

# LICENSING ACT 2003 – RESPONSE TO THE HOUSE OF LORDS SELECT COMMITTEE REVIEW

<b>Committee</b>	Licensing Committee
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<b>Papers with report</b>	Appendix 1 - Government Response to the Report from the House of Lords Select Committee
<b>Ward(s) affected</b>	All

## HEADLINE

Following the review into the Licensing Act 2003 by the House of Lords Select Committee, the Government have published a response. Notable sections of the response are summarised below.

## RECOMMENDATION

**That the Committee note the information.**

## INFORMATION

The House of Lords Select Committee were appointed to carry out a review into the effectiveness of the Licensing Act 2003 in May 2016.

The Committee received written submissions and heard oral evidence from a large selection of industry and regulatory contributors.

Their findings were published in April 2017 which included 73 recommendations made to the Government.

The Government has considered the report and recommendations and published its response. The complete document is attached as **APPENDIX 1**.

Notable recommendations from the report and their responses are summarised below.

### **Page 12 - Recommendations 5, 6 & 7**

The Select Committee recommended reform of the way Licensing Sub-Committees operate and suggest that the Licensing Act 2003 functions transfer to Planning Committees with pilots being trialled as soon as possible.

### *Response -*

The Government responded by stating that there were areas of inconsistency between licensing authorities and it was acknowledged that there were areas of good practice within

planning regimes which could be applied to licensing. The Government's response was that this was not a recommendation which would be taken any further at this stage.

### **Page 13 - Recommendation 8**

The Select Committee were concerned by the number of licensing appeals which are settled by Licensing Authorities prior to appearing at Court. The Committee recommended that Licensing Authorities be required to publish their reasons for settling appeals, particularly when effectively reversing an earlier decision which residents and others in local communities expected to be implemented.

#### *Response -*

The Government agreed that transparency of local decision-making must be paramount and agreed that any licensing decisions should be published with full reasons.

Further, the Government have undertaken to amend the Section 182 Guidance to expand this.

### **Pages 14 - 15 - Recommendations 10, 11 & 12**

Para. 213 highlights a recommendation that the Section 182 Guidance is amended to enforce the standards of conduct of Licensing Committee Members. Para's 218 and 220 deal with the minimum level of training required for Licensing Committee Members.

#### *Response -*

The LGA will be addressing the issue of standards and conduct in their forthcoming Licensing Act 2003 handbook and the Government does not feel it necessary to address this in the Section 182 Guidance.

The Government will consider the training needs for Councillors suggested by the Committee.

### **Page 15 - Recommendation 13**

The Select Committee recommends that full reasons are published where a Licensing Sub-Committee believes a hearing should be held where all parties have agreed that a hearing is un-necessary.

#### *Response -*

The Government has acknowledged that it is reasonable for the Sub-Committee to provide reasons and has agreed to address this in the revised Section 182 Guidance and the LGA handbook which will be published in March 2018.

### **Page 17 - Recommendation 17**

Concerns were raised regarding the delays between licensing decisions being made and the listing of licensing appeals being made at Court. The Committee were particularly concerned with summary review cases where a premises could be closed down for many months having a devastating effect on the livelihood of licence holders and the staff employed by them.

#### *Response -*

The matter has been discussed with HM Courts and Tribunals Service.

### **Pages 22 - 24 - Recommendations 26 - 30**

These recommendations deal with high strength alcohol and responsible retailing measures. The Select Committee acknowledged the various schemes and operations centred around restricting sales of super strength alcohol and suggest national measures to assist this.

#### *Response*

The Government does not intend to introduce any legislation or amend the Section 182 Guidance at this stage, but acknowledges that there is scope to continue working with partners to improve public health generally.

### **Page 25 - Recommendation 32**

A recommendation has been made to implement a system of notifying local Councillors and residents of Temporary Event Notices served, particularly for premises where previous complaints have been made.

#### *Response -*

The Government proposes to address this issue in the revised Section 182 Guidance.

### **Page 28 - Recommendation 37**

The Select Committee recommends that Community and Ancillary Sellers Notices are not brought into force and the legislation repealed. Concerns were raised in the report that further deregulation could open up the licensing system to abuse.

#### *Response -*

The Government is making further considerations to these notices and will report in due course.

### **Page 30 - Recommendations 42 & 43**

The Committee is supportive of the Government's plans to place Cumulative Impact Policies on a statutory footing.

#### *Response -*

The changes were introduced under the Police & Crime Act 2017 and the Government will also make the necessary changes in the revised Section 182 Guidance.

### **Page 40 - Recommendation 61**

The Select Committee recommends that existing statutory powers allowing local authorities to locally set licence fees, to be brought into force.

#### *Response -*

The Government intends to make no changes to the existing licensing fee structure.

### **Page 41 - Recommendation 66**

The Select Committee recommends that the Government enforces Sections 128 and 132A of the Licensing Act 2003 by introducing a national database of personal licence holders. This would enable local authorities to track personal licence holders who have received convictions for relevant offences. It would also ensure that councils can access information on personal licence holders who have had their licences revoked or suspended.

*Response -*

The Government is not proposing to create a standalone personal licence database but is considering adding personal licence holders to a new database of private hire and taxi drivers which is accessible to most councils across the country.

**Page 43 - 44 - Recommendations 70 & 71**

The Committee recommends that the Government applies the Licensing Act 2003 fully within the currently exempt airside areas of airports and ports.

*Response -*

The Government will be considering this recommendation as part of the development of the UK Aviation Strategy.

**Implications on related Council policies**

None at this stage

**Legal implications**

None at this stage

**Financial Implications**

None at this stage

**Background Papers / Further Reading Material**

The Full Report of the House of Lords Select Committee - 184 pages

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