

**LICENSING ACT 2003 – DELEGATIONS
(Report by the Head of Administration)**

1. INTRODUCTION

- 1.1 The Violent Crime Reduction Act 2006 amended the Licensing Act 2003 with a view to introducing new measures to ensure that police and local communities have the powers they need to tackle alcohol-related crime and disorder.
- 1.2 The purpose of this report is to update Members on the new provisions of the Licensing Act 2003.

2. EXPEDITED AND SUMMARY LICENCE REVIEWS

- 2.1 An amendment to the Licensing Act 2003 came into force on 1st October 2007, which enables licensing authorities, on receipt of an application from a senior police officer in cases of serious crime and disorder, to attach interim conditions to licences pending a full review.
- 2.2 Under Section 53 A of the Act, the licensing authority must within 48 hours of receipt of the senior police officer's application, consider whether it is necessary to take interim steps pending determination of a review of the premises licence. A full review of the premises licence must then be held within 28 days receipt of the application.
- 2.3 The determination of interim steps is not a matter that may be delegated to an officer of the licensing authority. The relevant decisions must be taken by the relevant licensing sub committee, or by the authority acting as a whole. As the latter is impractical, it is recommended that this is delegated to the licensing sub committees.
- 2.4 When determining whether interim steps should be imposed on a licence, there is no requirement for a formal hearing to be held and communication with the sub committee can be by telephone or other remote means in order to reach a decision. A written record must be produced as soon as possible after a decision is reached.
- 2.5 If the licensing authority decides to take steps at the interim stage, the decision must be communicated to the holder of the premises licence and the senior police officer immediately, together with the reasons for doing so, and the decision must take effect immediately, or as soon as the licensing authority directs. Should the premises licence holder make representations against the interim steps taken by the licensing authority, a hearing must then be held within 48 hours receipt of the representations (provided they are not withdrawn within this time period).
- 2.6 The new powers apply only where a premises licence authorises the sale of alcohol. They do not apply in respect of other premises licences, nor to those operating under club premises certificates.

2.7 A diagram of the full process is appended hereto as **Annex A**.

3. ALCOHOL DISORDER ZONES

3.1 The Act has also introduced new powers for local authorities and the police to designate Alcohol Disorder Zones (ADZs) as a last resort to tackle alcohol-related crime and disorder. The designation of an area as an ADZ will empower local authorities to charge licensees for additional enforcement activity affecting all licensed premises within the zone.

3.2 The new power has yet to be brought into effect by regulation and further information will be brought to the Committee's attention when the regulations are made and guidance issued by the Secretary of State.

4. RECOMMENDATION

4.1 It is

RECOMMENDED

that the licensing sub-committees be authorised to take steps (as deemed necessary), following the receipt of an application from a senior police officer in cases of serious crime and disorder, to attach interim conditions to licences pending a full review.

BACKGROUND PAPERS

Guidance issued by Secretary of State for Culture, Media and Sport – 28th June 2007
Guidance issued by Secretary of State for Culture, Media and Sport on Expedited and Summary Licence Reviews – October 2007

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