

TITLE OF REPORT: House of Lords Select Committee on the Licensing Act 2003

REPORT OF: Paul Dowling, Strategic Director, Communities and Environment

1. Purpose of the Report

To provide Members with an update on the progress of the House of Lords Select Committee on the Licensing Act 2003.

2. Background

The Select Committee on the Licensing Act 2003 was set up on 25 May 2016 with the task of conducting post-legislative scrutiny of the Act. The Committee is looking at the provisions of the Act, in its original form and with its subsequent amendments, at its implementation, and at related developments.

The Licensing Act 2003 was intended to provide a means of balancing the broad range of interests engaged by licensing decisions – those of the entertainment and alcohol industries, small and large businesses, local residents and communities, policing, public health, and the protection of children from harm. Decision making under the Act was expected to balance these interests for the public benefit.

The Government's intention was to provide greater freedom and flexibility for the hospitality and leisure industry allowing it to offer consumers greater freedom of choice while balancing these broader freedoms with tougher powers for the police, the courts and licensing authorities to deal with anyone trying to exploit these greater freedoms against the interest of the public in general.

3. Call for written evidence

A public call for written evidence was made on 30 June 2016 from anyone with an interest in the operation of the Licensing Act 2003. Gateshead Council contributed to a regional response through the North East Strategic Licensing Group which then fed into the Local Government Association response.

In particular the Committee were interested in a number of issues including:

- should there be additional objectives eg the protection of health and wellbeing
- does the Licensing Act now achieve the right balance between the rights of those who wish to sell alcohol and provide entertainment and the rights of those who wish to object?

- do local communities engage effectively in the licensing regime, and if not, what could be done?
- how effectively does the regime control supermarkets and large retailers, under-age sales, and delivery services?
- should the Government introduce minimum unit pricing in England?
- do licence fees need to be set at national level?

Some of the additional issues raised through the region include:

- The lack of a national database of personal licence holders, allowing unsuitable applicants to move between councils as and when their premises gets shut down
- The absence of many Designated Premises Supervisors (DPS) from the premises itself and the general weakness of this role
- Weaknesses in the review/appeals system that allows unscrupulous operators to transfer the licence or delay closure for significant periods of time
- Concerns around enforcing the duty plus VAT mandatory condition
- The fact that a licence cannot be refused where a business owes the council unpaid business rates
- The fact that licences cannot be removed where a premises has ceased trading and, in some cases, where it has been turned into a carpark. This means a council has to carry the debt from unpaid fees in perpetuity, and distorts the national picture of how many licences are in existence.

4. Oral evidence sessions

Public evidence sessions began on 5 July 2016 and since then eight sessions have taken place, the most recent one on 1 November 2016. So far the following bodies and individuals have given evidence:

Home Office
 DCMS
 Department of Health
 Public Health England
 Local Government Association
 Councillors – Cabinet Members, Portfolio Holders and Licensing Committee Chairs
 Department for Communities and Local Government
 Institute of Alcohol Studies
 Institute of Economic Affairs
 Institute of Licensing
 National Association of Licensing and Enforcement Officers
 British Institute of Innkeeping
 Association of Convenience Stores
 Wine and Spirit Trade Association
 Licensing Matters
 National Organisations of Residents' Associations
 Campaign for Real Ale
 Society of Independent Brewers
 Punch Taverns
 British Beer and Pub Association

Association of Licensed Multiple Retailers
British Hospitality Association
Royal College of Emergency Medicine
Alcohol Health Alliance
Association of Directors of Public Health
Royal College of Psychiatrists
Licensing Solicitors and Barristers and a District Judge
Magistrates' Association

The Committee have also attended a Licencing Sub-Committee meeting at Southwark Council.

5. Reporting

The Select Committee has to report by 31 March 2017. Progress made and any available outcome will be reported to the next Licensing Committee.

6. Recommendation

The Committee Members are asked to note the content of this Report.