

Report to:	LICENSING COMMITTEE
Relevant Officer:	Sharon Davies, Head of Licensing Service
Date of Meeting	24 May 2017

CHANGES TO THE LICENSING ACT

1.0 Purpose of the report:

- 1.1 To update the Committee on changes to the Licensing Act 2003 brought about by the Immigration Act 2016 and the Policing and Crime Act 2017.

2.0 Recommendation(s):

- 2.1 To note the update.

3.0 Reasons for recommendation(s):

- 3.1 One of the responsibilities of the Committee is to keep up to date with legislative changes that could impact on the work of the Committee.

- 3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

- 3.2b Is the recommendation in accordance with the Council's approved budget? Yes

- 3.3 Other alternative options to be considered:

None

4.0 Council Priority:

- 4.1 The relevant Council Priority is :

"The economy – maximising growth and opportunity across Blackpool"

5.0 Background Information

5.1 Immigration Act 2016

This Act received Royal Assent in May 2016 and brings about a number of changes to prevent illegal working both in licensed premises and in taxis. The main changes are noted below.

- 5.2 Taxi Drivers and Operators – as part of the application process they are required to demonstrate that they have a right to work in the UK. Those with time limited right to work can be licensed however the licence cannot extend beyond the date of their entitlement to remain in the Country. These provisions came into force in December 2016

- 5.3 Premises Licences – the Secretary of State (in practice Home Office Immigration Enforcement) became a responsible authority on 6 April 2017. This allows Home Office Immigration Enforcement to make representations against the grant or variation of Premises Licences where the licensable activities include the sale of alcohol or provision of late night refreshment. An applicant residing in the UK applying for a new Premises Licence, for the transfer of an existing licence or serving an interim authority must have the right to work in the UK. A Licensing Panel must reject an application at a hearing convened due to a representation from the Secretary of State if it considers it appropriate for the prevention of illegal working in licensed premises to do so.

A Premises Licence will now lapse if the Licence Holder ceases to be entitled to work in the United Kingdom.

Immigration Officers have now been given a right to enter licensed premises where they believe that an offence under the Immigration Act 2014 is being committed.

- 5.4 Personal Licences - anyone applying for a personal licence must be entitled to live and work in the United Kingdom. A personal licence will now lapse if the entitlement to work ceases.

5.5 Policing and Crime Act 2017

The changes detailed below came into force on 6 April 2017 with the exception of those relating to Cumulative Impact Policies and the Late Night Levy. These will come into force at a later date.

- 5.6 Meaning of Alcohol – the definition of alcohol has been amended to specify that powdered and vaporised alcohol should be treated in the same way as liquid alcohol.

- 5.7 Summary Reviews – the Police can make an application for a summary review of premises if they have been associated with serious crime or serious disorder. When an application is received, the authority must decide within 48 hours whether it is necessary to impose any interim steps (which could include suspension of the licence). This decision can be made in the absence of the Licence Holder however the licence is entitled to ask the authority to hold a hearing to reconsider the interim steps.

The Policing and Crime Act 2017 amends the Licensing Act 2003 so that after the Licensing Authority has held a hearing to consider the interim steps, the licence holder can only make further representations if there has been a material change in circumstances since that hearing.

At the full review hearing the authority must review the interim steps that have been taken and decide whether they should continue, or be modified, during the 21 day period before the decision takes effect.

A further change is that the Police and Licence Holder have been given the right to appeal against the interim steps decision taken at the review hearing. Any such appeal must be heard by a Magistrates' Court within 28 days.

- 5.8 Personal Licences – previously a personal licence once granted could only be suspended or revoked by a Magistrates Court when the holder had been convicted of a relevant offence. As of the 6 April 2017, the Licensing Authority has been given a similar power where they become aware that the holder has been convicted of a relevant offence, foreign offence or been required to pay an immigration penalty. The licence may be revoked or suspended for a period of up to six months.
- 5.9 Section 182 Guidance – the statutory guidance issued by the Secretary of State will now take effect as soon as it is published as the requirement to obtain Parliamentary approval has been removed.
- 5.10 Cumulative Impact Policies – A new Section 5A has been created to allow the Licensing Authority to publish a cumulative impact assessment if it considers that the number of licensed premises in an area is such that granting further licences would be inconsistent with its duty to promote the licensing objectives. The Licensing Authority will be required to publish the evidence for its opinion and consult. This evidence must be reviewed at least every three years.
- 5.11 Late Night Levy – when these provisions are brought into force an authority would be able to target the levy on a specific area rather than being required to impose it on the whole Borough. The levy will be extended to cover premises supplying late night refreshment. The Police and Crime Commissioner would be able to request that the authority proposes introducing a levy.

5.12 Does the information submitted include any exempt information? No

5.13 **List of Appendices:**

None.

6.0 Legal considerations:

6.1 None.

7.0 Human Resources considerations:

7.1 None.

8.0 Equalities considerations:

8.1 None.

9.0 Financial considerations:

9.1 None.

10.0 Risk management considerations:

10.1 None.

11.0 Ethical considerations:

11.1 None.

12.0 Internal/ External Consultation undertaken:

12.1 None.

13.0 Background papers:

13.1 None.