

Committee:	Date:
Licensing	21 July 2014
Subject: Deregulation Bill	Public
Report of: Remembrancer	For Information
<p style="text-align: center;">Summary</p> <p>This report summarises those provisions in the Deregulation Bill that are most relevant to your committee's interests.</p> <p>In relation to the Bill the main points of interest include</p> <ul style="list-style-type: none"> • Imposing an obligation on non-economic regulators to have regard to promoting economic growth • Liberalising rules relating to Temporary Event licensing • Changing the duration of a personal alcohol sales licence <p>Recommendation</p> <p>Your committee is invited to note the contents of this report.</p>	

Main Report

Introduction

1. Following the recent legislative trend of publishing legislation in draft, the Government introduced a draft version Deregulation Bill for consideration by a cross-party committee of MPs and peers. The committee considered evidence at the end of 2013. The committee concluded that the Bill did not go far enough towards “meaningful proposals to really tackle the challenges of deregulation” and expressed the hope that it was the first of several deregulation bills.
2. The Government's re-crafted Bill received its first reading in the House of Commons on 23 January 2014. Describing the Bill, Local Government Secretary Eric Pickles said that among the measures are ones to “bring common sense back and rein in the town hall bin bullies”. Cabinet Office Minister Oliver Letwin said the measures are part of the “Government's

ongoing drive to remove unnecessary bureaucracy that costs British businesses millions, slows down public services like schools and hospitals, and hinders millions of individuals in their daily lives”. Opposition spokesman Chi Onwurah said the Bill does not tackle the “big issues”, adding that the Bill is “Christmas tree Bill to end all Christmas tree Bills. In fact, Christmas trees are one of the few things that are not covered by this Bill”. She gave support, however, to the “many parts of the Bill” that tackle the “unnecessary burdens on businesses, particularly small and medium-sized enterprises”.

Economic Growth Duty

3. The proposal to place a duty on non-economic regulators to have regard to the desirability of promoting economic growth is one of the most politically high profile of the measures contained in the Bill. It sets out a general duty but does not list those regulators to which this new duty will apply - a later statutory instrument will provide that detail. It is likely that regulators in the fields of health and safety and environment will be covered by the duty and it is conceivable that the regulators of some professions (the Law Society, for example) might fall within the scope of this provision.
4. Where a regulator is brought within the scope of the duty, that regulator will be required to ensure that it considers “the importance of the promotion of economic growth in the way in which it carries out its regulatory activities”. The Bill proposes a two-step process – first that regulatory action is “taken only when needed” and, second, that “any action taken is proportionate”. The Bill does not provide any detail about either of these two requirements but does give ministers the power to issue guidance.

Licensing

5. Currently an individual may apply for a maximum of 12 Temporary Event Notices per year - where an event organiser applies to serve or sell alcohol, offer late-night refreshment or provide certain types of entertainment, for less than 500 people. Local police and environmental health officials may object to a TEN application. In the City some temporary events appear to lead to an increase in criminal activity and the Bill’s proposal to increase the maximum number of TENs per year to 15 will, therefore, be of interest to the City Police and licensing officers.

6. Despite significant opposition to the change, the Bill proposes the revocation of the current requirement to renew personal alcohol sales licences every 10 years. In future personal licences will continue indefinitely.
7. The current offence of selling 'liqueur confectionary' to under 16s will be repealed if the Bill is enacted.
8. According to the Bill, late night refreshment licensing will be liberalised so that licensing authorities will have powers to exempt the sale of hot food and drink from the need to obtain a late night licence in certain circumstances. Licensing authorities will be able to grant exemptions where sales takes place entirely within an area designated by the authority and where the sale is on or from premises designated by the authority and during a period after 11pm and before 5am.

Miscellaneous

9. The Bill proposes the repeal of a variety of local authority duties, including
 - Sustainable communities strategies
 - Local area agreements
 - Multi area agreements
10. Of interest to the City in its capacity as a local authority, under provisions in the Local Government and Public Involvement in Health Act 2007, where a Best Value Authority decides to consult local people, the authority must demonstrate it provides information about the subject of the consultation, involves local interests and secures input from representatives of relevant interests. In a move supported in the Local Government Association's evidence to Parliament, the Bill proposes the repeal of these requirements.

Consultation

11. The Markets & Consumer Protection Department has been consulted in the preparation of this report.

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