

Committee(s):	Date(s):	Item no.
Licensing Committee	15 November 2010	
Subject: Consultation Response to the Home Office 'Rebalancing The Licensing Act'		Public
Report of: Director of Environmental Services		For Information
<p style="text-align: center;"><u>Summary</u></p> <p>On 28 July 2010 the Home Office issued a consultation paper concerning the Licensing Act requiring a response by September 8 2010. This was dealt with under urgency procedures as the timetable did not provide a feasible opportunity to debate this at full Licensing Committee, and was agreed through the offices of Chairman and Deputy Chairman of the Licensing Committee to incorporate the comments and responses of Members, City Police and Officers.</p> <p>Recommendations</p> <ul style="list-style-type: none"> • That the response made on behalf of the City, including City of London Police, be noted. 		

Main Report

Background

1. The consultation paper seeks views on the implications of implementing the proposals rather than solely inviting consideration on the suggested changes themselves.
2. The Government response to the consultation is likely to become evident in 2011/12 following the short 6 week consultation, which was unusual as the majority of the period was in August which is traditionally a holiday month.
3. The Ministerial foreword to the consultation document acknowledges that the majority of licensed premises are “well run businesses, which provide a valuable service to their local community and the Government recognises

the important role which pubs can play as part of the fabric of neighbourhoods and villages. Whilst tackling the alcohol related crime is a priority for the Government, it will not be addressed at the expense of these responsible businesses”. The foreword then reflects that the Government believes that the Licensing Act is due for an overhaul and the ‘rebalancing’ in the title of the document is clear in some of the implied changes that many of the 29 questions ask respondents to address.

4. This consultation asks for opinions on government plans to overhaul the current licensing regime, in order to give more power to local authorities and police. It is suggested that this will help deal with alcohol-related crime and disorder, while also promoting responsible business. The proposals include:
 - overhauling the Licensing Act to give local authorities and the police much stronger powers to remove licences from, or refuse to grant licences to premises that are causing problems
 - allowing councils and the police to permanently shut down any shop or bar that is repeatedly selling alcohol to children
 - doubling the maximum fine for those caught selling alcohol to minors to £20,000
 - allowing local councils to charge more for late-night licences, which will help pay for additional policing
 - banning the sale of alcohol below cost price
5. Of particular note are suggestions which change the burden with respect to premises applying for licences which may require them to show a benefit to the vicinity in which they trade, additional charging for policing of premises open after 2300 hours, greater opportunities for a wider constituency than those in the immediate locality to object to a licence and a welcome opportunity to take administrative action against those premises that currently invoke bad debts by delaying or not paying for the annual renewal fees.

Proposals

6. The response is for information only; any proposed changes in legislation will be carefully examined with regard to their likely impact and reported to your Committee.

Financial and Risk Implications

7. There are no financial implications with respect to the City's response but there may be subsequent significant changes and additional powers to recover costs against premises that open late, and require additional policing from regulators, if the Government propose legislation that enacts some of the changes implied by the consultation questions.

Legal Implications

8. There are no current legal implications with respect to the City response.

Strategic Implications

9. This report particularly supports the City's Sustainable Community Strategy theme: '... is safer and stronger' specifically supporting the objective 'to minimise any aspects of the emerging night time economy which are detrimental to the City, whilst continuing to support a vibrant and culturally rich environment.'

Consultees

10. The City response document combines and synthesises the comments received from the Licensing Committee Chairman and Deputy Chairman, Licensing Committee Members, Officers from several Department's including: Town Clerk's Department, Environmental Services, Planning and Transportation, Remembrancer's, Comptroller and City Solicitor as well as The City of London Police.

Conclusion

11. The response provided by the City is for information and to highlight to Members that there is likely to be subsequent legislation from Government, after their consideration of the responses they have received, as this area of policy appears to be significant for the present Government.

Annexes:

Annexe 1 Consultation Submission to Home Office September 2010

Annexe 2 Rebalancing the Licensing Act – Consultation Document

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