

LICENSING COMMITTEE: 6 November 2007

Report of the Chief Strategic Planning and Environment Officer

SUMMARY REVIEW - VIOLENT CRIME REDUCTION ACT 2006

1. Background

- 1.1 The report is to provide information on the Summary Review procedure introduced by the Violent Crime Reduction Act 2006.
- 1.2 As reported to the Committee at its meeting of 6 February 2006, Section 21 of the Violent Crime Reduction Act 2006 inserted new sections 53A, 53B and 53C into the Licensing Act 2003 to provide an accelerated review of a Premises Licence and enable the authority to take interim steps to immediately address the problem pending the full Review. The section has been brought into force from 22 August 2007 by the Violent Crime Reduction Act 2006 (Commencement No. 3) Order 2007 regulations which were made on 24 July 2007.
- 1.3 The amended Act requires the Secretary of State to make regulations on the procedure and The Licensing Act 2003 (Summary Review of Premises Licences) Regulations 2007 were made on 27 August and came into force on 1 October 2007.

2. Summary Review Procedure.

- 2.1 The new procedure provides for a senior police officer of superintendent rank or above to certify to a licensing authority, that they consider a licensed premises where the retail sale of alcohol is permitted, is associated with serious crime and or disorder. On receiving the application for review with the certificate a Licensing Sub-Committee 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.
- 2.2 The interim steps which can be taken are:
 - a) To decide that it is not necessary to take interim action.
 - b) To modify the conditions of the licence, by altering, omitting or adding to them, where relevant.
 - c) To exclude the sale of alcohol from the scope of the licence.
 - d) Remove the Designated Premises Supervisor from the licence.
 - e) Suspend the Premises Licence.
- 2.3 The decision of the Sub-Committee takes effect immediately or as soon after as directed but the licence holder and the Police must be given immediate notice of the decision of the Sub-Committee and its reasons for making it. The matter can be considered without the licence holder having been given an opportunity to make representations. The licence holder has however the right

to make representations about any interim steps taken. A further hearing to consider such representations must be held within 48 hours of receiving them.

- 2.4 A full review hearing to determine the application must be held within 28 days of receiving the application. The new process therefore requires Licensing Sub-Committee hearings to be held within 48 hours notice (time that is not on a working day is to be disregarded for this purpose).

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.

9. Recommendation

That it be noted that as a result of the introduction of a summary review procedure it may be necessary for meetings of the Licensing Sub-Committee to take place within a 48 hour period.

SEAN HANNABY **1 October 2007**
CHIEF STRATEGIC PLANNING AND ENVIRONMENT OFFICER

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

Background Papers:

1. Report to the Licensing Committee of 6 February 2006 entitled "Violent Crime Reduction Act 2006".