

<b>Committee(s):</b>	<b>Date(s):</b>	<b>Item no.</b>
Licensing Committee	12 July 2010	
<b>Subject:</b> The Coalition Government and Licensing		<b>Public</b>
<b>Report of:</b> Remembrancer		<b>For Information</b>
<p style="text-align: center;"><b><u>Summary</u></b></p> <p>This Report summarises proposals, briefly referred to in the Queen's Speech on 25<sup>th</sup> May 2010, relevant to the interests of your committee, including</p> <ul style="list-style-type: none"> <li>• providing local authorities and the police with stronger powers to remove licences from, or refuse to grant licences to, problem premises;</li> <li>• permitting local councils to charge more for late-night licences to pay for additional policing; and</li> <li>• providing local authorities and the police with new powers to shut down premises found to be persistently selling alcohol to children.</li> </ul> <p><b>Recommendations</b></p> <ul style="list-style-type: none"> <li>• To note the contents of this Report</li> </ul>		

## **Main Report**

### **Background and Introduction**

1. The Licensing Act 2003 came into force in 2005 since when only few amendments have been made to the legislation. However, the most recent changes introduced some mandatory conditions, so from 6<sup>th</sup> April 2010 -
  - a irresponsible drinks promotions are banned;
  - b alcohol cannot be dispensed by one person directly into the mouth of another;

- c free tap water must be provided on request to customers where it is reasonably available.

From 1<sup>st</sup> October, two additional conditions will:

- d require an under-age verification policy to be in place to prevent under-age sales;
  - e ensure that customers have the opportunity to choose small measures of beers, ciders, spirits and wine.
2. The post-election 'coalition agreement' produced by the Conservatives and Liberal Democrats, sets out the Government's general policy approach on a range of matters but gives little detail regarding licensing matters.
  3. While no legislation has been published, the Queen's Speech indicated the Government will introduce a Bill dealing with licensing and the police and it is anticipated that this will be in the autumn of this year.

### **Possible Changes to the Licensing Regime**

4. Indications are, in the absence of any specific Government announcements, that the Government will introduce a Bill (provisionally entitled the Police Reform and Social Responsibility Bill) to overhaul the Licensing Act 2003. While the coalition agreement provides little detail on the Government's plans, it indicates "the sale of alcohol below cost price" will be banned and promises to "review alcohol taxation and pricing to ensure it tackles binge drinking" without "harming business".
5. Local authorities are likely to be given powers to charge more for late-night premises licenses to pay for additional policing (a so-called 'law and order levy'), perhaps linked to a venue's popularity.
6. On the current Licensing Act's provisions relating to premises licenses, coalition proposals aim to give local authorities and the police "much stronger powers to remove licences from, or refuse to grant licences to, any premises that are causing problems". The proposals are not, however, set out in detail.
7. In relation to children, Government measures will include powers to councils and the police to shut down "permanently any shop or bar found to be persistently selling alcohol to children". It remains to be seen what the Government means by "permanent" and "persistent". It is anticipated that maximum fines –based on criminal convictions- for under-age alcohol sales will be increased to £20,000.

8. Members may wish to reflect on any further areas of importance to the City of London Corporation.

### **Consultation**

9. The Director of Environmental Health & Public Protection has been consulted in the preparation of this Report and has made the following observations:

There have been difficulties where premises have breached the conditions contained in their licences, and consideration should be given to additional powers regulate establishments effectively. Where an appeal is made to the decision of a sub-committee, until the appeal is heard, it may be more appropriate for sub-committee's decision to be upheld rather than the current process whereby premises are permitted to continue trading in accordance with the existing conditions in its licence. Alternatively, a statutory timescale could be introduced to ensure that magistrates hear an appeal within a reasonable timescale.

### **Conclusion**

10. While there is scant information about the scope of any Bill, the Home Secretary Theresa May has, since the election, been vocal in her support for increased police and local authority powers relating to alcohol and licensing. No timetable has been set out for the introduction of these measures. It may be that 'financial' Bills will take precedence over a Police Reform and Social Responsibility Bill.
11. The Remembrancer will report further, and engage as required, on any consultation process once the Government's proposals crystallise in to a Bill.

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