

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

Agenda Item No. 11

meeting date: 16 MARCH 2010
 title: CHANGES PROPOSED BY THE CRIME AND SECURITY BILL AND
 ARISING FROM THE POLICING AND CRIME ACT
 submitted by: LEGAL SERVICES MANAGER
 principal author: DIANE RICE

1 PURPOSE

1.1 To inform Committee of proposed changes contained within the Crime and Security Bill relating to the power to impose blanket bans on the sale of alcohol after 3am, and to inform Committee of changes which have been made via the Policing and Crime Act 2009, Section 33 which affect the role of councillors as interested parties.

1.2 Relevance to the Council's ambitions and priorities

- Council Ambitions - }
- Community Objectives - } Ensuring Members are informed of changes or proposed changes to relevant legislation
- Corporate Priorities - } contributes to the Council's objective of being a well-managed Council.
- Other Considerations - }

2 BACKGROUND – BLANKET BANS

2.1 In March 2008, the Government published an evaluation of the Licensing Act 2003. The evaluation demonstrated that for a category of more serious crimes of violence, there was an increase in the number of offences committed between 3am and 6am, the increase was small in numbers but large in proportionate terms – as much as 25%.

2.2 It is therefore proposed to introduce a power to impose blanket bans on the sale of alcohol after 3am in areas that are affected by alcohol related anti-social behaviour and disorder.

2.3 The provisions are currently before parliament and if brought into force would create the following new powers.

Section 172a – power to make early morning alcohol restriction order

Section 172b – procedural requirements for early morning alcohol restriction order

Section 172c – making of alcohol restriction order

Section 174d – variation and revocation of early morning alcohol restriction order

Section 172e – exceptions from the effect of early morning alcohol restriction order

2.4 The ban would operate between 3am and 6am in respect of all premises selling alcohol including pubs, bars, clubs, supermarkets and convenience stores. It could be imposed all week or only on particular days of the week. Licensing authorities would need to show the restriction was necessary to prevent crime and disorder or public nuisance or promote public safety.

3 ISSUES – BLANKET BANS

3.1 The procedure would require local authorities to advertise the proposed order and consult those affected. There would then be a requirement to hold a hearing if representations were received.

3.2 At this stage there are very few premises in this authority's area which have licences which run between 3am and 6am, and where problems exist in relation to those premises, they are in general well managed by the operators.

4 BACKGROUND – MEMBERS AS INTERESTED PARTIES

4.1 The Licensing Act 2003 has been amended to expand the definition of an interested party to include councillors as long as they are members of the Licensing authority.

4.2 The change helps to address the dissatisfaction that Members have felt with the way the legislation was originally put into operation.

4.3 Attached as Appendix 1 is a copy of a Councillor briefing prepared by LACORS and at Appendix 2 is a series of frequently asked questions.

5 ISSUES – MEMBERS AS INTERESTED PARTIES

5.1 If Members have any queries, they should address these in the first instance to Catherine Moore, the Council's Administration and Licensing (Alcohol and Entertainment) Officer or the Legal Services Manager.

6 **RECOMMENDED THAT COMMITTEE**

6.1 Note the proposed changes contained in the Crime and Security Bill and the changes made to the Licensing Act in consequence of the Policing and Crime Act.

LEGAL SERVICES MANAGER

BACKGROUND PAPERS

1 None.

For further information please ask for Diane Rice, extension 4418.

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