
House of Lords Select Committee Review of Licensing Act 2017 Report title - Summary Report

Committee considering report:	Licensing Committee
Date of Committee:	18 July 2017
Portfolio Member:	Councillor Marcus Franks
Date Portfolio Member agreed report:	07 July 2017
Report Author:	Julia O'Brien
Forward Plan Ref:	N/a

1. Purpose of the Report

- 1.1 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.
- 1.2 The introduction to the report concludes 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’.

2. Recommendation(s)

- 2.1 Members are invited to note the report.

3. Implications

- 3.1 **Financial:** None
- 3.2 **Policy:** None
- 3.3 **Personnel:** None
- 3.4 **Legal:** None
- 3.5 **Risk Management:** None
- 3.6 **Property:** None
- 3.7 **Other:** None

4. Other options considered

- 4.1 N/A

Executive Summary

5. Introduction / Background

Key conclusions and recommendations in the report include the following:

- The Government made a substantial error in creating new committees for local authorities to deal with licensing. The evidence received about the poor operation of licensing committees was convincing and the committee was extremely concerned by what it heard. Planning committees are more effective and reliable, and are well-equipped for making licensing decisions. They should take over the licensing function. Coordination between the licensing and planning systems should begin immediately.
- Licensing appeals should no longer go to magistrates' courts but should, like planning appeals, go to the planning inspectorate.
- The Late Night Levy does not pay for the cost of policing as intended, and in its current form is fundamentally wrong in principle and in practice. Unless amendments already made prove effective, the Late Night Levy should be repealed. So should Early Morning Restriction Orders, which no local authority has yet introduced.
- Fees for licensing should be set locally, not nationally. In doing so, local authorities must bear in mind that there are doubts about the legality of any element of a fee which goes beyond what is needed to process the application.
- There is no justification for the Licensing Act not applying to sales airside at airports.
- The legality of Minimum Unit Pricing is still under consideration by the Supreme Court. If it is found to be lawful and is introduced in Scotland, and is found to be effective in cutting down excessive drinking, England and Wales should follow Scotland's lead.
- Scotland's example should also be followed in helping disabled people to access licensed premises by requiring an application for a premises licence to include a disabled access statement.
- There is not presently a case for further deregulation.
- Creation of a national database for personal licence holders.
- An 'Agent of Change' principle be adopted in both planning and licensing guidance to help protect both licensed premises and local residents from consequences arising from any new development in their nearby vicinity
- Notices of application should not need to be given by an advertisement in a local paper.

6. Proposal

- Members to note the report.

7. Conclusion

- Members to note the report. No further action required

8. Appendices

8.1 Appendix A – Supporting Information

8.2 Appendix B – Equalities Impact Assessment