

REPORT TO: LICENSING COMMITTEE – 25 AUGUST 2010

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: NICKII HUMPHREYS

Home Office Consultation – Rebalancing the Licensing Act – A consultation on empowering individuals, families and local communities to shape and determine local licensing.

1.0 Purpose of report

1.1 The purpose of this report is to notify the Committee of the recent consultation document published by the Home Office which seeks views on proposals to deliver the Government's commitments on alcohol outlined in the Coalition Agreement. The consultation primarily seeks views on the implications of implementing the proposals rather than inviting views on the commitments themselves.

2.0 Recommendation

2.1 **RECOMMENDED** that the Committee note the contents of the report and consider what, if any, formal response it wishes to make in response to the consultation.

3.0 Background Information

3.1 In the Coalition Agreement, the Government set out a programme of reform relating to alcohol licensing in order to tackle the crime and anti-social behaviour that can be associated with binge drinking in the night-time economy. In particular, the Government set out the following five commitments which are covered in this consultation:

- Overhaul of the Licensing Act to give local authorities and the police much stronger powers to remove licences from, or refuse to grant licences to, any premises that are causing problems;
- Allow councils and the police to shut down permanently any shop or bar found to be persistently selling alcohol to children;
- Double the maximum fine for under-age alcohol sales to £20,000
- Permit local councils to charge more for late-night licences to pay for additional policing; and
- Ban the sale of alcohol below cost price.

A copy of the Coalition Agreement is attached as Appendix A.

3.2 The Government recognises that alcohol plays an important part in the

cultural life of this country and employs large numbers in production, retail and the hospitality industry. As a whole the industry contributes around £8.5bn to the Exchequer through excise duty alone, and over 200,000 premises have a licence to sell alcohol and central to this is a system of alcohol licensing that is both effective in regulating sales and reflecting local demands.

4.0 Government Proposals

- 4.1 The consultation document sets out the Government's proposals for overhauling the current licensing regime which is intended to give more power to local authorities and the police to respond to local concerns about their night-time economy, whilst promoting responsible business.
- 4.2 Since the introduction of the Licensing Act 2003, there has been growing concern that the original vision of a vibrant "café culture" has failed to materialise. The Government therefore intends to introduce more flexibility into the current licensing regime to allow local authorities and the police, to clamp down on alcohol-related crime and disorder hot spots within local night-time economies.
- 4.3 In order to rebalance the licensing regime the Government is proposing the following measures:
 - a) Give licensing authorities the power to refuse licence applications or call for a licence review without requiring relevant representations from a responsible authority;
 - b) Remove the need for licensing authorities to demonstrate their decisions on licences 'are necessary' for (rather than of benefit to) the promotion of the licensing objectives;
 - c) Reduce the evidential burden of proof required by licensing authorities in making decisions on licence applications and licence reviews;
 - d) Increase the weight licensing authorities will have to give to relevant representations and objection notices from the police;
 - e) Simplify cumulative impact policies to allow licensing authorities to have more control over outlet density;
 - f) Increase the opportunities for local residents or their representative groups to be involved in licensing decisions, without regard to their immediate proximity to premises;
 - g) Enable more involvement of local health bodies in licensing decisions by designating health bodies as a responsible authority and seeking views on making health a licensing objective;
 - h) Amend the process of appeal to avoid the costly practice of rehearing

licensing decisions;

- i) Enable licensing authorities to have flexibility in restricting or extending opening hours to reflect community concerns or preferences;
- j) Repeal the unpopular power to establish Alcohol Disorder Zones and allow licensing authorities to use a simple adjustment to the existing fee system to pay for any additional policing needed during late-night opening;
- k) Substantial overhaul of the system of Temporary Event Notices to give the police more time to object, enable all responsible authorities to object, increase the notification period and reduce the number that can be applied for by personal licence holders;
- l) Introduce tougher sentences for persistent underage sales;
- m) Trigger automatic licence reviews following persistent underage sales;
- n) Ban the sale of alcohol below cost price;
- o) Enable local authorities to increase licensing fees so that they are based on full cost recovery;
- p) Enable licensing authorities to revoke licences due to non-payment of fees; and
- q) Consult on the impact of the Mandatory Licensing Conditions Order and whether the current conditions should be removed.

4.4 It is proposed that most of these new measures will be introduced through the Police Reform and Social Responsibility Bill and will include amendments to the Licensing Act 2003. The provisions will only apply to England and Wales.

4.5 The consultation invites views on a number of specific questions which are summarised on pages 23 and 24 of the document which is attached as Appendix B.

4.6 **The consultation runs for only 6 weeks from 28 July until 8 September 2010.**

5.0 Appendices

Appendix A – Copy of the Coalition Agreement;

Appendix B – Copy of the full consultation document.


Licensing Manager

There are no background papers associated with this report.