

<b>TITLE</b>	<b>Government Response To House Of Lords Select Committee Report On Licensing Act 2003</b>
<b>FOR CONSIDERATION BY</b>	Licensing and Appeals Committee 21 November 2017
<b>WARD</b>	Non-specific
<b>DIRECTOR</b>	Josie Wragg, Interim Director for Environment

<p><b>OUTCOME / BENEFITS TO THE COMMUNITY</b>          Members of the Licensing and Appeals Committee are asked to note the response of the Government to the House of Lords Select Committee Report following their review of the Licensing Act 2003.</p>
<p><b>RECOMMENDATION</b>          None.</p>
<p><b>SUMMARY OF REPORT</b>          The report summarises the key conclusions of the Government in response to the House of Lords Select Committee Report on the Licensing Act 2003.</p>

**Background**

On 25 May 2016, the House of Lords appointed a Select Committee to “consider and report on the Licensing Act 2003”. The report of this Committee, “The Licensing Act 2003: post-legislative scrutiny” was published on 4 April 2017.

The introduction to the report concluded that ‘while the implementation of the Act leaves a great deal to be desired, to a large extent this is caused by an inadequate statutory framework whose basic flaws have, if anything, been compounded by subsequent piecemeal amendments. A radical comprehensive overhaul is needed, and this is what our recommendations seek to achieve’.

There were a number of recommendations in the report, including the suggestion that Planning committees should take over the Licensing function. The Government’s response to this report was published on 6 November. Their key conclusions are summarised as follows:

- The Government does not intend to take the approach recommended by the Select Committee to transfer the functions of Licensing Committees and Sub-Committees to the Planning Committees. However, the Government accepts that the Report raises important points on the effectiveness and consistency of implementation of the licensing processes and decision making, but believes that these can be improved with better training and providing stronger Guidance to the Licensing Act 2003 published under section 182 of the Licensing Act 2003.
- Councils will be made to publish reasons for compromising appeals so that parties involved in the original hearing understand what has changed since then.
- Guidance to be amended to require licensing committees to give reasons for deciding to hear matters where all parties agree it's not necessary.

- It is not intended to change the Appeals process so that appeals go to the Planning Inspectorate rather than the Magistrates.
- Guidance to make it clear that a quorum of 3 councillors is required for hearings.
- Newspaper adverts to stay.
- No change to the existing fees regime in the immediate future. It notes that the revaluation of business rates that came into effect in April 2017 resulted in increased rates for many licensed premises, with an additional impact in some cases of those premises moving up a fee band, meaning an increase in business rates and licensing fees as a result.
- No intention to permit councils to introduce an outright ban on super-strength alcohol across premises in their areas.
- The Government proposes that the section 182 guidance should recommend that licensing authorities consider how to bring TENs to the attention of residents who may be particularly affected, for example if there have been previous complaints about a premises (licensed or not), however, there will not be an extension to the current regulations in terms of who can object to TENs.
- There will be no amendment to allow for TENs to be amended by the licensing committee at hearings. They are to remain either accepted or not.
- Cumulative Impact Policies are to be placed on a statutory footing at the next available opportunity.
- Allow licensing authorities to target the Late Night Levy in geographical areas where the night time economy places demands on policing; give licensing authorities the power to charge the levy to premises licensed to sell late night refreshment; give PCCs the right to formally request that a licensing authority propose a levy triggering a consultation on whether to introduce a levy and require Licensing Authorities to publish information about how the revenue raised from a levy is spent.
- No intention to implement a national personal licence database.
- No new licensing objectives, for example promotion of health and wellbeing.
- Minimum Unit Pricing remains under review, subject to the outcome of the legal case between the Scottish Government and the Scotch Whisky Association and any subsequent decision of the Scottish Government to introduce a minimum unit price for alcohol, the Government will consider the evidence of its impact once it is available.
- Group Review Intervention Powers (GRIPs) - the Government intends to proceed with a consultation on the introduction of GRIPs, but will explore beforehand whether similar measures can be achieved within the existing system.
- Community Ancillary Sales Notices (CANs) – the Government is giving further consideration to these (which allow for a simpler form of licence for ancillary sales of alcohol, for example, at bed and breakfasts) but has not committed to repealing these, as requested by the Select Committee.

### **Analysis of Issues**

Members will be kept abreast of any consultations relating to changes to the Act or Guidance.

## FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

*The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.*

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	No impact	N/A	N/A
Next Financial Year (Year 2)	No impact	N/A	N/A
Following Financial Year (Year 3)	No impact	N/A	N/A

### Other financial information relevant to the Recommendation/Decision

None

### Cross-Council Implications

There are no implications arising from the recommendation in this report.

### List of Background Papers

House of Lords Select Committee Report on the Licensing Act 2003 -

<https://publications.parliament.uk/pa/ld201617/ldselect/ldlicact/146/146.pdf>

Government response to the report from the House of Lords Select Committee on the Licensing Act 2003 - <https://www.gov.uk/government/publications/the-government-response-to-the-report-from-the-house-of-lords-select-committee-on-the-licensing-act-2003>

<b>Contact</b> Laura Driscoll	<b>Service</b> Public Protection Partnership
<b>Telephone No</b> 01344 352517	<b>Email</b> laura.driscoll@westberks.gov.uk
<b>Date</b> 13 November 2017	<b>Version No.</b> 1

This page is intentionally left blank