

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

meeting date: TUESDAY, 5 SEPTEMBER 2023
title: ALCOHOL LICENSING UPDATE
submitted by: MARSHAL SCOTT – CHIEF EXECUTIVE
principal author: STEPHEN BARKER – SOLICITOR

1 PURPOSE

1.1 To inform Committee of a revision to the Statutory Guidance issued under section 182 of the Licensing Act 2003; of the introduction of amended provisions in relation to the late night levy; and of the position in relation to licensing relaxations introduced during the covid pandemic.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives - }
 - Corporate Priorities - }
 - Other Considerations - }
- The Council's aims to be a well-managed authority providing and consideration of these issues will promote that aim.

2 BACKGROUND

2.1 Section 182 of the Licensing Act 2003 provides that the Secretary of State must provide guidance to licensing authorities on the discharge of their functions under the Act. The guidance has been updated twice in the space of 2 months, in July and August 2023. A copy of the most recently revised guidance can be found at

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

2.2 The Police Reform and Social Responsibility Act 2011 introduced late night levies as a means of seeking to address the costs of alcohol relates crime. This was amended by the Policing and Crime Act 2017, although the relevant amendments did not come into force until 13 July 2023. The levy applies to holders of premises licences and club premises certificate holders during the late night supply period (determined locally and between the hours of midnight and 6am). The levy can now be applied to all or part of a licensing area (Ribble Valley) and can now also apply to late night refreshment premises. Gov.UK has recently published amended guidance which can be found at

<https://www.gov.uk/government/publications/late-night-levy-guidance/amended-guidance-on-the-late-night-levy>

2.3 The Business and Planning Act 2020 introduced certain temporary relaxations in relation to certain licensing issues, which have been extended during subsequent years. Consultation has taken place on the future of these relaxations and the Government has announced certain decisions in relation to off-licences and temporary event notices. Further consultation is taking place as to whether the area covered by a pavement licence should be deemed to be part of the licensed premises to be included in the premises plan.

3 ISSUES

3.1 The principal change to the Section 182 guidance is:

a) Counter Terrorism Conditions

Paragraph 2.10 to 2.14 relate to “counter terrorism and public safety”. It states that licensing committees may wish to give consideration to appropriate counter terrorism measures and advice when considering applications for high profile or large premises and events. This is especially the case if they are in receipt of relevant advice from police counter-terrorism staff. Paragraph 2.14 confirms that there is an Annex in relation to counter-terrorism. The Annex (found on page 156 of the revised guidance) references a number of resources relating to public safety at venues which licensing authorities may find helpful in order to consider applications where enhanced security concerns may be relevant. (At present this has been introduced as part of the Section 182 guidance. The long-awaited Terrorism (Protection of Premises) Bill (known as Martyn’s Law after one of the victims of the Manchester Arena bombing) was published on 2 May 2023, but may not come into effect to impose obligations on those with responsibility for premises until 2026 or even 2027.)

b) Minor Variation Off-Sales

The first (July 2023) revision of the guidance had provided for procedures regarding variation of licences to permit off-sales, but that has now been superseded due to the extension of the Business and Planning Act provisions mentioned in paragraph 3.3.b below.

3.2 When late night levies were introduced, a Home Office impact assessment in 2012 estimated that the levy might be viable in 94 licensing authorities in England and Wales. At that time, projected costs for an authority setting up the levy was £9,981, and ongoing annual administration costs were estimated at £12,880. In 2022, of the 10 authorities which had introduced and retained the late night levy, the smallest was Chelmsford, which has a population approximately three times larger than the Ribble Valley. Although no calculation has been carried out in the Ribble Valley, there is a real possibility that the operation of the levy would be a charge on businesses which does not cover the cost of administration, with there being no positive result in funding the PCC or the authority to address underlying issues. Viability of the levy is highlighted as an issue in paragraph 1.9 of the guidance.

3.3 Licensing Relaxation

a) Temporary Event Notices (TENs)

The extension in the number of TENs that a premises can apply for, brought about as a consequence of Covid, will come to an end on 31 December 2023. After that date, the pre-Covid limits will resume so that a licensed premises user can apply for up to 15 TEN applications in a calendar year (which had been extended to 20) and the maximum number of days that the TENs can cover reverts to 21 from 26.

b) Off-Sales

The temporary authority for premises which only have an on-licence to be able to carry out off-sales has been extended and now expires on 31 March 2025.

c) Pavement Licences

As noted elsewhere on the agenda, draft regulations are before Parliament to extend this regime until 30 September 2024, with further amending provisions in the Levelling Up and Regeneration Bill for the permanent introduction of such licences. As noted above, there is ongoing consultation about the extent of the licenced premises for the premises plan.

4 **CONCLUSION**

4.1 Committee is asked to note the contents of this report.

STEPHEN BARKER
SOLICITOR

MARSHAL SCOTT
CHIEF EXECUTIVE

For further information please ask for Stephen Barker, extension 3216.

REF: SB/CMS/LICENSING/5 SEPT 2023