

LICENSING COMMITTEE: 6 February 2007

Report of the Chief Strategic Planning and Environment Officer

VIOLENT CRIME REDUCTION ACT 2006

1. Background

- 1.1 The Violent Crime Reduction Bill was given Royal Assent on 8th November 2006 and is now the Violent Crime Reduction Act 2006. The Act gives police and communities strong powers to tackle violent crimes involving alcohol, knives, crossbows and imitation guns.
- 1.2 This report is to provide information on the implications of the Act for the licensing authority.

2. The Violent Crime Reduction Act 2006.

- 2.1 In January 2005 the Government published a consultation paper called "Drinking Responsibly - The Government's Proposals". This set out proposals for introducing drinking banning orders, for local authorities and the police to designate alcohol disorder zones and to charge licensed premises for the costs of dealing with alcohol-related crime and disorder. The Violent Crime Reduction Act 2006 gives effect to these proposals.
- 2.2 In relation to alcohol related violence and disorder the Act will, inter alia:
- Introduce a new civil order issued by a Magistrates Court, Drinking Banning Orders, which will impose restrictions on those who commit offences under the influence of alcohol for up to two years, including banning them from licensed premises.
 - Introduce Alcohol Disorder Zones to give local authorities and police powers to designate areas blighted by serious alcohol-related crime and disorder, as a last resort, to ensure those licenses within the zone contribute to cost of the disorder.
 - Create a new power to allow police to ban those who represent a risk to alcohol-related crime or disorder arising or taking place from a particular locality for up to 48 hours.
- 2.3 Additionally the Act will amend the Licensing Act 2003 to:
- Provide a fast track Summary Review of a Premises Licence where the Police believe that the premises are associated with a serious problem of crime or disorder.
 - Create an offence and enable the possible suspension of the licence for a responsible person in respect of a premises selling alcohol to a person under 18 years of age on three or more occasions within a period of

three consecutive months. The maximum penalty for such an offence will be £10,000.

- Additionally, police and trading standards will have new powers to close a licensed premise persistently selling alcohol to youths for up to 48 hours. The closure notice offers the premises to discharge all criminal liability in respect of that offence by accepting the terms set out in such a notice.
- Amend the mandatory door supervisor condition to enable exempted persons to carry out the activity.

2.4 A number of other measures have been included in the Act.

- Sections 43 and 44 increase the legal age limit for the purchase of knives and crossbows. These provisions are administered by the Trading Standards service.
- Sections 52 and 53 amend the law in relation to football-related disorder
- Sections 54 to 58 amend the Sexual Offences Act 2003.
- Section 59 amends the Crime and Disorder Act 1998 to clarify the time period in which a complaint can be made for an application for an Anti-Social Behaviour Order

2.5 A number of provisions in the Violent Crime Reduction Act come into effect immediately with the majority of the remaining provisions being introduced later.

2.6 One other relevant development is the introduction of the Police and Justice Act 2006. Section 15 of the Act allows a Chief Constable to accredit Inspectors of Weights and Measures to serve fixed penalty notices for sales of alcohol to minors. Officers from Cardiff are negotiating with South Wales Police to accredit inspectors from all seven local authorities within the South Wales Police area. These provisions will be enacted in 2007.

3. Implications for Local Authorities.

3.1 The Act gives new powers to the Police and local authorities to exclude those aged 16 and over who are responsible for alcohol related disorder from pubs and clubs in a defined geographical area for a period of up to two years under a drinking banning order. Orders can be granted by application to a Magistrates Court. The duration of an order may be reduced if an individual satisfactorily completes an approved course to address their alcohol misuse behaviour. This provides the Community Safety Partnership with a tool to deal with problem behaviour and appropriate procedures will need to be established to utilise the power in a fair, consistent and transparent way.

3.2 Where there is a problem with alcohol-related nuisance and disorder, local authorities, upon application by the police, are given the power to designate a locality as an Alcohol Disorder Zone (ADZ). Local authorities have the power to impose charges on licensed premises within an ADZ if they do not

implement an agreed action plan, licensed premises may be asked to fund extra service provision, for example, late night transport. The Secretary of State will be issuing Regulations on what the sums may be used for and the rates of charges to be raised. An ADZ will be reviewed on a three-monthly basis and they sit alongside other measures to change individual's behaviour, enforce the provisions of the Licensing Act 2003 and secure the collective responsibility of licensed premises to help build a robust and local infrastructure to manage the night time economy. The ADZ is intended to be an intervention of last resort.

At present the situation may be that individual premises within an area are well managed but that alcohol related crime and disorder is an ongoing problem in the area because of a saturation of licensed premises there. The intention of the ADZ is that they would:

- Help improve operating practice in a number of premises, without having to go down the route of a licence review for each one. These improvements could be things like rigorous proof of age checks or a clear policy on drinks promotions.
- Improve co-ordination among premises. There could be a need, for example, for staggered closing times to avoid letting a flood of people out on to the streets at the same time.

4. Implications for Licensing Authorities.

- 4.1 A new procedure is inserted into the Licensing Act 2003 which allows for an accelerated review of a Premises Licence and the attachment of temporary conditions pending the full Review. The new procedure provides for a senior police officer to certify to a licensing authority, that they consider a licensed premises is associated with serious crime and or disorder. On receiving the application the licensing authority is obliged to consider within 48 hours whether it is necessary to take interim steps pending full review of the licence which must take place within 28 days. It will be necessary for licensing authorities to introduce an additional summary review procedure for dealing with applications for summary review by the Police. In particular the procedure would have to provide for hearings to be held within 48 hours notice.
- 4.2 Where a premises has not paid any charges due to the local authority in respect of a ADZ, the local authority could issue a certificate to that effect. The issue of the certificate would require the licensing authority to hold the hearing within 14 working days of receiving the certificate and notify the licensee who can submit representations within a time period ending 7 working days before the hearing. The powers of the licensing authority are likely to be a short term suspension or an indefinite suspension pending payment subject to appeal to the Magistrates Court.
- 4.3 A new offence is also inserted into the Licensing Act, that of persistently selling alcohol to underage persons. The penalty for the new offence on

summary conviction will be a fine of up to £10,000 and where the offender is a Premises Licence holder, the licence could be suspended for up to three months. Alternatively, senior police officers or Inspectors of Weights and Measures are empowered to ban the sale of alcohol at licensed premises for a period of up to 48 hours where there is evidence of such an offence.

- 4.4 The Licensing Act 2003 required a mandatory condition on the grant of a Premises Licence that where the licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority. The Violent Crime Reduction Act 2006 amends the mandatory condition to include those groups who are exempted by the Secretary of State under the Private Security Industry Act 2001.

5. Anticipated Timetable:

- 5.1 The Home Office has provided the following timetable for implementation although it has advised the implementation timetable will be subject to change.

Activity	Timescale
Informal consultation on guidance and regulations as they are developed	November 2006 – March 2007
Formal public consultation on guidance and regulations	March – June 2007
Regulations laid before Parliament	June – July 2007
ADZs implemented	October 2007

6. Achievability

This report contains no equality personnel or property implications.

7. Legal Implications

- 7.1 All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council eg. standing orders and financial regulations; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

8. Financial Implications.

- 8.1 The licensing service is required to be self financing with all expenditure being met from fees and charges which are reviewed annually. The Licence fees are set nationally by government at a level intended to cover the cost of providing the service. The report has no direct financial implications for the licensing authority as the cost of any increase in the number of hearings will be met from existing resources at this stage.
- 8.2 The introduction of Alcohol Disorder Zones will provide a power to raise fees. It is anticipated that an element of the fee will be used to cover the costs of administering the scheme, although the details will not be known until the Regulations are made.

9. Recommendation

It is recommended that the report is noted and the Chief Strategic Planning and Environment Officer and the Operational Manager (Consumer Protection) be delegated authority to meet the functions and duties imposed on the authority by the Violent Crime Reduction Act 2006 and any related Regulations.

SEAN HANNABY

1 January 2006

CHIEF STRATEGIC PLANNING AND ENVIRONMENT OFFICER

This report has been prepared in accordance with procedures approved by Corporate Managers.

Background Papers: None