

LICENSING COMMITTEE: 2 February 2010

Report of the Chief Strategic Planning and Environment Officer

POLICING AND CRIME ACT 2009.

1. Background

- 1.1 The Policing and Crime Act 2009 has amended the Licensing Act 2003. On 10 December 2009 the Home Office announced that the changes would commence on 29 January 2010. The report is to provide details of the changes that have been introduced for the Committees information.

2. Details.

- 2.1 The Policing and Crime Act 2009 was introduced by the government to increase the effectiveness and public accountability of the police. The Act is to provide the police with further powers to drive down crime, drive up public confidence and give local people more information and a bigger say in how their neighbourhood is policed. The Act has introduced a number of matters in relation to alcohol which include:
- Section 28 amends section 147A(1)(a) of the Licensing Act introduced by the Violent Crime Reduction Act 2006 to target irresponsible retailers who sell alcohol to under 18s. The number of underage sales which could lead to an enforced cessation of alcohol sales for 48 hours, or a prosecution with a maximum £10,000 fine has been reduced to two sales on different occasions in three months (from three).
 - Section 29 amends the police powers to confiscate alcohol from under 18 year olds who are drinking in a public place. The person must provide their name and address and where the constable reasonably suspects that the person is under 16 years of age, the constable may take the person to their address or a place of safety.
 - Section 30 creates a new offence of persistently possessing alcohol in a public place by under 18 year olds. If a child or young person is found in possession of alcohol in any public place on three or more occasions within 12 consecutive months they will now be guilty of an offence.
 - Section 31 extends the 'directions to leave' power in section 27 of the Violent Crime Reduction Act 2006 so that they apply to persons aged 10

or over, rather than those of 16 years of age or over. Where an individual of ten years of age or over and is likely to represent a risk of disorder a police officer can now direct the individual to leave the area.

- Section 33 amends the definition of interested parties under the Licensing Act 2003 to now include a member of the relevant licensing authority. Previously a councillor could only make representations on an application if they lived in the vicinity of the premises or if they had been specifically nominated to do so by somebody who lived nearby. The effect of this amendment is therefore that councillors can now act as interested parties and will therefore be able to make representations about an application within their ward, and call for premises licences and club premises certificates to be reviewed by their own council.
- 2.2 Section 32 of the Policing and Crime Act 2009 provides powers for the Secretary of State to impose mandatory conditions which would apply to all licensed premises. This Section of the Act has not yet been brought into force.
3. **Achievability**
- This report contains no equality personnel or property implications.
4. **Legal Implications**
- 4.1 The legal implications appear throughout Section 2 of this Report.
5. **Financial Implications.**
- 5.1 The licensing service is required to be self financing with all expenditure being met from fees and charges which are reviewed annually. Nothing in the report will have direct financial implications on the licensing budget.
6. **Recommendation**
- 6.1 It is recommended that the report be noted.

SEAN HANNABY **1 January 2010**
CHIEF STRATEGIC PLANNING AND ENVIRONMENT OFFICER

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

Background Papers: None