

**Classification:** Public

**Key Decision:** No

## **Gravesham Borough Council**

**Report to:** Licensing Committee

**Date:** 17 September 2013

**Reporting officer:** Assistant Director (Communities)

**Subject:** Further Government proposals for "Re-balancing the Licensing Act 2003"

### **Purpose and summary of report:**

To advise Members of more Government proposals to reduce red tape by de-regulating certain licence requirements contained within the Licensing Act 2003

### **Recommendations:**

(1)The report is noted and officers to be requested to keep a watching brief and to respond to any relevant consultation documents as appropriate.

## **1. Background**

- 1.1 Since coming into force in 2005, the Licensing Act 2003 has attracted considerable comment as whether it has achieved its original aim of relaxing the licensing laws, thereby encouraging a more sensible approach to alcohol consumption and encouraging a vibrant night time economy. Over the past 8 years, the Act has been the subject of continuous amendment by subsequent legislation, intended to tackle both irresponsible alcohol consumption as well as freeing both businesses and community groups from what has been viewed in some quarters as over burdensome bureaucracy.
- 1.2 Members will recall the latest changes were implemented in April 2013 as part of the Police Reform and Social Responsibility Act 2012. These changes were reported to Licensing Committee on 6 March 2013.
- 1.3 In July 2013 the Government published its latest set of proposals aimed largely at freeing red tape but which also sets out current thinking regarding minimum pricing of alcohol. It is intended that these changes will be implemented by spring 2014.

## **2. Contents of ministerial statement**

- 2.1 The Government has confirmed that it is not intending to introduce a minimum unit price for alcohol nor will it introduce a ban on multi-buy promotions. It will however ban sales of alcohol where the cost falls below the level of alcohol plus value added tax. It will no longer be legal to sell a can of ordinary strength lager for less than about 40 pence. This will be introduced no later than spring 2014

- 2.2 The current mandatory licensing conditions relating to irresponsible drinks promotions will be strengthened to assist local authorities who wish to enforce this condition by simplifying and tightening the law on what constitutes an irresponsible promotion.
- 2.3 Licensed premises will be required to list the price of smaller measures of alcohol and to routinely make customers aware of their availability.
- 2.4 The ability for local authorities to set their own licence fees has now been out back to October 2014 at the earliest. Consultation on this is still awaited.
- 2.5 The annual number of Temporary Events Notices that can apply to particular premises will be increased from 12 to 15.
- 2.6 A 'Community and Ancillary Sellers Notice' will be introduced which will be a light touch provision enabling ancillary sellers and community groups to sell alcohol without the need to go through the formal process of applying for a Premises Licence or a Temporary Events Notice. This will be for businesses for which the sale of alcohol is only a small part of, or incidental to, their wider activities, and occurs alongside them. There will be a small annual fee. Such applications may be refused based on consideration of the licensing objectives. There is a further consultation to follow on this proposal.
- 2.7 There will be no requirement for a Premises Licence where only late night refreshment is provided where a local authority make local exemptions for particular locations or types of premises. (It will be at Licensing Authority discretion to make any such exemptions.)
- 2.8 Personal licences are currently issued for a period of ten years before they expire. The need to renew a personal licence for a subsequent ten years will be abolished.
- 2.9 The requirement for licensees to report the loss or theft of a licence to the police and to obtain a crime number is to be abolished.
- 2.8 There will be a consultation on abolishing personal licences altogether. The Home Office states that 'we are concerned that the current system may not be effective in proportion to the burden it places on businesses.' Further consultation to follow on this proposal.

### 3. Financial Consequences

- 3.1 As a result of these proposed changes the licensing service is likely to experience a loss of income as set out below:

Type of licence or authorisation	Potential loss of income by proposed changes to Licensing Act 2003
Community and Ancillary Sellers Notices that will no longer require a Temporary Events Notice	Approx £1,000 per annum (to be offset by 'small fee' for the new Notice)
Premises that will no longer need a licence to provide Late Night Refreshment	Up to approx £3,600 per annum should we exempt all such categories of premises –

	although this is discretionary.
Requirement to renew Personal Licence every 10 years revoked	Approx £18,000 in 2015/16 Approx £4,500 in 2016/17 and subsequent years
Requirement for Personal Licences revoked -no new licences issued	Approx £3,150 per annum**
Miscellaneous fees for replacement of lost licences, change of address etc	Approx £5,100 per annum**

\*\* Subject to forthcoming consultation

#### **4. BACKGROUND PAPERS**

- 4.1 Home Office publication: Next Steps Following the Consultation on Delivering the Government's Alcohol Strategy" July 2013

Anyone wishing to inspect background papers should, in the first place, be directed to Committee & Electoral Services who will make the necessary arrangements.

**IMPLICATIONS**

**APPENDIX 1**

<b>Legal</b>	The intention and proposals of Government to change provisions contained within the Licensing Act 2003 is contained within the body of the report at paragraph 2.		
<b>Finance and Value for Money</b>	There will be a drop in income from premises and people that no longer require a licence or authorisation –as detailed at paragraph 3 as a general estimate .		
<b>Risk Assessment</b>	<p>Strengthening of controls over irresponsible drinks promotions is welcomed, both on health and on community safety grounds.</p> <p>The proposals around deregulation of Personal Licences is of concern in that such licensing ensures that only suitable persons with knowledge of the licensing laws are able to oversee sale and supply alcohol. Also the fear of their licence being revoked is surely a factor in licensees conducting their business in a proper manner and in accordance with the licensing objectives. Forthcoming consultation will set out these proposal more clearly and provide an opportunity for us to submit comments.</p>		
<b>Equality Impact Assessment</b>	<b>Screening for Equality Impacts</b>		
	<b>Question</b>	<b>Answer</b>	<b>Explanation</b>
	a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	<b>No</b>	Any new controls or deregulation applies to all licensees who qualify equally with no exceptions for different community groups
	b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	<b>No</b>	N/A
	c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		
<i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i>			

<b>Corporate Business Plan</b>	There are direct links to areas of focus: Focus Area 1 – Keeping Gravesham Safe There are indirect links to area of focus: Focus Area 13 – Driving the economic development of the borough
<b>Crime and Disorder</b>	Licensing regulation provides the Council with a means of reducing crime and disorder as well as an ability to protect vulnerable persons