
Licensing Act 2003 Committee

2 February 2007

Report of the Director of Neighbourhood Services

LICENSING ISSUES IN THE VIOLENT CRIME REDUCTION ACT 2006

Summary

- 1 This report informs the Licensing Committee of the relevant licensing issues contained in the Violent Crime Reduction Act 2006. The notes have been prepared by the licensing manager in order to brief the committee and give an overview in relation to only the alcohol related issues contained in the Act.

Background

- 2 The Violent Crime Reduction Act 2006 received Royal Assent on 8 November 2006.
- 3 The Act contains a variety of measures designed to combat alcohol related violence and disorder, including new drinking banning orders and alcohol disorder zones.
- 4 It amends licensing law to promote the objectives of crime prevention and child welfare.
- 5 It also tightens the law on air guns, imitation firearms and the purchase of knives and introduces a new power for school staff to search pupils for weapons.

Alcohol-related violence and disorder

Drinking Banning Orders

- 6 The Act introduces a Drinking Banning Order, which establishes powers to allow those aged 16 and over who are responsible for alcohol related disorder to be excluded from licensed premises in a defined geographic area for a given length of time between 2 months and 2 years.
- 7 Provision is also made for the duration of an order to be reduced if an individual satisfactorily completes an approved course to address their alcohol misuse behaviour.

- 8 Such an order is made on application to a magistrates' court against an individual by a relevant authority if -
- (a) that the individual has engaged in criminal or disorderly conduct while under the influence of alcohol; and
 - (b) that such an order is necessary to protect other persons from further conduct by him of that kind while under the influence of alcohol.

Alcohol Disorder Zones

- 9 The Act introduces Alcohol Disorder Zones to give local authorities and police powers to designate areas blighted by serious alcohol-related crime and disorder. The local authority may by order designate a locality in their area as an alcohol disorder zone if they are satisfied –
- (a) that there has been nuisance or annoyance to members of the public, or disorder, in or near that locality.
 - (b) that the nuisance, annoyance or disorder is associated with the consumption of alcohol.
 - (c) that there is likely to be a repetition of nuisance, annoyance and disorder.
- 10 Before designating a locality as an alcohol disorder zone, the local authority must publish a notice setting out their proposal to designate the locality and inviting interested parties to make representation.
- 11 As soon as reasonably practicable after the end of the period for making representations the local authority and the local chief officer of police must prepare a document ("the action plan") setting out the steps in their opinion would tackle the problems.
- 12 Licensed premises will have a period of eight weeks in which to do this. As part of the action plan, licensed premises may be asked to fund extra service provision. Examples could include extra late-night transport, street cleaning and extra security patrols.
- 13 If premises fail to implement the action plan then charges would be levied at a nationally set rate, reflecting the cost of a typical basket of initiatives, which could be used by local authorities and other public authorities to tackle the problem.

Licensing Reviews

- 14 This section inserts a new procedure into the Licensing Act 2003 to allow the police to require a review of Licensed Premise's by a licensing authority if they have reason to believe it is subject to serious crime or disorder.

- 15 Licensing authorities notified by the police are required to hold an emergency meeting within 48 hours to consider temporary variations to the Premise Licence. These could include a prohibition on the sale of alcohol, the removal of the Designated Premises Supervisor or suspension of the licence. A full review, under the terms of the Licensing Act, must occur within 28 days.

Persistently Selling Alcohol to Children

- 16 This part of the Act inserts a new offence into the Licensing Act 2003 which will be committed if, on three or more different occasions in a period of three consecutive months, alcohol is unlawfully sold on the same premises to a person under 18.
- 17 The penalty for the new offence on summary conviction will be a fine not exceeding £10,000 and where the offender is a premises licence holder, the premises licence could be suspended for up to three months insofar as it authorises the sale of alcohol.
- 18 A Senior Police Officer or Trading Standards Inspector may issue a closure notice where there is evidence that a person has committed the new offence of persistently selling to children. A closure notice prohibits the sale of alcohol from premises for up to 48 hours.

Options

- 19 None, information only.

Analysis

None

Corporate Priorities

Where necessary the effective use of the Violent Crime Reduction Act 2006 will impact the Council's priority to reduce the actual and perceived impact of violent, aggressive and nuisance behaviour on people and York.

Implications

Financial

None. In relation to the introduction of Alcohol Disorder Zones if premises fail to implement the action plan then the local authority at a national set rate would levy changes.

Human Resources (HR)

There are no Human Resource implications.

Equalities

There are no equalities implications.

Legal

The council is and will discharge its obligations under the appropriate legislation.

Crime and Disorder

The committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.

Information Technology (IT)

There are no information technology implications.

Property

There are no property implications.

Other

There are no other implications.

Risk Management

None – report for information only.

Recommendation

Members are recommended to:

- (1) Note the contents of the Violent Crime Reduction Act 2006 in relation to alcohol related issues.

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Report Approved**Date** 15th January 07**Specialist Implications Officer(s)**

None

Wards Affected:**All**

For further information please contact the author of the report

Background Documents:

Violent Crime Reduction Act 2006
Licensing Act 2003

Annexes

None