

Sandwell Metropolitan Borough Council

Licensing Committee

27th August, 2010

Home Office Consultation: Re-balancing the Licensing Act

1. Summary Statement

- 1.1 On the 28th July, 2010 the Home Office released its formal consultation document regarding the alcohol measures as set out in the Coalition Programme for Government.
- 1.2 The consultation is open for 6 weeks closing on 8th September, 2010.
- 1.3 The Home Office has proposed a series of changes to the Licensing Act 2003 and the consultation seeks views on the implications of implementing the proposals to deliver the Government's commitments on alcohol outlined in the Coalition Agreement. A copy of the consultation document is attached at Appendix 1.
- 1.4 Immediately prior to this meeting of the Licensing Committee, the Licensing Policy Review Group will meet to consider, in depth, the Authority's response to the consultation.

Further details are attached for your information

2. Recommendation

- 2.1 That the Committee endorse the comments of the Licensing Policy Review Group in response to the Home Office consultation: Re-balancing the Licensing Act.

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3. **Strategic Resource Implications**

- 3.1 The effectiveness of any conditions or restrictions on the sale of alcohol is dependant on the statutory agencies being adequately resourced to effectively monitor, collect evidence and enforce legislation.

4. **Legal and Statutory Implications**

- 4.1 The Council as the Licensing Authority has a legal duty under the Licensing Act 2003 to fulfil the role, carry out duties in accordance with the Act and statutory guidance issues under Section 182 of the Act and any other official guidance issued by Government.

5. **Implications for the Council's Shared Partnership Priorities**

- 5.1 The Licensing Act 2003 has four licensing objectives which are highly pertinent to the Council's shared partnership priorities, these being:-
- (a) the prevention of crime and disorder;
 - (b) public safety;
 - (c) the prevention of public nuisance;
 - (d) the protection of children from harm.
- 5.2 Similarly, the Gambling Act 2005 has three licensing objectives, as follows:-
- (a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - (b) Ensuring that gambling is conducted in a fair and open way;
 - (c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 5.3 The proposals contained within the report have implications on the following shared partnership priorities:-

- (i) A safe and clean place to live - the licensing function under the 2003 Act and the 2005 Act relating to activities associated with gambling, public entertainment and alcohol is key to partnership working with “responsible Authorities” such as the police, fire, child protection, planning, and other agencies dealing with issues of safety, crime or disorder, anti-social behaviour, protecting the young and vulnerable in the community. Whilst the legislation and duties relate to the whole of Sandwell, members of all local communities will benefit from the additional controls that these Acts will place on gambling activities and entertainment activities associated with premises in the community.

- (ii) Active and Well People - Support for vulnerable children as there is always the potential for children to gain access to inappropriate public entertainment, and for under-age sales from premises targeted by the Licensing Act 2003. The licensing function and associated test purchasing regarding under-age sales will strengthen the existing protection. The provisions of the Gambling Act 2005 will provide similar protection in respect of gambling for this vulnerable group.

5.3 The licensing function already feeds into the Crime and Disorder Action Plan, Anti-Social Behaviour Plan, and Violent Crime / Alcohol Group action plan.

Source Documents

Licensing Act 2003

Rebalancing the Licensing Act – Home Office Consultation