified in that subsection.
- (6) Regulations may make provision –
- (a) as to the time or times at which payments are to be made by the licensing authority under subsection (2);
 - (b) for adjustments of payments in cases where payments or repayments are made in respect of the levy after the end of the levy year.
- (7) Regulations under this section may make provision conferring functions or a discretion on a licensing authority.

Late night levy requirement: further provision

132 Introduction of late night levy requirement

- (1) Where a licensing authority decides under section 125 that the late night levy requirement is to apply in its area, it must also decide—
 - (a) the date on which the late night levy requirement is first to apply, and
 - (b) for the first levy year and, subject to section 133, each subsequent levy year—
 - (i) the late night supply period;
 - (ii) the permitted exemption categories (if any) that are to apply in its area;
 - (iii) the permitted reduction categories (if any) that are to apply in its area;
 - (iv) the proportion of the net amount of levy payments that is to be paid to the relevant local policing body under section 131.
- (2) Subsection (1)(b)(i) is subject to section 126(4) and (5).
- (3) Subsection (1)(b)(iv) is subject to section 131(4).
- (4) Regulations under section 134 apply in relation to any decision of a licensing authority under section 125 or this section.

133 Amendment of late night levy requirement

- (1) Where the late night levy requirement applies in the area of a licensing authority under section 125, the authority may decide—
 - (a) that the requirement is to cease to apply in the area;
 - (b) that a different late night supply period is to apply;
 - (c) that any permitted exemption categories or permitted reduction categories are to apply in addition to any that currently apply, or to cease to apply, in the area;
 - (d) that a different proportion of the net amount of levy payments is to be paid to the relevant local policing body.
- (2) Subsection (1)(b) is subject to section 126(4) and (5).
- (3) Subsection (1)(d) is subject to section 131(4).
- (4) Where—
 - (a) regulations under section 135 alter the permitted exemption categories or permitted reduction categories, and
 - (b) by virtue of the regulations any category that applies in the area of a licensing authority as the result of a relevant decision ceases to be a permitted exemption category or permitted reduction category,
 the licensing authority must exercise its power under subsection (1)(c) so as to secure that all the categories that apply in its area in respect of future levy periods are permitted exemption categories or permitted reduction categories.
- (5) In subsection (4)(b), “relevant decision” means a decision under—
 - (a) section 132(1)(b)(ii) or (iii), or
 - (b) subsection (1)(c) of this section.
- (6) Where—

- (a) regulations under subsection (5) of section 131 amend subsection (4) of that section, and
- (b) by virtue of the regulations the proportion of the net amount of levy payments to be paid to the relevant local policing body ceases to satisfy section 131(4),

the licensing authority must exercise its power under subsection (1)(d) so as to secure that the proportion of the net amount of levy payments to be paid to the relevant local policing body in respect of future levy years satisfies that provision.

- (7) Any decision made under subsection (1) may take effect only –
 - (a) in the case of a decision under paragraph (a), at the end of a levy period,
 - (b) in the case of decision under paragraph (b), (c) or (d), in respect of future levy periods.
- (8) Regulations under section 134 apply in relation to any decision of a licensing authority under this section.

134 Introduction or variation of late night levy requirement: procedure

- (1) Regulations must make provision as to the procedure to be followed by a licensing authority in relation to any proposal for –
 - (a) a decision under section 125(2) that the late night levy requirement is to apply in the area of the licensing authority (and any related decision under section 132(1));
 - (b) a decision under section 133(1)(a) that the late night levy requirement is to cease to apply in the area of the licensing authority;
 - (c) a decision under section 133(1)(b), (c) or (d).
- (2) Regulations under this section must, in particular –
 - (a) require the licensing authority, where it proposes to make any decision mentioned in subsection (1), to consult the following about the proposal –
 - (i) the relevant local policing body;
 - (ii) the relevant chief officer of police;
 - (iii) holders of relevant late night authorisations;
 - (iv) any other persons prescribed by the regulations;
 - (b) make provision requiring the licensing authority to publish notice of any decision mentioned in subsection (1) (and of related decisions);
 - (c) in the case of a decision under section 125(2), make provision –
 - (i) enabling any relevant late night authorisation to be varied under section 34, 41A, 84 or 86A of the Licensing Act 2003, on the application of the holder, so as to cease to be a relevant late night authorisation before the beginning of the first levy year, and
 - (ii) for no fee to be payable in respect of any such application to the extent that it relates to such a variation.
- (3) In the case of a proposal that the late night levy requirement should apply to the area of a licensing authority, the consultation about the proposal required under subsection (2)(a) must include consultation about the matters to be decided under section 132(1).

- (4) Regulations under this section may specify matters of which the licensing authority must be satisfied before deciding under section 125(2) that the late night levy requirement is to apply in its area.
- (5) In subsection (2)(c), “relevant late night authorisation” includes a premises licence or club premises certificate which would be a relevant late night authorisation if the licensing authority were to make the decisions in subsection (1)(a) in accordance with the proposal.

135 Permitted exemption and reduction categories

- (1) Regulations may prescribe—
 - (a) categories of holders of relevant late night authorisations in relation to whom, if a licensing authority so decides, the requirement to pay the late night levy is not to apply (“permitted exemption categories”);
 - (b) categories of holders of relevant late night authorisations in relation to whom, if a licensing authority so decides, a reduced amount of the levy is to apply (“permitted reduction categories”).
- (2) References in subsection (1) to a decision of a licensing authority are to a decision by the authority under section 132(1)(b)(ii) or (iii) or 133(1)(c) that the category in question is to apply in its area.
- (3) Without prejudice to section 136(3), categories of holders may be prescribed for this purpose by reference, in particular, to—
 - (a) participation in arrangements of particular descriptions;
 - (b) particular descriptions of premises in respect of which authorisations are held.
- (4) Regulations under subsection (1) which prescribe permitted reduction categories must also prescribe, in relation to each such category—
 - (a) what the reduced amount of the levy is, or
 - (b) the manner in which the reduced amount of the levy is to be calculated, and must provide for the reduced amount of the late night levy, or the manner in which it is to be calculated, to be the same for all holders of relevant late night authorisations in that category for a levy year.

136 Late night levy: regulations

- (1) Any power to make regulations under this Chapter is exercisable by the Secretary of State, but may be exercised only with consent of Treasury.
- (2) Regulations may amend any provision made by or under an Act so far as necessary or expedient in consequence of any provision made by or under this Chapter.
- (3) Any regulations under this Chapter may—
 - (a) make different provision for different cases;
 - (b) make provision subject to exceptions;
 - (c) make supplemental, incidental, consequential and transitional provision.
- (4) Subsection (3) is subject to section 128(4) and 135(4).

137 Interpretation

In this Chapter –

- “club premises certificate” has the same meaning as in the Licensing Act 2003 (see section 60 of that Act);
- “late night levy” means a levy payable under section 127(1);
- “the late night levy requirement” has the meaning given by section 125;
- “late night supply period”, has the meaning given by section 126;
- “levy year”, in relation to a licensing authority, means a period of one year, beginning with the date specified under section 132(1)(a) or an anniversary of that date, for which the late night levy requirement applies in the area of the authority;
- “licensing authority” means an authority which is a licensing authority within the meaning of the Licensing Act 2003 (see section 3 of that Act);
- “net amount of levy payments” has the meaning given by section 130;
- “payment year”, in relation to the holder of a relevant late night authorisation, means a year to which any payment of the late night levy by the holder in respect of the authorisation relates;
- “permitted exemption category” and “permitted reduction category” have the meanings given by section 135;
- “premises licence” has the same meaning as in the Licensing Act 2003 (see section 11 of that Act);
- “relevant late night authorisation” has the meaning given by section 126;
- “relevant chief officer of police”, in relation to a licensing authority, means the chief officer of police for the police area which comprises or includes the area of the licensing authority;
- “relevant local policing body”, in relation to a licensing authority, means the local policing body for the police area which comprises or includes the area of the licensing authority;
- “supply of alcohol” has the same meaning as in Part 3 of the Licensing Act 2003 (see section 14 of that Act).

138 Crown application

- (1) This Chapter binds the Crown and has effect in relation to any premises licence, or club premises certificate, which relates to land in which there is –
 - (a) an interest belonging to Her Majesty in right of the Crown,
 - (b) an interest belonging to a government department, or
 - (c) an interest held in trust for Her Majesty for the purposes of such a department.
- (2) This Chapter also applies in relation to any premises licence, or club premises certificate, which relates to –
 - (a) land which is vested in, but not occupied by, Her Majesty in right of the Duchy of Lancaster, and
 - (b) land which is vested in, but not occupied by, the possessor for the time being of the Duchy of Cornwall.
- (3) Provision made by or under this Chapter applies to persons in the public service of the Crown as it applies to other persons.
- (4) But nothing in this Chapter affects Her Majesty in Her private capacity.

139 Amendments of the Licensing Act 2003

- (1) The Licensing Act 2003 is amended as follows.
- (2) In section 55 (fees: premises licences), after subsection (1) insert –
 - “(1A) Subsection (1) is subject to regulations under section 134(2)(c)(ii) of the Police Reform and Social Responsibility Act 2011 (exemption from fees for variation applications prior to introduction of late night levy).”
- (3) In section 92 (fees: club premises certificates), after subsection (1) insert –
 - “(1A) Subsection (1) is subject to regulations under section 134(2)(c)(ii) of the Police Reform and Social Responsibility Act 2011 (exemption from fees for variation applications prior to introduction of late night levy).”

CHAPTER 3

ALCOHOL DISORDER ZONES

140 Alcohol disorder zones: repeal

Sections 15 to 20 of the Violent Crime Reduction Act 2006 (alcohol disorder zones) are repealed.

PART 3

PARLIAMENT SQUARE GARDEN AND SURROUNDING AREA

*Repeal of SOCPA 2005 provisions***141 Demonstrations in vicinity of Parliament: repeal of SOCPA 2005 provisions**

- (1) Sections 132 to 138 of the Serious Organised Crime and Police Act 2005 (which regulate demonstrations and use of loudspeakers in the vicinity of Parliament) are repealed.
- (2) The public assemblies in relation to which section 14 of the Public Order Act 1986 applies, as a consequence of the repeal of section 132(6) of the Serious Organised Crime and Police Act 2005, include public assemblies which started, or were being organised, before this section comes into force.

*Controls on activities in Parliament Square Garden and adjoining pavements***142 Controlled area of Parliament Square**

- (1) For the purposes of this Part, the “controlled area of Parliament Square” means the area of land that is comprised in –
 - (a) the central garden of Parliament Square, and
 - (b) the footways that immediately adjoin the central garden of Parliament Square.
- (2) In subsection (1) –
 - “the central garden of Parliament Square” means the site in Parliament Square on which the Minister of Works was authorised by the

LICENSING COMMITTEE WORK PROGRAMME 2011/12- LAST UPDATED 29 March 2012 (hg)

ITEM	DESCRIPTION	NOTES	TYPE OF ITEM
Items Currently Unscheduled			
Regular Renewal of CRBs for Licence Holders	Review, timetable to be agreed having regard to necessary public consultation	D Broster	
SEVs	Training ongoing from January 2012. SEV applications to be considered w/c 11 June 2012		
Casino	Training ongoing from January 2012 Casino Stage 1 application process w/c 16 July 2012		
City Centre Policing Update	Discussion on city centre premises, licensing and policing (June/July 2012)	WYP	B
TPHL Policy Review – ongoing review of the policies/conditions	Timetable for the reviews was agreed Feb 11, the policies/conditions will return to Committee at the conclusion of the necessary consultation period (to include driver licences nationality & immigration status checks)	D Broster (Sept 2011 – Jan 2012)	DP
Leeds PCT	Final Alcohol Action Plan	Brenda Fullard	B
Planning & Licensing		S Holden/C Sanderson	B

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: 17 May 2011 - cancelled			
Meeting date: June 2011 – HELD. Casino application pack/Annual Gov arrangements/procedure /appeals			
Meeting date: 26 July 2011 – HELD SEVS policy/HC Trade Forum constitution			
Meeting date: 16 August 2011 – HELD Leeds Festival EMP update			
Meeting date: 13 September 2011 – HELD WYP presentation, City Centre night time economy			
Meeting date: 18 October 2011 – HELD De-regulation of regulated ents, Casino Advisory Panel;			
Meeting date: 15 November 2011 – HELD Leeds Festival de-brief, Police reform Bill, TPHL operation matters, De-Regulation of ents.			

LICENSING COMMITTEE WORK PROGRAMME 2011/12- LAST UPDATED 29 March 2012 (hg)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: 20 December 2011 - CANCELLED			
Meeting date: 17 January 2012 – HELD – Large Casino application pack			
Meeting date: 14 February 2012 – HELD WYP presentation, Leeds Festival update, LA2003 update			
Meeting date: 13 March 2012 – HELD Recent appeal decisions, resources for PH/HC appeals, SEV training			
Meeting date: 10 April 2012			
Transport & the night time economy	Update on transport strategy and impact on the night time economy	Andrew Hall	B
Enforcement activity	First quarter 2012 activity	S Kennedy/S Holden	B
LA2003 changes	Update on the changes to the Licensing Act 2003 implemented in April 2012	S Holden	B
Meeting date: 15 May 2012			
NVQ/VRQs for drivers	Review ongoing arising from the Working Group	D Broster	B

Key:

RP – Review of existing policy

DP – Development of new policy

PM – Performance management

B – Briefings

SC – Statutory consultation